

## **The Code of Practice for the Students' Union**

On the implementation of the 1994 Education Act at The University of Bolton

### **Introduction**

1. This Code of Practice is issued by the Governing Body of The University of Bolton in fulfilment of the responsibility placed upon it by the Education act 1994 (Part 11 Students' Union, section 22, sub-sections (3) and (4) (a)). It will take effect from 1 April 1995.
2. This Code describes the manner in which the requirements of the Act (sub-section 22) are to be carried out in relation to the Students' Union at The University of Bolton. It shall be brought to the attention of all students at the University once per year through inclusion in the annual Student Handbook.
3. The Code of Practice makes reference to the documents that exist as agreements between the Governing Body and the Students' Union and are approved by the Governing Body and are subject to amendment by it after due consultation with the Students' Union.

These are:

- (i) The Constitution of the Students' Union
- (ii) The Financial Memorandum
- (iii) The Administrative Memorandum

### **Arrangements made to secure observance of each of the Act's Requirements**

#### **1. The Constitution of the Students' Union**

The University of Bolton Students' Union exists and functions according to a written Constitution which has been submitted to and ratified by the Governing Body. The provisions of the Constitution are subject to ratification by the Governing Body and are reviewed by that Body within 5 years from the date of the previous approval. It was reviewed and approved by the Board in July 2005.

#### **2. The Right of a Student not to be a member of the Students' Union**

The Governing Body of the University permits any registered student of the University to choose not to be a member of the Students' Union and brings this freedom to the attention of all students each year through the inclusion of this Code of Practice in the annual Student Handbook. The administrative arrangements for exercising this Opt-out will be laid out in the Administrative Memorandum (as below).

#### **“ARRANGEMENTS FOR INDIVIDUAL STUDENTS TO OPT OUT OF STUDENT UNION MEMBERSHIP”**

1. Each student who is enrolled in the University has the right not to be a member of the Students; Union. This right can only be exercised in the following way:

- (i) Once only in each academic year for which he student has enrolled and to apply for the remainder of that academic year
  - (ii) Within four weeks of the date that the student enrolls or re-enrolls at the University.
  - (iii) By completing the appropriate form and returning it within the above time limit to either the Students' Union or the Student Information Service.
2. The approved form will be readily available upon request from the Student Information Service or the Students' Union Offices.
  3. Completed forms may be handed in or sent to the Student Information Service or the Students' Union, including an Executive Officer.
  4. The receipt of a form will be recorded straightaway when submitted to either the Student Information Service or the Students' Union. A photocopy of the form will be supplied to the other office within one week of receipt.
  5. The Student Centre will maintain a University list of all students who are not members of the Students' Union for each academic year. A copy of this will be supplied to the Students' Union upon request.

### **3. The Provision of Services to Students**

The Governing Body ensures, by means of the Financial Memorandum, that no registered student of the University is unfairly disadvantaged with regard to the provision of services to students. The Memorandum includes schedules setting out the services to be provided to students. The Memorandum includes schedules setting out the services to be provided by the Students' Union to all students and those to be provided only for members of the Students' Union. The Governing Body had determined that those services of the Students' Union as specified which are not available to non-members do not give those students an unfair disadvantage. The list of those services shall be brought to the attention of all students through inclusion in the annual Student Handbook ("Schedule 2" below).

"Schedule 2

Representation of individual members in hearings associated with University procedures (e.g. Complaints Procedures, Appeals Procedures, and Disciplinary Procedures) Elections and Office Holding Membership of NUS and Affiliated bodies"

### **4. Students' Union Elections and Offices**

The Constitution as approved by the Governing Body contains provisions for the election to all major Union Offices by Secret ballot by all members who are entitled to vote (major Union Officers are defined in the Constitution).

The Governing Body believes that these arrangements are fair and proper. The Governing Body will make an appointment to the Election Committee of the Students' Union which oversees elections, and which will provide copies of the minutes of its meetings for the Clerk to the Governors. The Constitution of the Students' Union does not permit a student to hold sabbatical Union office, or paid elected Union office, for more than two years, in total, whether consecutive or not.

