

Code of Practice between the University and LU Students' Union

Preamble

This document sets out the relationship between the University and the Students' Union, including how the legal requirements arising from the Education Act 1994 are met. It has been informed by Relationship Agreement principles that underpin excellent working relationships between Higher Education Institutions and Students' Unions.

The Code of Practice is a document that is written and agreed jointly by the University and Students' Union. It is equally binding on both parties. The existence of this Code will be drawn to the attention of students in various ways, including the University and Students' Union websites.

This Code sits alongside the Students' Union Articles of Association and complements the Students' Charter.

1. Statutory Relationship between the University and Students' Union

- 1.1 The Students' Union is established under University Statute 16A.
- 1.2 The University Council recognises that the Students' Union has the capacity to act independently in the promotion of the collective aspirations of the student body in the fields of educational, welfare, cultural, sporting, social and representative matters.

2. Legal Status of the Students' Union and its Subsidiaries

- 2.1 The legal status of the Students' Union and its subsidiaries is set out in its Articles which the University Council will approve every five years and is approved by the Charity Commission.
- 2.2 The Students' Union maintains independence from the University both in its day-to-day operations and strategic vision. It is recognised and welcomed by the University that the Students' Union has a responsibility to represent students' interests and to challenge University policy and direction where appropriate in this regard.
- 2.3 The Students' Union adheres to its own governing documents, Charity Commission guidance and to the law of the land. It will, however, endeavour to follow sector good practice and work with the University to help the University fulfil its public duties.
- 2.4 Students' Union subsidiaries, where these involve engagement with the University, will be subject to separate legal agreements and procedures.

3. Management of the Students' Union Governing Documents

- 3.1 Members of the Students' Union are also members of the University and therefore subject to the University's policies, procedures and other governing documents as they relate to students.
- 3.2 Those staff of the Students' Union who are contracted to the University under the Memorandum of Agreement (MoA) referred to in Section 9.1 of this document are also members of the University and therefore subject to the University's policies, procedures and other governing documents as they relate to staff. Where it is agreed between the University and Students' Union that there may be a variation of practice, this will be recorded in writing.
- 3.3 The Students' Union's Articles, Bye-laws, Policies and Financial Regulations describe and govern the internal workings of the Students' Union and are overseen by the Trustee Board.
- 3.4 Changes to the Articles require approval by the University. Change requires the approval of Council, but aspects of this approval may be delegated. Amendments in the first instance are approved by the agreed processes of the Students' Union and then passed to University for consideration. Major amendments are then passed to the University Council for approval whilst the nominated Senior Officer (the Pro-Vice-Chancellor (Engagement)) approves minor amendments (these would be factual amendments such as changes of title).
- 3.5 Changes to Bye-laws relating to responsibilities within the Education Act 1994, or likely to impact on the operational representation arrangements between the University and the Students' Union, will be discussed with the Director of Strategic Planning and Governance.
- 3.6 Changes to the Financial Regulations will be discussed with the Director of Finance.
- 3.7 In the event of any dispute between the nominated Senior Officer or the Finance Director and the Students' Union regarding its Bye-Laws, or Financial Regulations this will be facilitated through the appropriate University and Students' Union governance structures in order to reach resolution.
- 3.8 The Code of Practice will be reviewed every five years in parallel with the Students' Union Articles of Association.
- 3.9 The Students' Union Trustee Board is responsible for ensuring the Students' Union's approved governing documents are widely available to its membership.

4. Students' Union Membership and Provision for Opt Out

- 4.1 The Students' Union's governing documents will contain a clear definition of its membership categories, and their rights, responsibilities and entitlements.

