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CODE OF PRACTICE BETWEEN LANCASTER UNIVERSITY & LANCASTER UNIVERSITY STUDENTS' UNION

PREAMBLE

This document sets out the relationship between the University and LUSU, and in particular how various legal requirements arising from the Education Act 1994 can be met.

The values underpinning this Code of Practice are those of respect and understanding, openness and trust, and mutual support and commitment. The University and LUSU have a shared interest in facilitating an excellent Lancaster student experience. Strategic partnership and understanding are at the heart of the working relationship.

The existence of this code of practice should be drawn to students' attention in various ways for example, on both the University and LUSU websites.

1. RELATIONSHIP BETWEEN THE UNIVERSITY AND LUSU

1.1 The establishment of the Students' Union by the University Statutes

There shall be a Students' Union as described by the University Statutes.
Lancaster University Statute 16A reads as follows:

- 1. There shall be a Students' Union of the University.*
- 2. The constitution of the Students' Union shall be approved by the Council.*

1.2 The main documents relevant to this Statute are this Code of Practice on the Relationship between Lancaster University and Lancaster University Students' Union (LUSU) and the LUSU Constitution.

1.3 The status of LUSU (Lancaster University Students' Union) in relation to Lancaster University.

- 1.3.1** LUSU is legally an unincorporated body, an independent charity that is separate but part of the University and subject to the University's Charter and Statutes.
- 1.3.2** Lancaster University Students' Union is registered charity number 1138622 on the Register of Charities. Its objects are the advancement of the education of students at Lancaster University for the public benefit. These objects are defined in Section 2.2 of the LUSU Constitution.
- 1.3.3** LUSU maintains independence from the University both in its day-to-day operations and strategic vision as long as it adheres to its own governing documents and to the law of the land. LUSU has a responsibility to its student members to challenge University policy where appropriate and to represent students against the University where appropriate. This function is recognised and welcomed by the University.
- 1.3.4** The LUSU Services Company and LUSU Housing Limited are wholly owned subsidiary companies of LUSU. Their plans and accounts are reported as part of the overall processes of approving LUSU plans and reporting LUSU accounts.
- 1.3.5** LUSU is not subject to all the 'public duties' placed upon the University under law. LUSU will, however, endeavour to follow sector good practice.
- 1.3.6** As a registered charity, LUSU may undertake campaigns and political activity only in support of the delivery of its charitable purposes. No registered charity may give support or funding to a political party, a candidate or a politician. The University requires the LUSU Trustees to adhere to the current Charity Commission Guidance on Campaigning and Political Activity by Charities.
- 1.4** **The relationship between the Code of Practice, the LUSU Constitution and other Documents**
- 1.4.1** The Code of Practice is a document that is written and agreed jointly by the University and LUSU. The Constitution is a document written and agreed by LUSU and the student population of Lancaster University. The constitution and changes to it require approval by the University Council.

- 1.4.2 This Code of Practice describes and governs the relationship between the University and LUSU including the University's responsibilities under the 1994 Education Act. Members and staff of LUSU as individuals are, in addition, subject to the University's policies and procedures, such as those relating to discipline, health and safety, etc.
- 1.4.3 The Constitution describes and governs the internal workings of LUSU including the Students' Union's responsibilities under the 1994 Education Act.
- 1.4.4 The Code is equally binding on the University and LUSU. The University recognises and respects the Constitution, which is binding on LUSU. They are separate documents because they describe different aspects of the working of the University and LUSU in respect to each other.
- 1.4.5 The University Council recognises that LUSU referred to in Statute I6A should have the capacity to act independently in the promotion of the collective aspirations of the student body in the field of educational, welfare, cultural, sporting, social and representative matters.
- 1.4.6 The University Council agrees that LUSU should have a constitution, approved by its members, subject to the Charter and Statutes, and the provisions of relevant legislation [specifically the 1994 Education Act], which the University Council shall approve every five years.

2. WRITTEN AND PUBLISHED CONSTITUTION AND BYE LAWS

2.1 Constitution

- 2.1.1 There shall be a written constitution governing the operation of Lancaster University Students' Union. This constitution shall be approved by the University Council in the first instance and any subsequent amendments should be approved by the agreed processes of LUSU and then passed to Colleges and Student Experience Committee for consideration. Major amendments shall then

be passed to the University Council for approval. Minor amendments may be approved by the Chair of the Colleges and Student Experience Committee.

2.1.2 It shall be the responsibility of the LUSU Trustees to make widely available the text of the Constitution, with such amendments as have been approved by the appropriate body.

2.1.3 There is an obligation on the University and LUSU to review this code of practice every five years. The third such review happened over the course of the academic year 2010/2011. As part of that process there will also be a review of the LUSU Constitution. The mechanism for that review will be internal to LUSU but must be reported to Colleges and Student Experience Committee who have an obligation to satisfy itself that the review process is effective and has been properly conducted.

