

Code of Practice relating to the Edinburgh University Students' Association



THE UNIVERSITY
of EDINBURGH

Purpose of Code of Practice

The 1994 Education Act (Section 22) requires University Court, the governing body of the University, to ensure that the Edinburgh University Students' Association (EUSA) operates in a fair and democratic manner and is accountable for its finances. This Code of Practice sets out how the University will carry out its responsibilities under the Act.

Overview

The Code of Practice covers areas such as:

- The right of students to opt out of membership;
- EUSA's democratic processes;
- EUSA's financial and resource allocation mechanisms;
- Affiliations by EUSA to external organisations; and
- The implications of Charity Law on the activities that EUSA can undertake.

Scope: Mandatory Code of Practice

This Code of Practice applies to all University of Edinburgh students, and is brought to their attention annually by publication on the EUSA and the University website.

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Document control

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Approving authority	University Court
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Consultation undertaken	EUSA, Deputy Secretary Students
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Section responsible for Code of Practice maintenance & review	EUSA, Deputy Secretary Students
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Related policies, procedures, guidelines & regulations	N/A
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Part II of the Education Act 1994 places a range of responsibilities on the governing bodies of university institutions in regard to the organisation of students' unions. In particular the governing body shall prepare and issue, and when necessary revise, a code of practice as to the manner in which certain requirements of the act are carried into effect.

1. Edinburgh University Students' Association qualifies as a students' union within section 20 of the Act.

2 This Code of Practice, approved by University Court with the agreement of the Students' Association, sets out how the University will carry out its responsibilities under the Act. The specific responsibilities to be included in the code are highlighted in bold italics below:-

Constitution

The students' union should have a written constitution and the provisions of that constitution should be subject to the approval of the governing body at intervals of not more than five years.

3. The Students' Association is governed by its Articles of Association approved by the University Court. The Articles of Association make provision for detailed regulations to be published which shall be approved by the Association Trustee Board and /or the student body as defined by the Articles of Association.

4. Copies of the Articles of Association and Regulations are available to any student, on request, from the President of the Students' Association. They are also available on the Students' Association website.

5. The Articles of Association are to be reviewed by the University Court at intervals of not more than five years. This need not mean a special quinquennial review of the Articles of Association. The Court may take the opportunity to review the terms of the Articles of Association should the Students' Association at any time bring forward proposed amendments.

Membership

Students should have the right not to be members of the students' union. 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.

6. All matriculated students of the University of Edinburgh, whether full-time, part-time or online distance learning; undergraduate or postgraduate, including visiting students or students on exchange; and all sabbatical trustees during their period of sabbatical office shall be entitled to membership of the Students' Association. Any student who wishes not to be a member, or who decides to withdraw from membership of the Students' Association, should inform the President of the Students' Association and the Secretary of the University in writing.
7. Any student not in membership of the Students' Association is not entitled:
 - (a) To participate in the government of the Students' Association and, in particular, to propose or vote in referenda, attend meetings, stand or vote in the election of Students' Association Officers, Students' Council, Standing Committees and Representative Committees, or play any part in any other comparable bodies that may be established.
 - (b) To hold office in any Students' Association Committee or Society.
 - (c) To benefit from any concessionary rates for membership of Societies, or for attendance at entertainments events, that may be offered exclusively to Students' Association members.
8. Any such student shall cease to be a member immediately and may not re-apply for membership until the following academic session.
9. Students who are eligible for full membership, but have exercised the right not to be a member, shall have access to all services and activities provided by the Students' Association other than those outlined in paragraph 7, and shall be subject to the same disciplinary procedures in relation to their use of these services and participation in these activities.
10. The University has made no special arrangements for the provision of services or facilities for non-members of the Students' Association, since it is satisfied that the provision made by the University and the Students' Association for all students, whether they are members of the Students' Association or not, is sufficient to ensure that those who have exercised the right of non-membership under the Act are not unfairly disadvantaged. There will be no financial compensation to students who have exercised their right of non-membership.

Elections

Appointment to major students' union offices should be by election in a secret ballot in which all members are entitled to vote. The governing body is required to satisfy itself that the students' union elections are fairly and properly conducted. A person should not hold paid elected students' union office for more than two years in total.

11. Major students' union offices shall be defined as full time sabbatical Students' Association Executive Officers who have been granted a Laigh year by the University.
12. All elections in the Students' Association shall be conducted in accordance with regulations laid down in accordance with the Articles of Association and approved by the Governance Subcommittee of the Trustee Board. These regulations shall ensure that

appointment to major students' union offices, as defined in 11 above, is by election in a secret ballot in which all full members are entitled to vote.

