

## Governance and Nominations Committee

9 June 2021

Paper title	<b>Annual review of the Code of Practice for York St John University Students' Union</b>			
Presenter(s)	<b>University Secretary</b>			
Author(s)	<b>University Solicitor</b>			
Communication Status	<i>Open</i>	<i>Open Internally</i>	<i>Confidential/ Restricted</i>	<i>FOI exempt</i>

### 1. Executive summary

Governance and Nominations Committee reviews and recommends to Governing Body for approval the Code of Practice for the Students' Union.

The Code has been reviewed by the University Solicitor. No legal updates are proposed.

The Committee is asked to note that the Code is brought to the attention of students once year during the enrolment/re-enrolment process.

### 2. Recommendation

Governance and Nominations Committee is asked to:

- a) Recommend to Governing Body for approval the Code of Practice for the York St John University Students' Union.

### 3. Report

Attached

# Code of Practice for York St John University Students' Union

## 1 Introduction

- 1.1 This Code of Practice is prepared and issued in fulfilment of the University's duties under section 22 of Education Act 1994 in relation to its Students' Union (SU).
- 1.2 The University's governing body is responsible for:
  - ensuring that the SU operates in a fair and democratic manner and is accountable for its finances; and
  - publishing a Code of Practice which sets out how the requirements of section 22 are put into effect and bringing the Code of Practice to the attention of all students at least annually.
- 1.3 The requirements and the arrangements made to comply with them are detailed below.

## 2 SU requirements

### 2.1 Constitution

*Requirement: the SU should have a written constitution that is reviewed and approved by the governing body at intervals of not more than five years.*

- 2.2 The SU is incorporated as a private company limited by guarantee and has articles of association as its written constitution. The SU's articles of association are reviewed every five years by the University's governing body, usually at its meeting in July.

### 2.3 Membership

*Requirement: students should have the right not to be a member of the SU and should not be unfairly disadvantaged (with regard to the provision of services or otherwise) by reason of exercising this right.*

- 2.4 The SU's byelaw on Membership expressly states that any student can exercise their right to opt out of SU membership without affecting their rights of access to the Union and its facilities. The byelaw confirms that there shall be no distinction between opted out students and members of the SU in accessing Union commercial services, but opted out students will have no right to:
  - vote in any elections or referenda
  - stand for elected positions
  - attend any SU meetings
  - join clubs and societies.

### 2.5 Appointment of SU officers

*Requirement: appointment to major SU offices should be by election in a secret ballot in which all members are entitled to vote, and a person should not hold sabbatical SU office, or paid elected SU office, for more than two years in total.*

- 2.6 The SU's Articles of Association provide for sabbatical officers to be elected by secret ballot by the members of the SU at an election held in accordance with the byelaws, and specify that sabbatical officers shall remain in office for a term of one year and may be re-elected for a maximum further term of one year.

### 2.7 Election conduct

*Requirement: the governing body should satisfy themselves that the elections are fairly and properly conducted.*

- 2.8 The SU reports annually to the University's governing body on the election process and the outcome, and the University Secretary is invited to attend the meetings of the SU Elections Committee.

### 2.9 Financial affairs

*Requirement: the financial affairs of the SU should be properly conducted and appropriate arrangements should exist for the approval of the SU's budget, and the monitoring of its expenditure, by the governing body.*

- 2.10 The SU's budget is reviewed and approved annually by the University's Financial & Capital Development Committee on behalf of the governing body. The SU's annual accounts are reviewed and approved by the University's governing body, which enables the monitoring of the SU's expenditure.
- 2.11 **Financial reporting**  
*Requirement: financial reports of the SU should be published at least annually and made available to the governing body and all students, and should contain a list of all external organisations to which the SU has made donations in the period to which the report relates and details of those donations.*
- 2.12 The SU publishes its [annual reports and accounts](#) on its website for public inspection, and these will contain the required details of any donations made in that period.
- 2.13 **Allocation of resources**  
*Requirement: 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.*
- 2.14 The SU's procedure for allocating resources to groups and clubs is set out in section 3 of [Byelaw 8](#).
- 2.15 **External affiliations**  
*Requirement: if the SU decides to affiliate to an external organisation, it should publish notice of its decision stating the name of the organisation and details of any subscription, donation or similar fee paid or proposed to be paid. Such notice should be made available to the governing body and all students. The SU must publish reports at least annually which list the external organisations to which the SU is currently affiliated and details of any subscription, donation or similar fee paid or proposed to be paid. There should be procedures for the review of affiliations to external organisations and the current list of affiliations should be submitted for approval by members at least annually.*
- 2.16 The list of external organisations to which the SU is affiliated is submitted at the SU's AGM for approval by members. The SU's procedures for reviewing its external affiliations will be published on the SU website.
- 2.17 **Complaints procedure**  
*Requirement: there should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the SU or claim to be unfairly disadvantaged by reason of having exercised their right not to be a member. The procedure should include provision for an independent person appointed by the governing body to investigate and report on complaints, and complaints should be dealt with promptly and fairly. Where a complaint is upheld there should be an effective remedy.*
- 2.18 The SU publishes its [complaints procedure](#) on its website for public inspection.