## **5. Financial Affairs of the Union**

The Governing Body has, through the provisions of the Constitution and the Financial Memorandum, required the Students' Union, through its President, to conduct its financial affairs properly and to submit its proposed Annual Budget for approval. The Governing Body has made arrangements for the Union's management accounts to be monitored by the Head of Finance. The Governing Body requires, through the Financial Memorandum, the Union to issue each year to the Governing Body, and to publish for all students, a Financial Report, which shall 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.

## **6. Allocations of Funds to Clubs**

The Constitution of the Students' Union contains a procedure for the fair allocation of resources to those clubs and societies affiliated to the Students' Union. It specifies that a written description of the process will be made freely available to all students and distributed to each affiliated club and society upon registration with the Students' Union.

## **7. Affiliated to External Organisations**

By means of the Constitution of the Students' Union, the Governing Body has ensured that the Students' Union shall publish the following information to all students and to make available to the Governing Body:

- (i) Notification, within two weeks of academic term-time, of any decision by the Union to affiliate to an external organisation, together with the details of any payment/donation made or proposed to be made to the organisation.
- (ii) An Annual Report of all current affiliations to external organisations, containing a list of their names and details of all payments made to such organisations since the previous such Annual Report.

The Constitution makes provision for the Annual Report of all current affiliations to be submitted to the members of the Union for approval or amendment each year.

The Constitution of the Students' Union makes provision for an annual requisition to be made by not less than 5% of the members for a secret ballot of all members to be called on the question of continuing affiliation with a particular external organisation.

## **8. Complaints Procedures**

- (i) Complaints by Union Members against the Union  
The University's general procedure for complaints shall form the basis for dealing with student dissatisfaction with the Students' Union. In addition, the Constitution of the Students' Union provides its own arrangements for responding to dissatisfaction among its membership.

(ii) Claims of unfair disadvantage to non-members

The general procedure for complaints will also be used in the following way to promptly and fairly deal with complaints by non-members who claim to be unfairly disadvantaged by reason of their having exercised the right not to be a member of the Students' Union.

(a) The initial complaint shall be reported to the Dean of Students. If a satisfactory response is not received, the matter may be taken to a Pro Vice Chancellor, and if this response is not satisfactory, to the Vice Chancellor. Only if the response from the Vice Chancellor is unsatisfactory may a request be made to send the complaint to an External Adjudicator appointed by the Governing Body for final consideration.

(b) Where, at any stage, the complaint is upheld, the University shall take whatever steps are reasonably practical to provide an effective remedy for the student.

### **Appendix to the Code of Practice**

In addition to the provisions described in the Code, the Governing Body of The University of Bolton shall require the following to be undertaken in compliance with the Act Section 22, subscriptions (4) (b), (c), & (5) (a), (b):

1. The Law Relating to Charities

A copy of the current Charity Commissioners Guidance and the Guidance from the Attorney General on the charitable restrictions placed upon Students' Union expenditure shall be kept available for reference in each of the University's Learning Resource Centres. This availability shall be brought to the attention through the Student Handbook.

2. The Law Relating to Freedom of Speech

A copy of the Education (No.2) Act of 1986 (Freedom of Speech in Universities and Colleges), together with the procedure for its implementation in the University relevant to the activities or conduct of the Students' Union, shall be kept available for reference in each of the University's Learning Resource Centres. This availability shall be brought to the attention of all students through the Student Handbook.

3. Statement on the Students' Union

Each Prospectus of the University (e.g. Full-time, Part-time, International) contains information generally available to persons considering whether to become students at the University. Each shall contain the following statement:

**"Students' Union**

The University of Bolton Students' Union is sponsored by the Governors for the benefit of all students registered at the University. Students have the right to choose not to be a member of the Students' Union, and students who exercise this right will not, by reason of this, be unfairly disadvantaged with regard to the provision of services or otherwise at the University".