

CODE OF PRACTICE

TO ENSURE COMPLIANCE WITH

THE 1994 EDUCATION ACT

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A. TERMS OF REFERENCE

1.1 The 1994 Education Act defines a 'students' union' as:-

- (a) an association of the generality of students... whose principal purposes include promoting the general interests of its members as students; or
- (b) a representative body ... whose principal purposes include representing the generality of students ... in academic, disciplinary or other matters relating to the government of the establishment.

[Part II, Section 20]

1.2 For the purposes of this Act, the University of Aberdeen recognises that the 'student union' comprises the following:

Aberdeen University Students' Association, including particularly two of the Association's constituent parts -
Students' Representative Council
Union Management Council

1.3 Sections of the Act are also applicable to the following, whose conduct in relation to constitutions, finances, elections and complaints, shall also fall under the provisions of this Code:

Crombie-Johnston Hall Junior Common Room
Dunbar Hall Junior Common Room
Hillhead Halls Residents' Committee

1.4 In so far as they receive grants from Court, the following student organisations shall be included under the provisions of the Code:

Sports Council (the third constituent part of the Aberdeen University Students' Association)
Debater

B. THE OBLIGATIONS OF THE UNIVERSITY COURT: GENERAL

2.1 The University Court shall take such steps as are reasonably practical to secure that the bodies of its students' union operate in a fair and democratic manner and are accountable for their finances.

2.2 The University Court shall prepare and issue, and when necessary revise, a code of practice as to the manner of which the requirements of the Act are to be carried into effect and setting out the arrangements to secure its observance.

2.3 The University Court shall bring to the attention of all students, at least once a year, the code of practice currently in force and any restrictions imposed by the law relating to charities.

2.4 The University Court shall bring to the attention of all students at least once a year, and include in any information generally available to potential students, details of their right to 'opt-out' of the students' union and any alternative arrangements which may have been made for them.

C. THE OBLIGATIONS OF THE STUDENT BODIES

The University Court requires each of the student bodies included in Section A above to comply with the following requirements:

3. Constitutions

- 3.1 Each student body shall have a written constitution which is subject to the approval of the University Court; it shall be submitted for review as required by the Court and at intervals of not more than five years.
- 3.2 Each student body shall make provision within its Constitution or bye-laws for the following: elections, tenure of office for sabbatical and major posts, the publication of financial reports and affiliations to external organisations, complaints and disciplinary procedures and, if appropriate, procedures for allocating resources.
- 3.3 At its meeting on 14 March 1995, and whenever thereafter, the University Court shall satisfy itself that the constitutions and bye-laws set in place satisfy the requirements of the 1994 Education Act and reflect a student body operating in a fair and democratic manner, showing accountability for its finances.
- 3.4 Each student body requiring to amend any part of its constitution shall, within one month of the amendments being passed by that body, submit them in writing to the University Court for its consideration; the Court shall approve, amend or reject such applications for amendments.
- 3.5 Any amendments to bye-laws prescribed in 3.2 above shall also be submitted to the University Court for its decision; all other bye-laws to be submitted to the Court Office for information; in each case the amendments shall be submitted in writing within one month of their being passed.
- 3.6 The University Court shall consider all amendments within three months of their communication from the student body and shall make known its decision as soon as may be thereafter.

4. Membership

- 4.1 Membership of the student bodies included in Section A is normally conferred, upon matriculation, within the terms of eligibility outlined in each constitution. Membership of these bodies is optional and the right exists, guaranteed under law, not to be a member. No person exercising their right shall be unfairly disadvantaged, particularly with regard to the provision of services.
- 4.2 The decision to opt-out shall refer to all those student bodies included in Section A above, as a whole, and shall exclude participation in their respective affairs as voters, electoral candidates or officers; it also precludes representation by those bodies to the University Court, Senate and their associated committees. The Welfare Services provided by the SRC shall remain available to those who opt-out of membership; no other exceptions may be made.
- 4.3 The decision to opt-out may be made at any point after matriculation and shall remain in effect, unless otherwise withdrawn, for the remainder of the academic year; thereafter it shall require to be renewed. The decision should be communicated in writing to the University Secretary in the manner set out at Appendix Three. The Secretary shall keep a record and advise the University Court and the student bodies of the names included on it.

