Union Society Code of Practice
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The Education Act 1994 part II – Students’ Union

This Code of Practice has been issued by Newcastle University in conjunction with the Union Society, in accordance with Clause 22 (3) of the Education Act 1994. It details the procedures that will be used to ensure that the Union Society complies with the provisions of the Act, which require that the Union ‘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 the Union Society at Newcastle University.

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 Union Society has Strategy and Guidance documents that describe in considerable detail the structure of the Union and the systems used to guarantee democratic operation. These documents, along with the Union Society’s constitution can be downloaded from the website www.unionsociety.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, the Union Society at Newcastle 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 General Office of the Union Society, or on their website at www.unionsociety.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 at Union Council and must be approved in accordance with existing procedures. Where an amendment is proposed to a reserved part of the Constitution, the
approval of the Trustees is required before the amendment can take effect.

(ii) The President of The Union Society 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 the Union Society 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.

The Trustees will have the right to make representations to University Council regarding amendments to ‘reserved’ parts of the Constitution (those parts of the Constitution which may not be changed without the Trustees’ consent) which they have already approved.

(iii) Every three years University Council will review all changes to the Union Society 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 the Union Society for consideration and, where appropriate, a response.

3. Opting Out of the Union Society

Clause 22 (2) (c)

A student should have the right:

   (i) not to be a member of the Union; or

   (ii) 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.

   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 the Union Society 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 General Office of the Union Society 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 the Union Society will have access to all of the services provided by the Union. The student will, however, be unable to:
(i) vote in a General Meeting, Union Council, election or cross-campus referendum;
(ii) be an officer of the Union Society;
(iii) be a representative of the Union Society;
(iv) be an officer of a Union Society club or society;
(v) be an officer of any Union Society Sub-Council, namely of:
   • The Societies Executive
   • Newcastle Student Radio
   • Courier Sub Council
   • SCAN (Student Community Action Newcastle) Sub Council
   • Student Parents Sub Council
   • International Students Sub Council
   • Athletic Union
   • Postgraduate Union
   • The Union Society Debating Council;
(vi) speak at a General Meeting or Union Council without the meeting’s permission.

4. Election of Officers

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<th>Clause 22 (2) (d) to (f)</th>
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<td>(d) appointment to major union offices should be by election in a secret ballot in which</td>
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<td>all members are entitled to vote;</td>
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<td>(e) the governing body should satisfy themselves [and members] that the elections are</td>
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<td>fairly and properly conducted;</td>
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<td>(f) a person should not hold sabbatical union office, or paid elected union office, for</td>
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<td>more than two years in total at the establishment.</td>
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The Union Society is led by six Sabbatical Officers who are elected by and from the student body and who work full-time in the Union Society for one year and who are members of the Trustee Board\(^a\). All the requirements specified in the Act are adequately provided for in the Union’s Constitution and Strategy and Guidance documents.

Given that the University has the right to review changes to the Union’s Constitution, it will have the opportunity to monitor changes in the election regulations and thus maintain its satisfaction with the procedures set down therein. The Union’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 Union’s Constitution to every election it holds, whether for an officer position or not. The Union Society has an independent Returning Officer who must be a University employee of some seniority.

\(^a\) The trustee board is made up of the 6 elected Sabbatical Officers and 6 appointed members who are appointed for their skills sets by a panel (4 of whom are non-student Trustees and 2 who are current students).
5. Financial Affairs

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<th>Clause 22 (2) (g) and (h)</th>
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<td>(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.</td>
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<td>(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:</td>
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<td>(i) a list of the external organisations to which the union has made donations in the period to which the report relates; and</td>
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<td>(ii) details of those donations.</td>
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There are a number of systems in place to make sure that financial affairs are properly conducted. Firstly, the Union Society’s annual accounts are audited by an independent group of accountants, presently HW Accountants. The audited accounts are then displayed on the Union Society website. These accounts are discussed at the Union Society’s 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 Union Society’s budgets, the initial budget is drafted by the Union Society 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 Union Society’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 the Union Society 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 Society 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.

The Union Society 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) society.
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 Union Council. The procedure for allocating resources to societies is stated on the grant form which is available to all societies. Each society has access to a maximum grant per academic year, based on the number of student members. 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._
The Union Society affiliates to a number of external organisations. Details of all affiliations are available within the audited accounts and within each monthly management account. The Union Society 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 Union Council Annual General Meeting.

8. Rights of Members to Vote on Affiliations

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<th>Clause 22 (2) (i)</th>
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| *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.

The Union’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 student membership will be consulted over all affiliations except affiliations which are required by the Constitution (namely membership of the Electoral Reform Society).

The Act also requires that student members should have the right to call for a referendum on the question of the Union Society’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; 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 once academic year.

(iii) The referendum will be conducted by the Returning Officer in the manner of an election.
9. Complaints about the Union Society

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 and policy of the Union shall be directed in the first instance to the President, who shall issue a complaint form where necessary.

The President 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 President is unable or unwilling to deal with the complaint, it shall be referred to the Education Officer. If the complaint concerns any of the officer team then it shall be referred to the Officer’s Performance Review Committee, with staff supervision if necessary.

Complaints relating to other aspects of Union Society business shall immediately be referred to the appropriate body as follows:

i) Election practice or procedures in the first instance to Steering Committee.

ii) Breach of Bye Laws to the Convenor of Disciplinary Committee and Education Officer, for disciplinary action

iii) Actions of individual Officers relating to their Office, to Officer Performance Review Body.

iv) Decisions of Union Society committees or sub councils in the first instance, to Union Council in the appropriate format.

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 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 the Union Society as an institution shall be referred to an independent body (to be agreed upon by Union Council).

10. Useful Information

Copies of the Union Society’s Constitution may be obtained from the General Office at the Union Society or on the website www.unionsociety.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:

General Office
The Union Society
King’s Walk
Newcastle upon Tyne
NE1 8QB

Student Progress Service
6 Kensington Terrace
Newcastle upon Tyne
NE1 7RU

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Third Edition
November 2009
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