

## Wrexham Glyndwr University

### Code of Practice for the Operation of the Students' Union as required under section 22 (3) of the Education Act 1994 [The Act]

#### 1. Preamble

This code of practice has been approved and published by Wrexham Glyndwr University's Board of Governors in accordance with the requirements of the Education Act 1994 Part II, section 22, sub section (3). Under the provisions of the Act Wrexham Glyndwr University and Wrexham Glyndwr Students' Union have a duty to comply with a number of requirements concerning the operation of the Students' Union in particular in relation to its constitution, membership, elections, paid elected officers, financial matters, affiliations and complaints. This code sets out the arrangements made to ensure compliance with the Act.

#### 2. Students' Union

The Students' Union is a registered charity and is, as such, a body independent of the University. The Board of Trustees of the Students' Union is responsible for ensuring the proper conduct of its financial affairs and that its funds are only used in accordance with the Education Act 1994, this Code of Practice, the memorandum of agreement between the University and the Union, and other Charitable and statutory legislation.

#### 3. Students' Union (the Union) Constitution and Byelaws [section 22(2) (a) and (b)]

***The Act requires that the Students' Union has a written constitution which is approved by the Board of Governors and reviewed by the Board of Governors at intervals of not more than five years.***

- 3.1 The Union shall have a written Constitution approved by the University's Board of Governors which can only be changed in accordance with the terms of the Constitution. The Constitution shall be reviewed at intervals of not more than 5 years.
- 3.2 The Unions' Byelaws must be consistent with the Union's Constitution and the Education Act 1994.
- 3.3 The Union shall be responsible for ensuring the Union's Constitution and Byelaws shall be made available to all Wrexham Glyndwr University students through the Students' Union website or in written form, free of charge, if requested.
- 3.3 The Constitution shall be reviewed every 5 years jointly by the Clerk to the Board and the President and Chief Executive of the Union. Any amendments shall be reported to the Board of Governors via the Clerk to the Board who shall seek comments as appropriate. No amendments shall take effect until formal approval of the Board of Governors has been given.

#### 4. Membership and the right not to be a member of the Students' Union [section 22(2) (c)]

***The Act requires that a student should have the right not to be a member of the Union and that students who exercise that right should not be unfairly disadvantaged with regard to the provision of services, or in other ways, as a consequence of exercising that right.***

4.1 Membership of the Union is on an opt out basis. The University shall draw to the attention of students annually the students' right to opt out of membership of the Wrexham Glyndwr Students' Union during enrolment via the University website.

4.2 Students who wish to opt out should be asked to write to the Clerk to the Board of Governors and to the Students' Union President. Students wishing to opt back in may do so by writing to the Students' Union President. The Union shall report annually to the Board on the number of students who exercise their right to opt out.

4.3 Any students who opt out from membership of Wrexham Glyndwr Students' Union shall not be unfairly disadvantaged by reason of having exercised their right not to be a member of the Union with regard to the provision of services or otherwise.

4.4 The consequences of opting out of membership shall be that:

4.4.1 A student may not participate in any of the democratic processes of the Students' Union

4.4.2 A student may not hold office in the Students' Union

4.4.3 A student may not hold office in any of the Students' Unions' clubs and societies, because of the need for financial accountability to the Students' Union (however registered students of the University may join any Union club or society as associated members subject to payment of the appropriate membership fees).

#### 5 Elected Officers [section 22(2)(d), (e), and (f)]

***The Act requires that appointment to major Union offices should be in a secret ballot in which all members are entitled to vote. The Board of Governors must satisfy itself that the elections are properly conducted, and no person shall hold sabbatical office in the Union for more than two years.***

5.1 Appointment to all Union officer roles shall be by secret ballot in which all ordinary members are entitled to vote and the arrangements for elections will be set out in the Constitution.

5.2 The returning officer for elections shall not be a member of the Union or its staff. This would usually be a person from NUS. He/she must be appointed as set out in the Constitution.

5.3 The period of office for all elected officers shall be one year and no person may hold office as a sabbatical officer for more than two academic years.

5.4 All sabbatical officers shall be deemed to be full time students of the University and shall be subject to the usual rules and regulations of the University and to all the usual rights and privileges as appropriate.

