CODE OF PRACTICE REGARDING THE IMPLEMENTATION OF THE EDUCATION ACT 1994 - PROVISIONS RELATING TO STUDENTS' UNIONS

1. Introduction
Section 22 of the Education Act 1994 requires that the governing body of every establishment to which that part of the Act applies shall take such steps as are reasonably practicable to secure that any students' union for students at the establishment operates in a fair and democratic manner and is accountable for its finances.

2. Constitution of Dundee University Student Association (DUSA)
As required by the Act, DUSA has a written constitution, which is available to all members. The constitution and any amendments thereto are subject to approval by the University Court. The constitution will be submitted to the Court for review at intervals of not more than five years.

3. Right to Opt Out of Membership
Students have the right to notify the University that they wish to opt out of membership of DUSA at any time during the academic year. Once a student has opted out, that will hold good for the remainder of the academic year. Students who opt out will be informed of the consequences in relation to services and given a distinctive matriculation card. DUSA will be notified of all decisions to opt out so that its membership records can be kept up-to-date.

A brief statement about the right to opt out of membership of DUSA will appear in the information for new students issued each year by the Registry, referring enquirers to the Secretary of the University.

Also, the right of students to opt out of membership of DUSA will be referred to in the notices displayed during matriculation and on each party's respective website.

4. Consequences of Opting Out
Any student who chooses to opt out of DUSA

(a) shall not be deemed to be an ordinary student member of DUSA and shall not be eligible for associate membership;

(b) shall not be able to use licensed facilities in DUSA buildings (unless introduced as a guest);

(c) shall not be able to participate or vote in general meetings, elections or referendums of DUSA;

(d) shall not be able to hold office within DUSA.

Any student who opts out shall, however,

(a) be liable to pay any higher subscription rate to be a membership of student societies which may be generally applicable to non-members of DUSA;
(b) be able to participate in work of departmental student/staff liaison committees;

(c) have full access to DUSA shops and other non-licensed premises.

5. Election to Major Union Offices
The constitution of DUSA shall continue to provide that appointment to major union offices should be by election in a secret ballot at which all ordinary student members are entitled to vote.

The University, in consultation with DUSA and the Election Liaison Committee, shall continue to appoint Returning Officers to oversee elections and ensure that they are fairly and properly conducted. The Court may require, as it considers necessary, a report from a Senior Returning Officer.

No one should serve as a sabbatical or paid elected officer for more than two years.

6. Financial Affairs of DUSA
The management of the Association's financial affairs shall continue to be vested in a Board of Trustees consisting of the Executive and six other persons approved by the SRC of the University. University Court must be informed of any new additions to DUSA's Board of Trustees.

The Board of Trustees will appoint a Financial Manager who has the power to draw to the attention of Court any matter within his or her terms of reference.

Financial reports should be published annually, or more frequently, and made available to the Court and all students.

Those reports should include a list of the external organisations to which DUSA has made donations in the periods to which such accounts or reports relate.

The procedure for allocating resources to groups or clubs should be fair, written down and accessible to all students.

7. Affiliations
With regard to new affiliations, DUSA will publish notice of any intention to affiliate to an external organisation in The Magdalen (or its successor) and by letter to the Secretary of the University, giving details of the name of the organisation and any subscription, fee or donation which may be proposed. If no constitutionally-competent objection is received within two semester-time weeks, the affiliation will go ahead.

A list giving details of all current affiliations as required by the Act will be included in the DUSA Annual Report, and submitted for approval to the Annual General Meeting of DUSA.

A ballot on continued affiliation may be held in accordance with the procedures as to elections and referenda laid down in the DUSA constitution. A referendum may be held by decision of a General Meeting requisitioned by not less than 100 members, decision of the Student Representative Council or on receipt of a petition to the DUSA Executive signed by 125 members.

8. Complaints Procedure
Students who are dissatisfied in their dealings with DUSA should submit a written complaint, via letter or email, to the DUSA President in the first instance. Should the complaint be regarding the DUSA President, the complaint should be submitted to the DUSA General Manager.

If you feel as a student that you have been unfairly disadvantaged by exercising your right to opt out of membership of DUSA or if you are not satisfied with the outcome of a complaint you have made to the DUSA President, you may make a complaint in writing to the University using Stage 2 of the University's own complaints handling process (CHP).

Details of this CHP are found on the University's website along with a style complaints form to help you focus on the important elements you want looked into in your complaint (http://www.dundee.ac.uk/academic/dca/complaints/index.htm).

Complaints should be made to complaintsresolution@dundee.ac.uk or addressed to the Directorate of Policy, Governance and Legal Affairs. The University will appoint a Complaints Investigator to consider your complaint and make a decision on it.

Should you remain dissatisfied with that decision then you are entitled to write to the Scottish Public Services Ombudsman and further details are contained in the CPH regarding this.

9. Charities Law
The University will bring to the attention of students any restrictions imposed on the activities of DUSA by the law relating to charities. Such obligation on the University's part, however, shall not in any way diminish the duty of DUSA's own auditors in this regard.

10. Freedom of Speech
The Education Act 1986 sets out obligations on individuals and bodies concerned in the government of universities to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers. Although the provisions of the Act do not formally apply to institutions of higher education in Scotland, DUSA has put in place arrangements to ensure that such freedom of speech is secured, via their conditions of let to societies of University and Association premises.

11. Dissemination to Students
This Code of Practice shall be made widely available to the student body of the University.