- 4.3 The decision to opt-out, or to rejoin, should not be undertaken wantonly, and may be made no more than once each session.

5. Electoral Procedures

- 5.1 Each student body shall make provision within its constitution or bye-laws for fair and democratic procedures in the election of all major offices (i.e. sabbatical posts, or those stipulated for the purposes of the 1994 Education Act in the respective Constitutions). Elections in each case shall be by secret ballot, notified in advance and open to all the members of that body.
- 5.2 In order for the University Court to be satisfied that elections are fairly and properly conducted each student body shall submit to the University Secretary, for approval, appropriate nominations for the appointment of Returning Officers, who may be members of University staff, or others approved by the Court for this purpose, but who may not be employees of the student bodies or otherwise matriculated students of the University.
- 5.3 The Returning Officer shall be required to submit a written statement to the University Secretary, attesting whether the elections have been conducted in compliance with this Code. The statements shall be communicated within three working days following the date of the election. Any breaches of the Code shall be notified to the first appropriate meeting of the Court, which shall have authority to impose such sanctions upon the student body as it deems appropriate to secure compliance.
- 5.4 At the University of Aberdeen no person may hold sabbatical office, or paid elected office, in any of the student bodies included in Section A for more than two years. No person may hold such office in more than two student bodies, in total, and such office may not be held simultaneously in more than one of the student bodies.

6. Financial Accountability

- 6.1 The University Court requires to be satisfied that the financial affairs of each of the student bodies included in Section A are properly conducted. Towards this end it has established a Student Organisations Committee, the remit and composition for which are included at Appendix One.
- 6.2 Each student body is required to observe the following, and to submit to the Student Organisations Committee such evidence as may be required:
- (i) that financial statements are prepared, and accounting records are kept, in accordance with normal professional standards;
 - (ii) that adequate systems of financial management and control are in place;
 - (iii) that financial solvency is maintained, that expenditure does not exceed total income (one year taken with another), and that insurance cover is adequate;
 - (iv) that no borrowing is entered into where the period of repayment exceeds twelve months, except with the Committee's prior permission;
 - (v) that annual accounts, independently audited, are prepared no later than four months after the end of the financial year, and are made available to the University Court and to any student upon request.

6.3 Each student body shall submit to the Student Organisations Committee at its direction periodic reports of income against expenditure compared with budget (for consideration) and an annual budget (for approval).

6.4 Each student body shall include with its annual accounts and financial report, a list of external organisations to which donations have been made during the period of the report, including such details as may be required by the Student Organisations Committee.

Note: The Student Organisations Committee has invited the Joint Planning, Finance & Estates Committee to discharge for the Student Organisations Committee its responsibility for scrutiny of the accounts of student organisations as specified at 6.2-6.4 above.

6.5 The University Court requires to be satisfied that the financial affairs of each student body comply with any statutory requirements and the regulations of this Code of Practice. In the event that the requirements are not adequately met, the Court shall have authority to withdraw any of the funds provided by the University to that student body, or to require their repayment, in whole or in part, together with any interest which may be due from the period that the sum remains unpaid.

7. The Re-allocation of Resources

7.1 Each student body shall prepare in writing and make available upon request a statement of the procedure it employs for the allocation of its resources to any groups or clubs within its authority; such procedures should be fair and applied properly, and to produce fair and equitable results.

7.2 In the event of a challenge to the procedures, the Complaints Procedure of the relevant student body shall be applied in the first instance, thereafter the Procedure prescribed at Section D shall be employed.

