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Code of Practice for the Students' Union at Bournemouth University

1. SCOPE AND PURPOSE

- 1.1 This Code of Practice is produced by the University Board ("the Board") (as the Governing Body) for, and in consultation with, the Students' Union at Bournemouth University ("the Union"). It is relevant to all students (including those who are not members of the Union) and staff.
- 1.2 The production of this Code of Practice is a legal requirement under *The Education Act 1994 ("The Act"), Part II, Section 22(3)*, which also requires that it be brought to the attention of all students at least once per year. It sets out how the requirements of Section 22 of the Act will be implemented in relation to the Union.
- 1.3 The University's Articles of Government reinforce the requirement for the Union's constitution to be approved by the Board and for the Board to receive annual audited accounts from the Union.

2. KEY RESPONSIBILITIES

- 2.1 The Board has an obligation to take such steps as are reasonably practicable to ensure that the Students' Union operates in a fair and democratic manner and is accountable for its finances¹.
- 2.2 The Act states that the Board shall prepare, issue and where necessary revise this Code of Practice. The Clerk to the University Board will act for the Board in overseeing the production of this Code of Practice in consultation with the Union, for approval by the Board.
- 2.3 The Clerk to the Board will also be responsible for ensuring, on behalf of the Board, that arrangements are in place to implement this Code of Practice and that it is brought to the attention of students at least once per year.

¹ Education Act 1994, 22(1)

3. LINKS TO OTHER DOCUMENTS

- 3.1 The Union's written constitution and by-laws will be made available on the Students' Union website.
- 3.2 The Board has a responsibility to bring to the attention of all students, at least once a year, the University's obligations under s.43 of the Education (No.2) Act 1986 regarding freedom of speech. Under s.43 the University has a duty to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees and for visiting speakers. The duty includes the duty to ensure, so far as is reasonably practicable, that the use of University premises is not denied to any individual or body on grounds connected with their beliefs, views, policies or objectives.
- 3.3 The Union and the University agree to work together to ensure that the University is able to meet its Prevent duty under the Counter-Terrorism and Security Act 2015. In particular, the Union and the University recognise the importance of sharing information and will enter into a data sharing agreement to set out how personal data is shared where it is legal and appropriate to do so.
- 3.4 The University has a Code of Practice on Freedom of Speech as required by s.43 of the Education (No.2) Act 1986 which is available at <https://www1.bournemouth.ac.uk/students/help-advice/important-information>.
- 3.5 The Union and the University recognise the importance of compliance with the Code of Practice on Freedom of Speech and that its management of external speakers is also an integral part of the University's Prevent Duty. The Union and the University agree to work together to ensure it is complied with by all staff of both organisations, all Students' Union groups and societies and all students.

Requirements of the Education Act

4. STUDENTS' UNION REPRESENTATION AT BOARD LEVEL

- 4.1 The President of the Union will be an ex officio member of the University Board and any Board Committees as deemed appropriate by the Board, and in accordance with the Articles of Government. The Students' Union will also be represented on Senate and any appropriate Senate Committees as deemed appropriate by the Chair of Senate.

5. THE STUDENTS' UNION CONSTITUTION

- 5.1 The Union is subject to charity law and, as such, resources of the Union including that given by the University in the form of an annual grant, shall only

be used to further the objectives of the Union as set out in its Constitution and approved by the Charity Commission. Guidance of the Charity Commission shall be followed by the Union to ensure all activities of the Union are fully compliant.

- 5.2 The Union is a separate charity and shall comply with all charity law duties including its safeguarding obligations. The Union and the University agree that whilst they have separate and distinct safeguarding obligations they will work together and share information to promote safeguarding where this is permitted by law. The Union and the University also have separate and distinct obligations to comply with the the General Data Protection Regulation (Regulation (EU) 2016/679) (GDPR) and UK's Data Protection Act 2018, together with all amendments, subordinate legislation, directions of any competent privacy regulator, relevant regulatory guidance and codes of practice. The Union agrees that it will comply with its obligations and that it will enter into a data-sharing agreement with the University to formalise the basis on which data is shared between the two charities.
- 5.3 The Board will review and approve the Union's Constitution at least once every five years, or more frequently where amendments are required, in consultation with the Union.
- 5.4 The Union's Constitution, and any amendments to it, will be submitted to the Board for consideration and approval, through the Audit, Risk and Governance Committee.
- 5.5 The Union will make the written constitution and by-laws available to all students through its website (and a link to this will be available from the 'Student Portal' of the University's website).

