Newcastle University Students’ Union Code of Practice

The Education Act 1994 part II – Students’ Union

This Code of Practice has been issued by Newcastle University in conjunction with Newcastle University Students’ Union (NUSU), in accordance with Clause 22 (3) of the Education Act 1994. It details the procedures that will be used to ensure that NUSU complies with the provisions of the Act, which require that NUSU ‘operates in a fair and democratic manner and is accountable for its finances’.

Each key requirement of the Act is listed together with the arrangements in place at NUSU.

1. General Democracy and Accountability

Clause 22 (1)

The governing body shall take such steps as are reasonably practicable to secure that any students’ union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.

The NUSU has Strategy and Guidance documents that describe in considerable detail the structure of NUSU and the systems used to guarantee democratic operation. These documents, along with NUSU’s constitution can be downloaded from the website www.nusu.co.uk.

2. The Constitution

Clause 22 (2) (a) and (b)

(d) The Union should have a written Constitution.

(e) The provisions of the Constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years.

It is a requirement of the Act that all Students’ Unions should have a Constitution, namely a set of rules which specify the way in which the Union should be run. In fact, NUSU has had a Constitution since it was founded in 1925 – indeed, it is a requirement of the trust agreement set up at that time that a Constitution should exist. Copies of the current Constitution are freely available from the Admin Office of the NUSU or on their website at www.nusu.co.uk.

The Act further requires that the Union’s Constitution be subject to the approval of and regular review by the University at intervals of not more than five years. The University has adopted the following procedure in order to satisfy this requirement.

(i) All amendments to the Constitution must originate from the Trustee Board or Student Union Council and must be approved in accordance with existing procedures.
(ii) The President of NUSU will present quarterly accountability reports during Partnership meeting, which will include matters relating to the Constitution. The Registrar or other University member of Partnership committee will:

*either* submit the amendment to University Council for consideration. Where University Council expresses concern at an amendment, it may refer it back to NUSU for review and reconsideration;

*or* ask the Chair of University Council to consider approving the amendment on behalf of University Council, in which case such action will be reported to University Council.

(iii) Every three years University Council will review all changes to the NUSU Constitution. Such a review will include all those amendments approved by or on behalf of University Council during the preceding three years. Any comments which University Council may have will be reported to NUSU for consideration and, where appropriate, a response.

### 3. Opting Out of the Students’ Union

<table>
<thead>
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<th>Clause 22 (2) (c)</th>
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<td><strong>A student should have the right:</strong></td>
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<td>(i) <strong>not to be a member of the Union; or</strong></td>
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<td>(ii) <strong>in the case of a representative body which is not an association, to signify that s/he does not wish to be represented by it.</strong></td>
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and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so.

Every student will have the right to opt out of membership of NUSU each academic year. Students who wish to opt out must do so by the end of the fourth week of the first semester (Autumn Term) or the equivalent four week date for students with a non-standard start date. To opt out students should write to the Admin I Office, NUSU by the due date. This should be done annually as the opt out only relates to a given academic year. A student who has opted out will not be permitted to opt in again for the remainder of the academic year and may only re-join the Union at the beginning of the following academic year.

A student who opts out of NUSU will have access to all of the services provided by NUSU The student will, however, be unable to:

(i) vote in a General Meeting, Student Council, election or cross-campus referendum;
(ii) be an officer of NUSU
(iii) be a representative of NUSU
(iv) be an officer of a NUSU club or society
(v) be an officer of any NUSU Committees namely of:

- The Societies Executive
Newcastle Student Radio  
Media Executive  
SCAN (Student Community Action Newcastle) Sub Council  
Community Executive  
Education Executive  
Athletic Union Executive

(vi) speak at a General Meeting or Student Council without the meeting’s permission.

4. Election of Officers

Clause 22 (2) (d) to (f)

(d) appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote;

(e) the governing body should satisfy themselves [and members] that the elections are fairly and properly conducted;

(f) a person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment.

The NUSU is led by a Trustee Board, which includes six Sabbatical Officers who are elected by and from the student body and who work full-time in the NUSU for one year.* All the requirements specified in the Act are adequately provided for in NUSU’s Constitution and Strategy and Guidance documents.

Given that the University has the right to review changes to the NUSU Constitution, it will have the opportunity to monitor changes in the election regulations and thus maintain its satisfaction with the procedures set down therein. NUSU’s election regulations specify procedures well in excess of those required by the legislation. For example, the Act’s requirement that election to all major offices (interpreted by the University to mean sabbatical offices) be conducted by secret ballot is extended in the NUSU Constitution to every election it holds, whether for an officer position or not. NUSU will use an independent Returning Officer to oversee elections.

5. Financial Affairs

Clause 22 (2) (g) and (h)

(g) The financial affairs of the union should be properly conducted and appropriate arrangements should exist for the approval of the union’s budget, and the monitoring of its expenditure, by the governing body.

(h) Financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular:

(i) a list of the external organisations to which the union has made donations in the period to which the report relates; and

(ii) details of those donations.
There are a number of systems in place to make sure that financial affairs are properly conducted. Firstly, NUSU’s annual accounts are audited by an independent group of accountants, presently Ernst and Young, accountants. The audited accounts are then displayed on the NUSU website. These accounts are discussed at the NUSU Annual General Meeting, which all students are invited to attend.

In order to make sure that there is an appropriate system for the approval of the NUSU budget; the initial budget is drafted by the NUSU Finance Committee (on behalf of the trustee board) and presented at Partnership group for approval. During the financial year to which the budgets apply, Finance Committee on behalf of the Trustee Board may approve in year amendments.

The University Council authorises the University’s Director of Finance, as a member of Partnership Committee to act on its behalf in approving the NUSU’s budget and the Director of Finance has discretion to bring to University Council any matters arising from the budget.