- 4.2 Students have the right to opt out of the Students' Union. Information about the right of a student to opt out and what this means will be made known to prospective students via the University's website and in the course of the application process and via the Students' Union website, Articles and Bye Laws.
- 4.3 It will be the responsibility of the University to ensure that students who opt out are not unfairly disadvantaged by their non-membership of Students' Union. Students who have opted out of membership of the Students' Union and who wish to express any views on any University matter will, in the first instance, put their views in writing to the nominated Senior Officer.
- 4.4 Students who have opted out and who believe they have been unfairly discriminated against as a result should complain to the nominated Senior Officer in writing.

5. Strategy and Funding

- 5.1 The University Council will seek to provide suitable funds which, when taken with any other income made by the Students' Union, will enable the Students' Union to sustain an agreed range of activities. The University Council and the Students' Union recognise that changes in circumstances may make necessary proposals by either party for changes in the levels of funding.
- 5.2 Proposals will normally be in the context of an annual review of the level of funding and will be the subject of discussion between representatives of the University and Students' Union. The University may set conditions on its funding and specify outputs/outcomes. The annual discussions on funding, its allocation and the budget will be scrutinised by the University Planning and Resources Group and agreed by the Finance and General Purposes Committee. In addition, the Students' Union will submit to the University's Finance and General Purposes Committee financial forecasts on a mutually agreed basis.
- 5.3 The Students' Union will produce at agreed intervals a strategic plan encompassing all its activities and indicating how it is currently using resources available, and how it sees the future pattern of activities and development necessary to meet its/the memberships' aspirations. As part of the development process, the Students' Union will consult the University through the appropriate governance structures.
- 5.4 Appropriate Regulations for the financial control of Students' Union funds will be set out and approved by the Students' Union Trustee Board.
- 5.5 The Students' Union accounts will be professionally audited, and the Trustees' Report and Accounts reported to the University's Audit and Finance and General Purposes Committees.

- 5.6 The Director of Finance and the Internal Auditor will have a right of access to the financial records of the Students' Union and will be entitled to make such enquiries as are necessary to ensure grants from the University are used for the purposes for which they were provided and that the Students' Union is maintaining adequate and effective procedures for financial control. This right of access will not be exercised unless the Director of Finance has issued a formal notification addressed to the Trustees of the Students' Union.

6. Elections

- 6.1 Procedures for Students' Union elections, including procedures for complaints, are set out within Students' Union's Bye-laws. The Students' Union will report on the conduct of elections to the relevant University governance body for the election of major office holders.
- 6.2 It will be the responsibility of the Head of the Student Registry, or equivalent, to provide a digital, electoral roll based on the Students' Union membership, as set out above, providing sufficient information to identify the members eligible to vote in all categories of election and withhold information of any persons who have opted out of membership.

7. Paid Officers of the Students' Union

- 7.1 The paid officers of the Students' Union are elected by cross-campus ballot of all full members of the Union and are recognised as the lead representative officers of the student body at Lancaster.
- 7.2 The Full Time Elected Officers are paid officers of the Students' Union and have the status of Full Time Officers alongside their status as students (for the avoidance of doubt this will also include individuals who become Full Time Officers following graduation). They are however subject to University regulations and disciplinary procedures as students, in addition to being subject to the Students' Union procedures of investigation and censure as set out in the Students' Union's governing documents.
- 7.3 Full Time Officers will have written separate documents of employment, codes of conduct and disciplinary procedures.
- 7.4 No individual can hold any paid Full Time Executive Officer post for more than two years in total at Lancaster University.

8. Affiliations to External Organisations

- 8.1 The procedure for affiliation to external organisations is set out in the Articles. The list of approved affiliations with details of any subscription or fee or donation paid to external organisations in the past year from the Students' Union's own resources will be submitted for information to the Audit Committee as part of the published Students' Union's Trustee Report and Accounts.