13 Any complaint regarding the conduct of elections shall be decided upon by the Returning Officers appointed by the Governance Subcommittee of the Trustee Board, subject to appeal to the Governance Subcommittee of the Trustee Board whose decision shall be final.

14. The University Secretary (or their nominee) may observe any part of the election process and an annual report will be made to the University Secretary on the conduct and outcome of the elections to the major students' union offices.

15. Paid students' union offices shall be defined as full time sabbatical Students' Association Executive Officers. No person shall hold such office for more than two terms of one academic year each term and this is provided for in the regulations.

Finance

The financial affairs of the students' union should be properly conducted and appropriate arrangements should exist for the approval of the students' union's budget and the monitoring of its expenditure by the governing body.

The Students' Association is to publish a financial report annually or more frequently. The report is to be made available to the governing body and to all students and will contain, in particular, a list of external organisations to which the Students' Association has made donations during the period to which the report refers and details of those donations.

16. The Students' Association Finance, Risk & Audit Subcommittee shall prepare an annual budget and forward business plan prior to the commencement of each financial year, which shall be submitted to the Students' Association Trustee Board for approval. The annual budget shall be presented for ratification to the University Policy & Resources Committee acting on behalf of the governing body.

17. The Students Council shall receive the annual audited accounts of the Students' Association for information and the Students' Association Trustee Board shall receive the annual audited accounts of the Students' Association for approval. The annual audited accounts shall be presented for information to the University Policy & Resources Committee acting on behalf of the governing body.

18. The Students' Association will provide Financial and Management Information to the University Secretary and Director of Finance in line with the requirements set out in the University's annual letter of grant. The Director of Finance will report any points of note to the University Policy and Resources Committee.

18. The accounts shall contain details of any donations made to external organisations during the financial year.

The procedure for allocating resources to groups or clubs should be fair and should be set down in writing and be freely accessible to all students.

19. The allocation of resources to groups and societies affiliated to the Students' Association are managed by the Finance, Risk & Audit Subcommittee of the Trustee Board. The procedures are included in the Regulations which are available to any student, on request, from the President of the Students' Association. The procedures and opportunities for funding are also available on the Students' Association website under the Student Opportunities / Resources section.

Affiliations and Donations

If the student union decides to affiliate to an external organisation it must 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 and such notice is to be made available to the governing body and to all students.

20. All affiliations and donations made by decision of a Referendum, Students' Council, Standing Committees, Representative Committees or Students' Association Executive Officers shall be published in the annual accounts of the Students' Association.

When a student union is affiliated to any external organisation there are to be procedures for the review of affiliations under which the current list of affiliations is submitted for approval by members annually or more frequently, and 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 5 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.

21. An annual vote, by secret ballot, at a general meeting of the Students' Council open to all members, will be held to consider the affiliation of the Students' Association to any continuing affiliations previously agreed.

22. Any affiliation made by the Students' Association may be rescinded by a decision of students made in accordance with the procedure for referenda outlined in the regulations which provide for a call for referenda being made by not more than 5% of members.

Complaints Procedure

There should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the students' union, or claim to have been unfairly disadvantaged by reason of having exercised the right to not be a member. This procedure should include the provision for an independent person appointed by the governing body to investigate and report on complaints.

24. Any student or students who are dissatisfied in their dealings with the Students' Association, or claim to be disadvantaged by reason of their having exercised the right to withdraw from membership, shall be entitled to have their complaint considered in accordance with the Students' Association complaints procedure and this is available to all students. This procedure includes the right of appeal to the University Secretary (or their nominee) and the subsequent right of appeal to an independent person appointed by University Court.

The following aspects are not required to be referenced in the code of practice, but it is an obligation for the governing body to bring these matters to the attention of students at least once a year. These will be published alongside this code on the Students' Association website.

Charity Law

The activities of the Students' Association are restricted by the law relating to charities. Consequently the Students' Association cannot have a political purpose and must not seek to advance the interest of a political party, but it may seek to influence opinion on issues relating directly to its own stated purposes, provided such activity is within its powers. The ways in which charities may or may not legitimately engage in political activities is the subject of advice and legislation from time to time by the Office of the Scottish Charity Regulator, courts of law, Parliament and government departments.

Code of Practice

This Code of Practice is brought to the attention of students annually by publication on the Students' Association and the University website.

Information for prospective students

The right of a student to not be a member of the Students' Association, and the arrangements for students to still access those services provided by the Students' Association for all students whether members or not, is made available to prospective students via inclusion in this code of practice which is published on the Students' Association website and on the University's website.

Approved by University Court, 19 June 2023