

## **COURT OF EDINBURGH NAPIER UNIVERSITY**

### **CODE OF PRACTICE RELATING TO THE OPERATION OF THE STUDENTS' ASSOCIATION**

#### **Introduction**

The University Court is required by section 22(1) of the Education Act 1994 (“the 1994 Act”) to take such steps as are reasonably practicable to ensure that the body that has been constituted as the Students’ Association of Edinburgh Napier University, Edinburgh Napier Students’ Association (hereinafter referred to as “the Association”), operates in a fair and democratic manner and is accountable for its finances.

Section 22 of the 1994 Act imposes various other requirements on the University Court with regard to the Association, including the requirement to prepare and issue, and when necessary revise, a Code of Practice setting out in relation to each of the requirements, details of the arrangements made to secure its observance.

This Code of Practice sets out the arrangements that are to be made in order for the Association and the University Court to comply with the requirements of section 22 of the 1994 Act.

#### **1. Constitution**

- a) The Association shall have a written Constitution
- b) The provisions of the Constitution are subject to approval by the University Court and to be reviewed by the University Court at intervals of not more than five years, or at the request of the Association

#### **2. Membership**

Each matriculated student has an automatic right to be a member of the Association and to enjoy the rights and privileges of membership as detailed in the Constitution and Schedules. Each student also has the right not to be a member of the Association.

#### **3. Non-Members**

- a) A student who does not wish to join the Association must notify the Association in writing.
- b) Students who do not wish to exercise their right to become members of the Association should not be unfairly disadvantaged with regard to the provision of services or otherwise, by reason of having done so.
- c) Students who have opted not to become members of the Association will be granted Associate Membership and allowed access to all the services provided by the Association.

#### **4. Appointment to Major Offices**

Appointment to the undernoted sabbatical positions shall be by election in a secret ballot in which all members are entitled to vote.

President (Societies and Community)

Co-President (Education and Employability)

Co-President (Sports and Student Wellbeing).

#### **5. Elections**

a) Elections will be conducted in accordance with the arrangements set out in Schedule 4 of the Association's constitution.

b) A member of senior University staff will act as returning officer and shall be satisfied that the elections are fairly and properly conducted.

#### **6. Term of Office of Sabbatical Officers**

A person shall not hold sabbatical office, or paid elected office, for more than two years in total.

#### **7. Financial Accountability**

The Association is accountable for its finances and shall conduct its financial affairs in accordance with its financial regulations and procedures as approved by its Trustee Board and in accordance with the provisions of the Financial Memorandum between the University and the Association, which should be reviewed by the University Court at intervals of not more than five years. The following requirements must be observed:

a) The audited Annual Accounts and Report of the Association will be submitted to the University Court and presented at an AGM of the Association.

b) The Association's budget will be set and monitored in accordance with the requirements of the Financial Memorandum which sets out the requirements to be followed as part of the University's annual planning and budgeting process and will form part of the budget submission presented to the University Court for approval.

c) The Annual Accounts of the Association should include a list of the external organisations to which donations have been made during the period covered by the Annual Accounts together with details of those donations.

#### **8. Procedure for Allocating Resources to Clubs and Societies**

The procedure by which the Association allocates its resources to clubs and societies should be fair and should be set down in writing and be freely accessible to all students.

#### **9. Affiliations to External Organisations**

a) If the Association 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 payment to be made to the organisation.

Any such notice must be made available to the University Court and to all students.

b) Where the Association is affiliated to any external organisation, a report should be published annually or more frequently containing:

i) a list of the external organisations to which the Association is currently affiliated; and

ii) details of subscriptions or similar fees paid, or donation made, to such organisations in the past year (or since the last report).

c) Affiliations to external organisation should be reviewed in accordance with the arrangements in sub-paragraphs (i) and (ii) below:

i) the current list of affiliations should be submitted for approval by members annually or more frequently; and

ii) the question of continued affiliation to any particular organisation may be decided by a motion, raised by at least 100 members, and passed at a quorate Annual General Meeting of the Students' Association.

## **10. The Association's complaints procedure**

The Association will have a complaints procedure that is available to all students or groups of students who:

- a) are dissatisfied with their dealings with the Association: or
- b) claim to be unfairly disadvantaged by reason of having exercised the right not to be members of the Association.

The Association's complaints procedure shall include a right of appeal by a student, or group of students, to the Secretary to Court (or their nominee). The Secretary to Court may decide, having regard to any representations made by a student, or group of students, and the Association, to appoint an independent person to determine the appeal.

The Association will have a complaints procedure for complaints by a non-student, or a group of non-students, who allege that the Association has breached the requirements of section 22 of the 1994 Act. The Association shall notify the Secretary to Court, as soon as reasonably practicable, of such a complaint and the steps that it intends to take to investigate and determine the complaint. Thereafter, the Association will provide the Secretary to Court with sufficient information for the University Court to determine whether the Association has complied with the requirements of section 22 of the 1994 Act. In the event that the Secretary to Court

requests further information from the Association in order to fulfil its obligations under this section, the Association will provide the Secretary to Court with this information as soon as reasonably practicable.

The Association's complaints procedure in relation to complaints by a non-student, or group of non-students, that allege that the Association has breached the requirements of section 22 of the 1994 Act, shall include a right of appeal by a non-student, or group of non-students, to the Secretary to Court (or their nominee). The Secretary to Court may decide, having regard to any representations made by a non-student, or group of non-students, and the Association, to appoint an independent person to determine the appeal.

The aforesaid complaints procedures shall explain that they do not prevent a student or non-student from exercising their right to make a complaint regarding the Association to the Office of the Scottish Charity Regulator.

#### **11. Publication of the Code of Practice**

Students should be made aware of the Code of Practice at the time of matriculation. The Code of Practice will be published on the University website. Students should review the Code annually at the Students' Association AGM. The Code of Practice is subject to revision by the University Court from time to time.

**Approved by University Court: 2 November 2020**