9. Staffing Arrangements

- 9.1 The University and Students' Union have a MoA that defines arrangements regarding staff, including arrangements for the Principal Permanent Official.
 - 9.1.1 Career staff within the Students' Union are jointly employed by the Union and University.
 - 9.1.2 Students engaged to work within the Students' Union are jointly engaged by using the Employment and Recruitment Service.
- 9.2 The Principal Permanent Official is the Chief Executive. They act as Head of Department for the appointed staff of the Students' Union. A nominated Deputy Chief Executive deputises in their absence.
- 9.3 The appointment process for the Chief Executive is defined in the MoA.
- 9.4 No instruction will be given to the Chief Executive or other Students' Union staff by University officers, unless specifically set out in legislation or implied by legal liabilities falling on the University or required by the Charter and Statutes. Any such instruction will be reported to the Chair of the Trustee Board.

10. Complaints and Discipline

- 10.1 The Students' Union will have a complaints procedure laid down in its governing documents, which will contain the following:
 - 10.1.1 a clear procedure for making a complaint about the Students' Union internally, avoiding conflicts of personal interest, and measures, which the Students' Unions' bodies are empowered to take to rectify the causes of any complaint which is upheld;
 - 10.1.2 clear schedules for maximum periods in which this must take place;
 - 10.1.3 responsibility on the part of an individual or group of individuals for reporting the matter to the Students' Union Executive, Trustee Board and the appropriate University committee.
- 10.2 Complaints regarding members of staff of the Students' Union will be dealt with in accordance with the MoA on Staffing, but in the spirit of the Students' Union's Articles. It is the responsibility of the Students' Union Chief Executive to deal with the matter according to University procedures.
 - 10.2.1 Complaints against the Chief Executive should be addressed to the Chair of the Trustee Board.
- 10.3 It is recognised that a single student disciplinary matter and/or complaint can span the jurisdiction of both the Students' Union and the University, particularly in cases relating to affiliated Clubs and Societies. The Students' Union and the University will co-operate in the handling of complaints and disciplinary matters to ensure these are fairly and appropriately considered.

11. Operational Relationship

- 11.1 The University and the Students' Union are committed to a two-way process of consultation on issues of importance to the student body as an effective means of representation from students including through committees, working groups, and other decision-making bodies.
- 11.2 At all times University and Students' Union Officers agree to work to resolve any differences in as constructive a way as possible including both formal and informal means. No disputes should be escalated to University Council unless there have been attempts to resolve them through other means.
- 11.3 The University and Students' Union will agree effective representation on University committees and working groups and this will be reflected in the terms of reference for each, including a route for the Students' Union to submit papers through to the Senate and University Council. Disagreement of membership will be referred to the body/person to which the committee or working group reports.
- 11.4 The Students' Union will oversee a representation structure whereby the student voice is represented with the University's academic faculties and departments. The University will facilitate academic representation by providing access to meetings, information and other resources as appropriate.
- 11.5 The University and the Students' Union may work together on projects and joint initiatives, including those that seek external funding. Protocols for implementation, monitoring and reporting of these projects and associated funding will be agreed as required for each project in light of external requirements.
- 11.6 The University recognises that the Students' Union has democratic decision-making processes (preferenda, etc.). Where decisions from these systems have the potential to impact upon University policy or operation, the University will undertake a discussion, initially through the nominated Senior Officer, and then through formal decision-making processes as required. In instances where the University cannot accept the outcome of these student decision making processes the reasons for this will be provided.
- 11.7 The Students' Union will operate an advice and guidance service for students providing advice on a broad range of student issues. This will include of supporting or, as appropriate, representing students in University procedures such as appeals, complaints, discipline and similar. The University and Students' Union agree to work together in the best interests of students, including using appropriate communication, to ensure due process is met.
- 11.8 The University accepts that changes in policy may occur when the Full Time Executive Officer team of the Students' Union changes but expects successive student administrations in the Students' Union to ensure that there is briefing and continuity about on-going issues. The University will work with the Students' Union to affect this.