8. Affiliation to External Organisations

8.1 Each student body shall report annually to its membership and to the University Court, the details of any external organisation to which it is currently affiliated or to which application for affiliation has been made. The details required of the report shall be as determined by the Student Organisations Committee and shall include the name of the organisation, subscription or similar fee, donation or payment made (or proposed to be made) during the period of the report.

8.2 Each student body shall establish a procedure for the review of its affiliations to external organisations. The procedure shall include a provision that, in the event of a requisition by a stated proportion of the membership, continued affiliation to any particular external organisation shall be decided by a secret ballot, on condition that the same organisation shall not be so treated more than once in any twelve month period.

8.3 The University Court shall have authority to increase the frequency of the reporting periods (in 8.1 above) and to vary the proportion of members (not exceeding five per cent) required to make a requisition (in 8.2 above).

D COMPLAINTS PROCEDURE

- 9.1 A procedure for hearing complaints has been established for any student or group of students who:-
- (i) express themselves dissatisfied in their dealings with the student bodies included in Section A above; or
 - (ii) claim to be unfairly disadvantaged by reason of their having exercised the right to opt-out of membership of the students' union, so defined.
- 9.2 Each student body shall make provision in its Constitution or bye-laws for an internal complaints procedure, which shall be fair and prompt in its dealings with the complainant, and which shall provide for remedies should a complaint be upheld.
- 9.3 The University Court will require to be satisfied that each party has made an attempt to achieve a conciliation at the earliest stage compatible with a just and fair airing of the complaint.
- 9.4 In the event that an amicable settlement is not achieved, or in the case where a complainant claims to have been unfairly disadvantaged on account of non-membership of the student bodies included in Section A above, the matter shall be referred to the University Secretary. If the University Secretary is satisfied that a conciliation is not possible, and that amicable settlement has been attempted, he or she will refer the matter for resolution by the University Court which will appoint an *ad hoc* Committee of members to hear the complaint on its behalf. The hearing shall be conducted according to the procedure set out in Appendix Two. No member of the Court who is also a member of the student body included in Section A above, shall be eligible to serve on such a Committee.
- 9.5 Within the terms of the 1994 Education Act, there shall be a right of appeal against the decision of the Court at the conclusion of the complaints procedure. In such a case, the complainant or appellant shall have recourse to the judgement of an independent person who shall be appointed by the Court to consider the matter and who is authorised to issue a final decision and stipulate a remedy.
- 9.6 No employee or student of the University of Aberdeen, nor member of the governing body, may serve as the independent person. The independent person shall be required to notify the Court timeously of his/her decision, and the reasons for it. The independent person may call upon the Court to appoint assessors to provide assistance in conducting a fair hearing and achieving a prompt conclusion.
- 9.7 It has been agreed by each student body that it will give effect to any ruling by the Court, and/or the independent person appointed to hear the complaint.
- 9.8 In the event that the ruling of the Court or independent person is disregarded by the student body, the Court shall have the authority to apply such sanctions as may be required to effect the ruling, at its discretion.

E. IMPLEMENTATION

- 10.1 This Code of Practice has been devised after consultation with, and with the agreement of, the student bodies included in Section A above. It shall take effect from 14 March 1995, the date on which it was approved by the University Court.

- 10.2 The availability of the Code shall be brought to the attention of all students at least once a year, and to persons considering whether to become students at the University of Aberdeen. Copies of the Code shall be made available to any matriculated student of the University, upon request.
- 10.3 This Code is subject to review in the light of experience and the University Court is responsible for the interpretation of any part of it.
- 10.4 No part of the Code may be interpreted as being in conflict with any part of the 1994 Education Act, the law relating to charities, or any other part of the legislation.

Student Organisations Committee

- Remit:
- (i) to allocate the Court's grant to the student bodies;
 - (ii) to ensure compliance with the Code of Practice laid down by the University in accordance with the provisions of the 1994 Education Act.