University Council has the opportunity to monitor the expenditure of NUSU in that the audited accounts are sent to the Vice Chancellor, the Pro-Vice-Chancellors, the Registrar and the Director of Finance as soon as they are available. They are also considered by senior University officers when the subvention to the Union is being allocated. The University is able to monitor and raise any concerns of a financial nature by the attendance of the Vice Chancellor’s representative at the Trustee Board meeting. Regular updates are also given at the Partnership Committee.

NUSU does not make any donations to external organisation as this runs contrary to its status as a charitable organisation. However, money is raised for other nominated charities by the students through the RAG (Raising and Giving) Officers.

6. Allocating Resources to Clubs and Societies

Clause 22 (2) (i)

The procedure for allocating resources to groups or clubs should be fair and should be set down in writing and freely accessible to all students.

Societies Executive approve the grant allocations for societies, within the guidelines and policies approved by the Students’ Union Council. The procedure for allocating resources to societies is stated on the grant form which is available to all societies. At the beginning of each academic year, the clubs and societies grant form is explained at club and society training.

For Athletic Union clubs, the procedure for grant allocation is set out on the grant application form with the clubs able to apply for funds to pay towards affiliation, travel, umpires, entry fees, facility hire and contribution towards accommodation. Athletic Union Executive approve the grant allocations to club. Clubs may not receive the maximum grant applied for if the activity is deemed ultra vires, too many competitions have been entered or the request is unrealistic in monetary terms. All monetary allocations and support and the rational for this is detailed in the Athletic Union Constitution, and on the Athletic Union grant application form.
7. **Information on Affiliations**

Clause 22 (2) (j) and (k)

(j) If the union decides to affiliate to an external organisation, it should publish notice of its decision stating:

(i) the name of the organisation; and

(ii) details of any subscription or similar fee paid or proposed to be paid and of any donation made or proposed to be made, to the organisation,

and any such notices should be made available to the governing body and to all students.

(k) Where the union is affiliated to any external organisations, a report should be published annually or more frequently containing:

(i) a list of the external organisations to which the Union is currently affiliated; and

(ii) details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report),

and any such reports should be made available to the governing body and to all students.

NUSU affiliates to a number of external organisations. Details of all affiliations are available within the audited accounts and within each monthly management account. NUSU will provide information regarding the precise nature of affiliation to each specific organisation. This will be circulated annually to the University (the governing body) and attached to the year’s annual audited accounts for circulation to the Student Council Annual General Meeting.

8. **Rights of Members to Vote on Affiliations**

Clause 22 (2) (l)

There should be procedures for the review of affiliations to external organisations under which:

(i) the current list of affiliations is submitted for approval by members annually or more frequently; and

(ii) at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding five per cent) as the governing body may determine, that the question of continued affiliation to any particular organisation be decided upon by a secret ballot in which all members are entitled to vote.

NUSU’s Constitution provides for the current list of affiliations to be submitted to a General Meeting for approval by student members at the beginning of each academic
year. No proposal to affiliate may be made if the proposal does not state the name and aims of the organisation to which affiliation is proposed or if the proposal does not state the affiliation fee.

The Act also requires that student members should have the right to call for a referendum on the question of NUSU’s continued affiliation to any particular external organisation. The University has for this purpose approved the following procedure:

(i) A referendum may be called by a General Meeting; Students’ Union Council or a petition of at least 300 Student Members delivered to the President in such form as the Board of Trustees may from time to time require

(ii) A referendum in respect of a particular affiliation may be called only once in any academic year.

(iii) The referendum will be conducted by the Returning Officer in the manner of an election.

9. Complaints about NUSU

Clause 22 (2) (m) and (n)

(m) There should be a complaints procedure available to all students or groups of students who:

(i) Are dissatisfied in their dealings with the Union; or

(ii) Claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c) (i) or (ii) of Clause 22 (2).

which should include provision for an independent person appointed by the governing body to investigate and report on complaints.

(n) Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.

Complaints relating to the business, running, staffing policy of NUSU and all other aspects of NUSU shall be directed in the first instance to the President, who shall issue a complaint form where necessary.

The President, or their nominated representative, shall make enquiries from all the persons involved until he or she is satisfied that he or she has enough information to decide on a course of action. If the complaint concerns any of the officer team then it shall be referred to Scrutiny Committee, with staff supervision if necessary.

In the first instance, if appropriate, the President or appropriate persons(s) shall mediate between complainants, to ensure a satisfactory resolution. Otherwise they will decide upon a course of action and inform all the parties of the decision in writing.
The President, or the nominated person, shall treat all complaints as confidential except that they shall be able to make the necessary enquiries to resolve complaints.

The President or appropriate persons(s) shall decide upon complaints as soon as possible, and the complainant can expect a response within 10 working days of receipt of the complaint.

The Act requires that the complaints procedure includes provision for an independent person to investigate and report on complaints which are perceived to have been dealt with unsatisfactorily by the normal procedures. Complaints against NUSU as an institution shall be referred to an independent body (to be agreed upon by Student Council).

10. Useful Information

Copies of the NUSU’s Constitution may be obtained from the Admin Office at the Students’ Union or on the website www.nusu.co.uk.

Further Copies of this Code of Practice and of the University’s Code of Practice for Freedom of Speech may be obtained from the Student Progress Service.

Useful Addresses:
Admin Office          Student Progress Service
NUSU,                Level 2,
King’s Walk          King’s Gate Building,
Newcastle upon Tyne  Newcastle upon Tyne
NE1 8QB               NE1 7RU

☎ 0191 2393925

Fourth Edition April 2013 Prepared by: Ms L Lockey, Student Union and Ms ME Donnelly, Student Progress Service