## 6 Financial Matters [section 22(2) (g) and (h)]

***The Act requires that the financial affairs of the Union are properly conducted and that the Board of Governors approves the Union's budget and monitors its expenditure. Financial reports must be published at least annually, and be available to the Board of Governors and all students. They must contain details of any donations made to external organisations.***

6.1 The financial affairs of the Union shall be conducted in accordance with the requirements of paragraph 22(2) of the Education Act 1994 and in line with Companies House requirements, the Memorandum of Agreement between the University and the Union and the details set out in the Constitution.

## 7 Allocation of resources to Clubs and Societies [section 22(2) (i)]

***The Act requires that the procedures for allocating resources to clubs and societies is set down in writing and freely available to students.***

7.1 The Union shall inform its members each year of the procedures used for allocating resources to Union clubs and societies and how they can obtain formal recognition of a Club or Society. The procedure for allocating resources should be made fair and set down in writing for all students to access, normally via the Unions' website.

## 8 External Affiliations [section 22(2) (j), (k) and (l)]

***The Act requires that decisions by the Union on affiliations to external organisations, including details of any payments made, are published and that notice of such decision is available to the Board of Governors and all students. A list of all affiliations, including details of payments, must be published at least annually, and a review of these undertaken at least annually. There must be arrangements whereby not more than 5 percent of members can request a secret ballot of continued affiliation to any particular organisation.***

8.1 All decisions concerning affiliations by the Union to external organisations shall be recorded formally in the minutes of appropriate meetings as specified in the Constitution and Bye-Laws.

8.2 The Union shall on its website have a clear notice giving names of external organisations with which the Students' Union is or proposes to be affiliated and details of subscriptions, fees or donations to be made to them.

8.3 The names of bodies with which the Students' Union is affiliated and the subscriptions, fees or donations paid to such organisations should be included in the Annual Report and Audited Accounts submitted to the Board of Governors.

## 9 Complaints Procedure [section 22(2) (m) and (n)]

***The Act requires that there should be a complaints procedure available to students when they are dissatisfied in their dealings with the Union or where they believe that they are unfairly disadvantaged through exercising their right not to be a member of***

***the Union. The complaints procedure should provide for an independent person appointed by the Board of Governors to investigate and report on complaints. Complaints should be dealt with promptly and fairly, and where a complaint is upheld, there should be an effective remedy.***

- 9.1 The Union shall have in place a written complaints procedure which shall be made available to all students via publication on the Students' Union website. This procedure shall allow students who are dissatisfied with their dealings with the Union to have their complaints dealt with promptly and fairly and, if the complaint is upheld, secure remedial action.
- 9.2 Any member of the Union who has a complaint relating to the operation or the affairs of the Union shall complain to the President of the Union or to the Students' Union Chief Executive who shall arrange for the matter to be considered in accordance with the Constitution and Byelaws.
- 9.3 Any students who fail to obtain a satisfactory outcome through the Union on completion of their procedures or who claim to be disadvantaged as a result of exercising their right not to be a member of the Union, may appeal to the Board of Governors, by writing to the Clerk to the Board of Governors. The Board may appoint an independent person to investigate the complaint. The Board will receive a report from that independent person and determine what remedy, if any, is appropriate.

## **10 Information to Students' Union members**

- 10.1 The Union shall ensure that all members are able freely to examine the Union's Annual Report and Audited Accounts and financial reports.
- 10.2 The Union shall draw students' attention to this Code of Practice.
- 10.3 The Union shall ensure that all Minutes of General Meetings, Student Council meetings and meetings of the Board of Trustees (including any Emergency meetings) shall be made freely available to members.
- 10.4 The Union shall draw students' attention to any restrictions in activities by the law relating to Charities.
- 10.5 The Union shall draw students' attention to the Students' Union Constitution and Bye-Laws together with any other relevant information as from time to time may be considered appropriate.

## **11 Changes to this Code of Practice**

- 11.1 Changes to this Code may be made by agreement between the University and the Students' Union. The University reserves the right, after consultation with the Students' Union, to make such changes as the Board of Governors deems necessary in order to ensure continued compliance with the provisions of section 22 of the Education Act 1994.