Composition:

The Convener of the Joint Planning, Finance and Estates Committee
(*Convener*)
The Principal
The Senior Vice-Principal
Two other members nominated by the University Court
The President of the Students' Association or alternate
The Vice-President (Representation) of the Students' Association or alternate
The Vice-President (Services) of the Students' Association or alternate
The Vice-President (Sport) of the Students' Association or alternate
One representative of the following elected by themselves:
 {The President of the University of Aberdeen Debater
 {The President of Crombie-Johnston JCR
 {The President of Dunbar Hall JCR
 [The President of Hillhead Residents' Committee

In attendance

Three of the following four (the fourth being a member as indicated above):

- {The President of the University of Aberdeen Debater
 - {The President of Crombie-Johnston JCR
 - {The President of Dunbar Hall JCR
 - {The President of Hillhead Residents' Committee
- The Junior Vice-Presidents (Representation), (Services) and (Sport) of the Students' Association**
Such other Officers as the Convener may from time to time deem appropriate.

COMPLAINTS PROCEDURE

1. The 1994 Education Act requires a Procedure to be set in place which is 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 their right not to be a member of the union or, if a group, who do not wish to be represented by the union.

2. At the University of Aberdeen the 'students union' is understood to include the following:

Student Association (including its three constituent parts, The Sports Council, the Students' Representative Council and the Union Management Council)
University Debater
The Junior Common Rooms of Crombie-Johnston and Dunbar Halls
The Residents' Committee of Hillhead Halls

3. In the event that a complaint is raised according to the terms of Paragraph 1, against any party defined in Paragraph 2, the matter shall be submitted in the first place for resolution according to the Complaints Procedure outlined in the Constitution or Bye-laws of the appropriate student organisation.

4. In the event that a resolution is not achieved, or an Appeal against the outcome is made, the matter shall then be forwarded to the University Secretary who shall need to be satisfied that every attempt at amicable resolution has been attempted. If a resolution is deemed not to be available, the University Secretary shall submit the matter to the University Court when a Committee shall be appointed to investigate and report on the complaint. The Court shall have powers to impose any sanctions it deems fit to secure a remedy. All complaints shall be dealt with fairly and promptly.

5. In the event of an Appeal against the decision of the Court, an independent person shall be appointed, to investigate and reach a decision in accordance with the terms laid down by the 1994 Education Act.

**PROCEDURE FOR STUDENTS WISHING TO EXERCISE
THE RIGHT UNDER THE EDUCATION ACT 1994
NOT TO BE A MEMBER OF A STUDENT UNION OR
REPRESENTATIVE BODY AS DEFINED IN THE ACT**

1. Any student who wishes not to be a member of a Student Union or other representative body as defined in the Education Act 1994, paragraph 22(2)(c), may exercise this right by completing and signing a brief form intimating this intention (copy attached).
2. On submission of the completed form the University Registry shall issue a student card which readily identifies the holder as one who has exercised this right.
3. Notification forms shall be available as a constituent element of the registration process and additionally may be obtained throughout the year from the Registry.

UNIVERSITY OF ABERDEEN

**INTIMATION BY A REGISTERED STUDENT THAT
HE OR SHE WISHES TO EXERCISE THE RIGHT
NOT TO BE A MEMBER OF THE STUDENT UNION OR REPRESENTATIVE
BODY AS DEFINED IN
PARAGRAPH 22(2)(c) OF THE EDUCATION ACT 1994**

I confirm that I wish to exercise my right not to be a member of the Student Union or representative body as defined in paragraph 22(2)(c) of the Education Act 1994 for the Session 20 -

Full Name in Block Letters _____

Student Identity Number _____

Signature _____ Date _____

**INTIMATION OF WISH TO REJOIN THE STUDENT UNION OR
REPRESENTATIVE BODY**

Notwithstanding my earlier decision, as indicated above, I confirm that I now wish to become a member of the Student Union or representative body as defined in paragraph 22(2)(c) of the Education Act 1994.

Signature _____ Date _____