12. University Name

- 12.1 The Students' Union (its staff and officers) acknowledges its responsibility not to bring the name of the University into disrepute. In dealings with third party organisations it will ensure there is clarity about the extent to which agreements and statements made by, or on behalf of the Students' Union, do or do not entail an agreement with the University.

13. Health and Safety

- 13.1 The University and the Students' Union will operate to the agreed Health and Safety framework.
- 13.2 The University will receive an annual report on Health and Safety from the Students' Union, which accords with good practice (including covering current arrangements, summary of accidents, incidents and responses, and future plans), and periodic audits may be undertaken as deemed appropriate by the University's Head of Health and Safety.
- 13.3 The Students' Union and the University agree that the University may exercise the power of veto over any activity, being done in its name or using its facilities, on legitimate grounds of health and safety.
- 13.4 The Students' Union Chief Executive is responsible for ensuring compliance with both the Union and University's health and safety policies and is empowered to act either in person or through a nominee.
- 13.5 In keeping with its duty of care the University will give advice and guidance to the Students' Union in the development of its procedures through liaison with the University Health and Safety Office.

14. Serious Incident Management and Business Continuity

- 14.1 In the interests of the wider University community there will be mutual co-operation regarding serious incidents.
- 14.2 The University will be made aware of any incidents potentially reportable to the Charity Commission in a timely fashion.
- 14.3 Both parties will work to the agreed protocols in place for working with the University Press Office to ensure that communications are effective.
- 14.4 The University and Students' Union are committed to providing a vibrant and relevant student experience. In the event of serious incident, which threatens a significant aspect of its business continuity, the Students' Union will be able to draw upon University advice and guidance in seeking to resolve such matters.

15. Space and Facilities

- 15.1 The Students' Union and University will have Memoranda of Understanding regarding the facilities the Students' Union occupies on campus (both non-commercial and commercial operations).
- 15.2 Student-led activity makes a substantial contribution to the University community and is reliant upon the use of University spaces. The University and Students' Union will co-operate to provide appropriate access to such facilities to facilitate activity as is practicable. In doing so the Students' Union will ensure its groups comply with University requirements for external speakers, freedom of speech, health and safety and room bookings.

16. Data Sharing and Protection

- 16.1 The University and the Students' Union will have an agreed data sharing and protection protocol and share information on an agreed and legally compliant basis.
- 16.2 For the avoidance of doubt, the Students' Union does not fall within the scope of any Freedom of Information requests made to the University.

17. Student-Led Activity

- 17.1 The University and Students' Union recognise that student-led activity, such as groups, clubs and societies, form a critical aspect of many students' experience at University. The University and Students' Union will work together to agree strategic and operational arrangements to support this area. This will include delegation of responsibility and resourcing and will be reviewed regularly.
- 17.2 The Students' Union will regulate the activities of these groups in line with the Articles, Bye-laws and its Policies principally to ensure that health and safety and financial obligations under the Education Act 1994 and charity law are met.
- 17.3 Where a student activity or event wishes to operate under the umbrella of the Students' Union/University but is not, of itself, suitable to become an affiliate group, alternative arrangements may be considered in consultation with the nominated Senior Officer.
- 17.4 The Students' Union is the recognised publisher/broadcaster of the Students Union's student-led media groups. There will be an agreed risk management process involving the relevant Full-Time Executive Officer, Trustees and the Union's solicitor to avoid libel or other legal difficulties in relation to student media.

18. Implementation

- 18.1 The Officer Trustees (on behalf of the Trustee Board) and the Chief Executive with the nominated Senior Officer, plus appropriate senior administrative officers, will be responsible for ensuring that this Code of Practice is implemented, as required by the Education Act 1994.

- 18.2 This will be the responsibility in particular of the Students' Union Trustee Board and in discharging this they are entitled to ask for, and expect, assistance and co-operation from all other officers, members and staff of the Students' Union, and other members and officers of the University.
- 18.3 Either the University Council or the Students' Union may, after giving reasonable notice, propose changes to these arrangements.

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