2.2 Bye Laws

2.2.1 LUSU shall also have the power to frame Bye Laws as set out in its constitution. A full set of bye laws shall be published with the Constitution. All Bye Law changes shall be passed to the University Secretary for information. In order to satisfy the obligations on the University Council under the terms of the Education Act 1994, the University Secretary shall agree Bye Laws which are compliance related, namely:

2.2.1.1 Resource Allocation;

2.2.1.2 Elections;

2.2.1.3. Complaints;

2.2.1.4 Full Time Executive Officers (definition of status within the University);

2.2.1.5 Discipline.

2.2.2 In the event of any dispute between the University Secretary and LUSU regarding its Bye Laws, the Colleges and Student Experience Committee shall facilitate parties reaching a resolution.

3. MEMBERSHIP AND NON-MEMBERSHIP

3.1 Definition

There shall be, in the Constitution, a clear definition of those students who are eligible for membership of LUSU, and which form that membership shall take. In addition, the Constitution shall state what rights and entitlements belong to each type of student member.

3.2 Opting out of LUSU membership

3.2.1 Students have the right to opt out of LUSU. It is not possible for a student to opt out of LUSU but remain a member of a Junior Common Room. Students who have opted out of their Junior Common Room remain members of their college.

3.2.2 Students who opt out have no right to vote in any LUSU election, and have no right to representation by elected student representatives. Students who opt out cannot hold student representative positions within the University which are filled by LUSU.

3.2.3 It will be the responsibility of the University to ensure that students who do opt out are not unfairly disadvantaged by their non-membership of LUSU. Students who have opted out of membership of LUSU who wish to express any views on any University matter shall in the first instance put their views in writing to the University Secretary.

3.2.4 Students who have opted out and who believe they have been unfairly discriminated against as a result should complain to the relevant Pro Vice-Chancellor.

3.3 Information on opting out

3.3.1 Information about the right of students to opt out from LUSU membership shall be made known to prospective students through the University prospectus. Information about this right shall also be made known via the LUSU website and Constitution.

4. STRATEGY AND FINANCE

- 4.1** The University Council will attempt to provide sufficient funds which, when taken with trading surpluses made by LUSU, will enable it to sustain a range of activities. Although the University Council believes that this range of activities is desirable, the University Council and LUSU recognise that changes in circumstances may make necessary proposals by either party for changes in the levels of funding. Any such proposals will 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 Council and LUSU. The University may set conditions on its funding.
- 4.2** LUSU shall produce at agreed intervals a Strategic Plan, which will include the plans of any LUSU companies, indicating how it is currently using resources available, and how it sees the future pattern of activities and development necessary to meet the aspirations set out in point 4.1. As part of the development process, LUSU will consult the University through the LU/LUSU Joint Committee.
- 4.3** The annual discussions on funding will lead to budget proposals from LUSU being scrutinised by LU/LUSU Joint Committee and agreed by the Finance Committee. In addition, LUSU will submit to the Finance Committee financial forecasts on a mutually agreed basis.
- 4.4** Appropriate regulations for the financial control of LUSU funds shall be set out and approved by the LUSU Trustee Board. In addition the accounts of LUSU, professionally audited, shall be reported to the University Audit and Finance Committees.
- 4.5.** The Director of Finance and the Internal Auditor shall have a right of access to the financial records of LUSU and shall 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 LUSU is maintaining adequate and effective procedures for financial control. This right of access shall not be exercised unless the Director of Finance has issued a formal notification addressed to the Trustees of LUSU.

5. ELECTIONS AND CONDITIONS OF OFFICE

5.1 Procedure

5.1.1. There shall be a procedure for LUSU elections laid down in the LUSU Constitution and bye laws. This procedure shall contain the following:

5.1.1.1 Responsibility on the part of such individual or group of individuals as LUSU Council deems appropriate for the conduct of LUSU elections (including elections for Full Time Executive Officers, Cross Campus Officers, Junior Common Room Executive Officers and PostGraduate Students ' Association).

5.1.1.2 Clear responsibility for the supervision of the conduct of these elections;

5.1.1.3 The use of secret ballots in elections;

5.1.1.4 A procedure for reporting on the conduct of elections to LU/LUSU Joint Committee.

5.1.2 It shall be the responsibility of the University Secretary (or designate) to provide an Electoral Roll based on LUSU membership, as set out above, identifying members eligible to vote and persons who have opted out of membership.

5.2 Complaints regarding elections

5.1.2 Any complaint regarding elections shall be considered using LUSU's constitutionally determined internal complaints procedures initially and any complaint, which remain unresolved shall be referred to a Pro Vice-Chancellor and then to the complaints panel, as per the Complaints procedure (see section nine, below).