6. MEMBERSHIP OF THE STUDENTS' UNION

- 6.1 All enrolled students of the University, including those studying a franchised BU course at a partner institution, are entitled to apply to become full members of the Union and are encouraged to do so. Membership, however, is not compulsory and every student has the right not to be a member of the Union. This right is brought to the attention of students every year through the enrolment process.
- 6.2 Students who exercise the right not to be a member of the Union must not be unfairly disadvantaged by reason of their having done so.

Students who choose not to be members of the Union shall be entitled to use of all Union facilities and support services and membership of all Union Clubs and Societies. Rights which are reserved to Union members, such as voting and eligibility for election, are set out in the Union's By-laws.

- 6.3 The Union's By-laws state that students who choose not to join the Union and who feels that they have been 'unfairly disadvantaged' may register a

complaint and follow the University complaints procedure
<https://intranetsp.bournemouth.ac.uk/pandptest/11f-student-complaints-policy-and-procedure.pdf>

- 6.4 The Union may offer alternative categories of membership from time to time, and as appropriate.

7. STUDENTS' UNION ELECTION AND OFFICES

- 7.1 The Union's By-laws (Schedule 5) contain detailed provisions for the election to all major union offices by secret ballot by all members entitled to vote. The Union is responsible for ensuring the fair and proper conduct of elections and for the appointment of an appropriately independent returning officer who is required to submit an annual report to the Clerk to the Board. The Clerk will receive the report on behalf of the Board and raise any concerns with the Board.
- 7.2 The Union's constitution makes explicit that a person will not hold sabbatical union office, or paid elected union office, for more than two terms of one year, in accordance with the requirements of the Act.

8. THE FINANCIAL AFFAIRS OF THE STUDENTS' UNION

- 8.1 The Union's Constitution states that the Trustees shall comply with the requirements of the Education Act and the Charities Act 2011 as to keeping financial records and the audit or examinations of accounts. Details of financial controls and administration are contained in Schedule 3 of the Union's By-laws. The University's Director of Finance and Performance (or equivalent) is available to provide advice and guidance to the Union's officers if required.
- 8.2 The Board will approve the Union's budgets and monitor its expenditure. Annual scrutiny of the Union's budgets and audited financial reports shall be delegated to the Finance and Resources Committee and the Audit, Risk and Governance Committee respectively.
- 8.3 The financial reports of the Union will be published annually and will be made available to all students in addition to the Board.
- 8.4 The financial reports will include a list of the external organisations to which the union has made donations in the period to which the report relates and details of those donations.
- 8.5 The procedure for allocating resources to groups or clubs will be fair, set down in writing, and freely accessible to all students.
- 8.6 The Union is required to take out and maintain appropriate insurances to cover all of its activities to the satisfaction of the Board.

9. AFFILIATIONS

- 9.1 Where the Union decides to affiliate to an external organisation the Act requires it to publish notice of its decision stating the name of the organisation and 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. This notice will be made available by the Union to the Board and to all students via the SUBU website <http://www.subu.org.uk/>
- 9.2 Where the Union is affiliated to any external organisation, a report will be published annually or more frequently containing a list of those organisations and details of subscriptions or similar fees paid or donations made to those organisations since the last report. The Union will make such reports available to the Board and to all students via the SUBU website <http://www.subu.org.uk/>
- 9.3 The Union will ensure that there is a procedure for the review of such affiliations under which the current list of affiliations is submitted for approval by members annually or more frequently.
- 9.4 In addition to 9.3 the Union will ensure that there is a procedure in place to provide that once a year a requisition may be made by 5% of members 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.

10. COMPLAINTS PROCEDURE

- 10.1 The Act requires that a complaints procedure be available to all students who are dissatisfied in their dealings with the Union or who claim to be unfairly disadvantaged because they have chosen not to be a member. This procedure will include the provision for an independent person appointed by the Board to investigate and report on complaints.
- 10.2 The Union has a complaints procedure available from the Union's website at https://www.subu.org.uk/resources/subu-complaints-procedure-2018/download_attachment. The University has a complaints procedure available at <https://intranetsp.bournemouth.ac.uk/pandptest/11f-student-complaints-policy-and-procedure.docx>.
- 10.3 Complaints should be dealt with promptly and fairly and where a complaint is upheld all reasonable steps should be taken to ensure that there is an effective remedy.
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