

Code of Practice

The Education Act 1994 ("the Act") requires governing bodies of universities to take such steps as are reasonably practicable to secure that any students' union operates in a fair and democratic manner and is accountable for its finances. The Act requires universities to prepare and issue a Code of Practice setting out the manner in which the requirements of the Act will be affected and in relation to each of the requirements details of the arrangements made to secure its observance.

This Code of Practice has been prepared to satisfy this requirement. It has been issued on the authority of Council which, as the University's governing body is ultimately responsible for implementing and monitoring adherence to the Code.

Durham SU is a charity registered in England and Wales (reg. no. 1145400) and a company limited by guarantee (reg. no. 07689815). The Durham SU Board of Trustees is responsible for completing an annual assurance return at the end of the financial year to confirm to the University Secretary that Durham SU has complied with the requirements of the Act.

The University Secretary is responsible for providing annual assurance to Council that responsibilities under the Act have been fulfilled in respect of all matters except for those indicated at g) and h) below for which the Chief Financial Officer is responsible.

The obligations of the University and Durham SU under the Act are set out below.

Constitutional provisions

- a. the union should have a written constitution;**
- b. the provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years;**

Durham SU's Articles of Association (as amended) were registered with the Charity Commission on 16 January 2015, following approval by Council on 17 May 2011. Article 38 provides that no amendment has force until approved by Council.

The Articles were last reviewed in spring 2019 and the next review is scheduled for academic year 2022/23.

The right to not be a member of Durham SU

- c. a student should have the right—**
 - i. not to be a member of the union, or**
 - ii. in the case of a representative body which is not an association, to signify that he does not wish to be represented by it, and 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;

Durham University publishes information as to the right to opt-out of membership of Durham SU to every student in induction material. Durham SU administers this process and publishes the process on its website. The Durham SU Chief Executive will notify the University Secretary's Office of each student who opts-out of membership. Any student who opts-out shall have the right to reverse their decision once during the academic year in which they opt-out.

Any student not in membership of Durham SU is not entitled:

- To participate in the government of the students' union and, in particular, to propose or vote in referenda, attend meetings, stand or vote in any election or play any part in any other comparable bodies that may be established.
- To be a member or hold office in any Durham SU Committee or student group.
- To benefit from any concessionary rates offered by student groups, or for attendance at entertainments events, that may be offered exclusively to members.
- To access individual or collective advice or representation that may be offered by Durham SU Officers or staff to members.

Durham University has made no special arrangements for the provision of services or facilities for non-members of Durham SU, since it is satisfied that the provision made for all students, whether they are members of Durham SU 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.

Democratic provisions

- d. appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote;**
- e. the governing body should satisfy themselves that the elections are fairly and properly conducted;**
- f. a person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment;**

Durham SU's Articles 41 to 47 provide for election of the Sabbatical Officers as major union office holders, and sets parameters for their service. The University Secretary will maintain a list of major union office holders in the University Calendar.

Council satisfies itself that the elections are fairly and properly conducted through empowering the University Secretary, on its behalf, to carry out suitable checks

without notice on any and all elections carried out by Durham SU. Durham SU will comply with any reasonable requests from the University Secretary in discharging these duties.

The Elections Rules form part of Durham SU's Standing Orders and are created by the Durham SU Board of Trustees and Assembly; the University Secretary is required to approve any amendments to the Rules. The Rules require the Returning Officer to report on their confidence in the fair and proper conduct of the elections to the trustees, who include the report as evidence in the annual assurance return to Council. The Rules require that a Complaints Procedure be available for members who have reason to believe that an election has not been fairly and properly conducted, to draw the matter to the attention of Council.

Financial provisions

- g. the financial affairs of the union should be properly conducted and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body;**
- h. financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular**
 - i. a list of the external organisations to which the union has made donations in the period to which the report relates, and**
 - ii. details of those donations;**

The Memorandum of Understanding between Durham University and Durham SU, further to this Code of Practice, provides for the terms and conditions for the payments of University funds, the approval of Durham SU's budget, and the monitoring of Durham SU's expenditure.

Durham SU will publish its audited financial statements online, and will annually brief the Chief Financial Officer on the response to the audit, who will report receipt to University Council.

Durham SU will report any material financial irregularity or concerns regarding its on-going financial sustainability to the Chief Financial Officer as soon as possible following consideration by the Durham SU Board of Trustees. The Chief Financial Officer may then request any further information they consider necessary to assure Council, which Durham SU will provide as appropriate.

Durham SU will maintain an Affiliations and Donations Register, which will be reported to the Chief Financial Officer and be made available on request to Council and any students. The Register will detail all the external organisations to which Durham SU and its student groups have made donations, and the amount of those donations.

- i. 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;**

Student Groups Funding Rules form part of the Standing Orders; the University Secretary is required to approve amendments to the Rules, which will be available on the Durham SU website.

Affiliations

- j. if the union decides to affiliate to an external organisation, it should publish notice of its decision stating**
 - i. the name of the organisation, and**
 - ii. 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 any such notice should be made available to the governing body and to all students;**
- k. where the union is affiliated to any external organisations, a report should be published annually or more frequently containing**
 - i. a list of the external organisations to which the union is currently affiliated, and**
 - ii. details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report), and such reports should be made available to the governing body and to all students;**
- l. there should be procedures for the review of affiliations to external organisations under which**
 - i. the current list of affiliations is submitted for approval by members annually or more frequently, and**
 - ii. 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;**

Durham SU affiliates to a large number of organisations on behalf of its student groups, as well as corporate affiliations entered into by the trustees on behalf of the students' union. Durham SU will maintain an Affiliations and Donations Register which will include:

- All external organisations to which Durham SU has decided to enter into an affiliation.

- Any donation, subscription, fee or donation made as a condition of the affiliation, as well as those for which no payment is required.
- The date at which the affiliation began, and those which have expired in the past year.

Durham SU will review the Register at a meeting of the Board of Trustees in each year, and report the Register to all students at the annual student members' meeting. The Register will be appended to the annual assurance return provided to the University Secretary.

The University Council has agreed that a referendum may be called on any affiliation upon the agreement of 5% of the membership through a secure petition. Only one referendum on any given topic shall be held per academic year, except in the case of amendments to the Articles of Association.

Complaints

- m. there should be a complaints procedure 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 the right referred to in paragraph (c)(i) or (ii) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints;**
- n. complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.**

The Durham SU Complaints procedure is available on the students' union's website and any amendment to it is subject to approval by the University Secretary.

Durham Students' Union will provide an annual report on complaints received and how they have been dealt with and/or resolved as part of the annual assurance return provided to the University Secretary.

Communication

The Act further requires that Durham University draw students' attention to the Code at least once a year, as well as the restrictions imposed on Durham SU by charity law. The University does this through induction material. Durham SU supports the University by publishing the Code on its website.