6. FULL TIME EXECUTIVE OFFICERS

6.1 Paid Officers of LUSU

- 6.1.1 There shall be written contracts, job descriptions, terms and conditions of service and disciplinary procedures for Full Time Executive Officers. These contracts shall be adopted as bye laws to the LUSU Constitution. It should be understood that the Full Time Executive Officers are paid officers of LUSU. They are subject to University regulations and disciplinary procedures as students. As Full Time Executive Officers they are subject to LUSU procedures of investigation and censure as set out in the Constitution.
- 6.1.2 No individual can hold Full Time Executive Office or paid elected LUSU office for more than two years in total at Lancaster University.
- 6.1.3 They shall be elected by cross-campus ballot of all full members of the Union as required by the Education Act 1994.

7. PROCEDURE FOR AFFILIATING TO OUTSIDE ORGANISATIONS

- 7.1 The procedure for affiliation to external organisations is set out in section 15 of the Constitution. The list of approved affiliations with details of any subscription or fee or donation paid to external organisations in the past year should be submitted for information to LU/LUSU Joint Committee and published in LUSU's Annual Report.

8. LUSU STAFF

8.1 Principal Permanent Official

The Principal Permanent Official is the Chief Executive. They are appointed by the process set out below in section 8.1.1 of this code. They act as Head of Department for the appointed staff of LUSU. They appoint deputies to act in their absence.

- 8.1.1 The Chief Executive will be appointed by a special joint University/ LUSU committee consisting of equal numbers of University nominees and LUSU nominees; the Chair will be a lay member of University Council, nominated by

the LUSU Full Time Executive Officers. There shall be a minimum of one Trustee from every category of Trustee Board member as part of the Appointment Panel.

- 8.1.2 No instruction shall be given to the Chief Executive or other LUSU 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.
- 8.1.3 It shall be the responsibility of the Trustees of LUSU to agree annually, in June, a detailed set of priorities for the year ahead and provide these to the Chief Executive. These priorities will form the basis of annual review objectives.
- 8.1.4 Performance against the current year's priorities shall be reported at the same time by the Trustees to the Pro Vice Chancellor responsible for the PDR of the Chief Executive and any relevant discretionary remuneration recommendation made.
- 8.1.5 The Trustees shall establish a sub group, with delegated authority, consisting of the President, President-elect and an external Trustee in order to carry out the above roles.

9. COMPLAINTS

9.1 Procedures and principles

- 9.1.1 LUSU shall have a complaints procedure laid down in its constitution, which shall contain the following:
- 9.1.1.1 A clear procedure for making a complaint about LUSU internally, avoiding conflicts of personal interest, and measure which LUSU bodies are empowered to take to rectify the causes of any complaint which is upheld;
- 9.1.1.2 Clear schedules for maximum periods in which this must take place.
- 9.1.1.3 Responsibility on the part of an individual or group of individuals for reporting the matter to LUSU Council and the appropriate University Committee.

- 9.2.1 Complaints regarding members of staff of LUSU shall be dealt with in accordance with this Code, but in the spirit of Section 16 of the LUSU Constitution.
- 9.2.1.1 Complaints in the first instance should be addressed to the LUSU Chief Executive who will deal with the matter according to University procedures.
- 9.2.1.2 Complaints against the Chief Executive should be addressed to the Pro Vice Chancellor with responsibility for the oversight for the role of the Chief Executive.

10. OPERATIONAL RELATIONSHIP

- 10.1 The University and LUSU are committed to a two-way process of consultation on issues of importance to the student body. Respect for the position of others should be the norm and should be expressed both in the language used and the attention paid to the views of others.
- 10.2 At all times University and LUSU officers agree to work to resolve inevitable differences in as constructive a way as possible; this includes informal channels of communication, such as the LUSU/Senior Officers Meetings, and special meetings of LU/LUSU Joint Committee if necessary. Particular responsibility devolves on all members and officers of LU/LUSU Joint Committee in this respect as it is recognised disputes are damaging and divisive.
- 10.3 The University accepts that changes in policy may occur when the Full Time Executive Officer team at LUSU changes, but expects successive student administrations in LUSU to ensure that there is briefing and continuity about on-going issues.
- 10.4 **SCAN**
- 10.4.1 Is the official newspaper of LUSU, independently edited by a Full Time Executive Officer who is accountable to LUSU Council and General Meetings. The paper is published by LUSU and there shall be an agreed risk management process involving the editor, trustees, and the unions' solicitor to avoid libel, or other legal difficulties.

