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| <b>Owner:</b>               | Clerk to the University Board (on behalf of the Board) |
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| <b>Approved by:</b>         | University Board                                       |
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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") 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. This Code of Practice is published on the Important Information section of the University website which is drawn to the attention of all students at least annually. It sets out how the requirements of Section 22 of the Act are implemented in relation to the Union. Unless otherwise specified, statutory references in this Code of Practice are references to the Act.
- 1.3 The University's Articles of Government reinforce the requirement for the Union's Articles of Association 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 Union operates in a fair and democratic manner and is accountable for its finances and that the specific requirements set out in the Act are observed in relation to the Union.
- 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.

### **3. LINKS TO OTHER DOCUMENTS**

- 3.1 The Union's written Articles of Association and Bye-laws will be made available on the Union website.
- 3.2 The Board has a responsibility under the Act to bring to the attention of all students, at least once a year, the University's obligations under section 43 of the Education (No.2) Act 1986 regarding freedom of speech. Under section 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. The Higher Education (Freedom of Speech) Act 2023 amends the obligations on the University and the Union and the University and the Union agree to work together to ensure compliance with that Act.
- 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 which is available at <https://www1.bournemouth.ac.uk/students/help-advice/important-information>. The Code of Practice on Freedom of Speech will be reviewed annually by the University working collaboratively with the Union to ensure compliance with the Higher Education (Freedom of Speech) Act 2023.
- 3.5 The Union and the University recognise the importance of compliance with the Code of Practice on Freedom of Speech (including as part of the University's compliance with its conditions of registration with the Office for Students) and that 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 that the Code of Practice on Freedom of Speech is complied with by all staff of both organisations, all 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 University's Articles of Government. The Union will also be represented on Senate and any appropriate Senate Committees as deemed appropriate by the Chair of Senate.

## 5. THE STUDENTS' UNION ARTICLES OF ASSOCIATION

- 5.1 The Union is a separate charitable company, governed by its Articles of Association, which form the written constitution of the Union for the purposes of the Act.
- 5.2 The Union's funds and other resources, including the funding provided by the University in the form of an annual grant, shall only be used to further the charitable objects of the Union as set out in its Articles of Association 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 with charity law.
- 5.3 As a separate charity, the Union is responsible for complying with all the legal and regulatory obligations to which it is subject, including:
- 5.3.1 **Safeguarding:** 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.
- 5.3.2 **Data protection:** The Union and the University also have separate and distinct obligations to comply with the UK General Data Protection Regulation (UK GDPR) and the 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.
- 5.3.3 **Freedom of Speech:** The University and Union are subject to distinct obligations and penalties under the Higher Education (Freedom of Speech) Act 2023. They agree to work together to comply with the law and relevant OfS and government guidance.
- 5.4 The Board will review and approve the Union's Articles of Association at least once every five years, or more frequently where amendments are required, in consultation with the Union.
- 5.5 The Union's Articles of Association and any amendments to it, will be submitted to the Board for consideration and approval, through the Audit, Risk and Governance Committee. Amendments to the Union's Bye-laws are also subject to the approval of the University Board or its nominee.

- 5.6 The Union will make its Articles of Association and Bye-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 Under the Union's Articles of Association, all enrolled students of the University, including those studying a franchised BU course at a partner institution, shall be Student Members of the Union, unless they choose to opt-out of membership. This right to opt-out of membership is a requirement of the Act and 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 with regards to the provision of services or otherwise by reason of their having done so. Students who choose not to be members of the Union may not be prohibited from accessing facilities and services except in instances where the Union and the University have agreed in writing signed by duly authorised officers (who in the case of BU shall be the Vice-Chancellor) that this would not constitute an 'unfair disadvantage' under the Act. Rights which are reserved to Union members, such as voting and eligibility for election, are set out in the Union's Bye-laws.
- 6.3 Students who choose not to join the Union and who feel that they have been 'unfairly disadvantaged' may register a complaint and follow the University student complaints procedure which is published on the University website under Important Information.
- 6.4 The Union's Articles of Association allow it to offer alternative categories of membership from time to time, and as appropriate.

## **7. STUDENTS' UNION ELECTION AND OFFICES**

- 7.1 The Union's Bye-laws (Bye-law 3) 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, to enable the Board to satisfy itself that elections are fairly and properly conducted in accordance with the requirements of the Act.
- 7.2 The Union's Articles of Association make 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 Articles of Association state that the Trustees shall comply with the requirements of the 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 Bye-law 10 of the Union's Bye-laws. The University's Finance Director (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 in accordance with the Act. 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. In addition, the Higher Education (Freedom of Speech) Act 2023 requires the University and Union to provide financial information to the OfS, on request, regarding any overseas funding that may present a risk to freedom of speech and academic freedom.
- 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 Union 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 Union 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 not more than 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/complaints/> The University has a complaints procedure available from the University website at <https://www.bournemouth.ac.uk/students/help-advice/important-information>

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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