10.5 Relationship of LUSU and the University

10.5.1 LUSU and its staff and officers acknowledge certain responsibilities to the University, including not to bring the name of the University into disrepute. LUSU and its staff and officers confirm that, in dealing with third party organisations, they will ensure there is clarity about the extent to which agreements and statements made by or on behalf of LUSU do or do not entail an agreement with the University.

10.6 Responsibilities of Individual Members of LUSU: University Name

10.6.1 LUSU staff and officers who are students are subject as individuals to the University Rules and related disciplinary procedures and are expected to observe the Rules in all areas of their work with LUSU. *Inter alia* the following Rule should be followed in all matters relating to LUSU business: “[It is not permitted to] use the name of the University or a part of the University without authority in such a way as to indicate or imply that all or any part of a publication, document, letter or statement to the press or any other public statement has the official support of the University or a part of the University”.

10.7 Clubs and Societies

10.7.1 Clubs and societies are independent bodies set up by students and run by them. These bodies can affiliate to LUSU under the Constitution. They are not integral parts of LUSU, however. LUSU regulates the activities of these affiliate bodies in line with the Constitution and bye laws, in particular to ensure health and safety and proper financial procedures. Employees of the clubs and societies are employees of LUSU. LUSU and the University will have responsibility to ensure that clubs and societies follow institutional and JANET acceptable use policies, depending on whether the websites are on the LUSU or the LU server.

10.8 As LUSU membership is derived from University registration status, the University will incorporate LUSU into its data protection statements, so that member information can be shared between the University and LUSU for facilitation of the student experience (primarily via LUSI).

10.9 LUSU does not fall within the scope of any Freedom of Information requests made to the University.

11. RESPONSIBILITY FOR OPERATION OF THE CONSTITUTION AND CODE OF PRACTICE

11.1 Implementation of the Code

The Officer Trustees (on behalf of the Trustee Board) and the Chief Executive with the Pro Vice-Chancellor and appropriate senior administrative officers shall be responsible for ensuring that LUSU and the University implement this Code of Practice as required by the Education Act 1994.

11.2 Proper Running of LUSU and Responsibility for All Aspects of its Well-Being, Including Duty Of Care, Health And Safety And Financial Propriety.

11.3 This shall be the responsibility in particular of the LUSU Trustee Board; in discharging this they are entitled to ask for, and expect assistance and co-operation, from all other officers, members and staff of LUSU, and other members and officers of the University.

11.4 Either the University Council or LUSU may, after giving reasonable notice, propose changes to these arrangements.

12. GLOSSARY AND DEFINITIONS

In this Code of Practice, the LUSU Constitution and in all Bye Laws made hereunder, unless the context otherwise requires, the following expressions shall have the meaning hereby assigned to them:

'ASSOCIATE MEMBER' means an associate member of Lancaster University Students Union as defined by Section 3 of the LUSU Constitution.

'CHIEF EXECUTIVE' means the Chief Executive of Lancaster University Students' Union.

'CONSTITUTION' means the constitution of Lancaster University Students' Union as amended from time to time.

'FINANCIAL YEAR' means the yearly period (1 August to 31 July) for which accounts and financial affairs of Lancaster University Students' Union are drawn up and calculated.

'FULL MEMBER' means a full member of Lancaster University Students' Union as defined by Section 3 of the LUSU Constitution.

'JCR EXEC OFFICER' means a member of Lancaster University Students' Union JCR/PGSA Executive Committees.

'LANCASTER UNIVERSITY FINANCE COMMITTEE' means the Finance Committee of Lancaster University

'LU/LUSU JOINT COMMITTEE' means the University and the Students' Union Joint Committee

'LUSU' mean Lancaster University Students' Union including its standing committees, the JCR eXECs/PGSA and LUSU affiliated clubs and societies.

'LUSU COUNCIL' means the Union Council of Lancaster University Students' Union comprising the roles set out in Section 8.5 of the LUSU Constitution.

'LUSU EXECUTIVE' means the Executive Committee of Lancaster University Students' Union

'LUSU STAFF' means a person employed to work under the direction of the LUSU Chief Executive.

'PRO-VICE-CHANCELLOR' means a Senior Academic Officer empowered to act by the Vice-Chancellor on their behalf acting with full-delegated responsibility.

'SABBATICAL LEAVE' means paid leave of absence from full time study of Officers of Lancaster University Students' Union.

'SCAN' is the official newspaper of Lancaster University Students' Union.

'TERM OF OFFICE' means the period of time during which an Officer serves between two elections for that post.

'TRUSTEES' mean the individual members of the LUSU Trustee Board holding the offices as defined by Section 7 of the LUSU Constitution

'TRUSTEE BOARD' means the Trustee Board of Lancaster University Students' Union as set out in the Constitution

'UNIVERSITY' means the University of Lancaster.

'UNIVERSITY COUNCIL' means the Council of the University of Lancaster.