

JCR / MCR Governance

Code of Practice

The Education Act 1994 sets out various requirements of Student Unions (in Hertford's case this covers two bodies – the JCR and the MCR), and the institutions of which they are a part. Broadly, the Act requires that:

“The governing body of every establishment 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.”

The Act goes on to set out in detail what this means in practice in a number of particular areas, and requires that:

“The governing body of every establishment shall prepare and issue, and when necessary revise, a code of practice as to the manner in which the requirements set out above are to be carried into effect in relation to any students’ union for students at the establishment, setting out in relation to each of the requirements details of the arrangements made to secure its observance.”

This document describes Hertford's code of practice. It does so by laying out the specific provisions that will be made to address each requirement created by the Act.

Constitution

The College will ensure that the JCR/MCR shall have a properly constructed, written constitution by requiring the JCR/MCR to submit such for review and approval to the Governing Body at regular intervals of not less than five years.

As part of that review, the Governing Body shall consider the broad demands of the Act, and satisfy itself that the following particular requirements are met:

- The constitution is in a clear, understandable, written form.
- That any student that so wishes has the right NOT to be a member of the JCR/MCR, and that there are processes in place to support this choice.
- That any students who exercise this right are not unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so.
- That the procedures for allocating resources to groups or clubs are clear and fair.

Any proposed change to the JCR/MCR constitution must be submitted for review and approval by the governing body, and shall not be valid until it has received such approval.

Approval will be confined to a confirmation that the proposed constitution complies with relevant legislation, and does not contravene or conflict with any College policies.

Elections

The governing body shall satisfy themselves that any JCR/MCR elections are fairly and properly conducted by requiring the JCR/MCR to lodge a summary report subsequent to each election, which shall be available for scrutiny by the governing body. This report shall set out the details of candidates, the election process followed, the JCR/MCR officers who conducted any count, and the final results recorded (to include a breakdown of votes cast and counted). The report shall be submitted and signed by at least two members of the JCR/MCR governing executive, and shall certify that the election was held in accordance with the constitutional provisions or standing orders for the time being.

Specific provisions that MUST be adhered to (and certified) include that any election to an executive / committee position of the JCR/MCR must be via a secret ballot in which all JCR/MCR members were entitled to vote, except where specific provision has been made in the relevant (approved) constitution to create one or more minor posts to which appointment may be made by the elected committee.

Finances

The Governing body shall satisfy themselves that the financial affairs of the JCR/MCR are properly conducted in the following ways:

Requiring the JCR/MCR to submit financial of the JCR/MCR annually for review, and requiring evidence from the JCR/MCR that these have also been made available to all members. These reports must include as a minimum:

- A breakdown of all income and expenditure.
- A list of the external organisations to which the union has made donations in the period to which the report relates, and details of each donation.
- A budget for the following year.
- A list of any external organisations to which the union is currently affiliated, with details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report).

The continuation of funding provided by College to the JCR/MCR shall depend upon the JCR/MCR's ongoing compliance with all obligations set out in this code of practice. Any significant breaches or failures in this regard may result in such funding being suspended until such time as compliance has been re-established.

Affiliations

Whenever the JCR/MCR decides to affiliate to an external organisation, it should publish notice of its decision to governing body and all members of the JCR/MCR stating:

- The name of the organization
- 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.

Annually, the JCR/MCR should review affiliations to external organisations, and establish the approval of its members for any continued affiliations. This approval must be recorded and confirmed to the governing body.

The JCR/MCR must have in place (and make its members aware of) procedures whereby a secret ballot on continued affiliation to any organisations is held if requested by 5% or more of the JCR/MCR members, and must confirm annually to the governing body the details of any such ballots held under those procedures (including a nil return).

Complaints

Any student may raise a complaint regarding the conduct of, or their treatment by, the JCR/MCR.

Ordinarily, the student should raise any concerns with a JCR/MCR official in the first instance.

Where a student feels that a response to such an approach is not acceptable, or in the case that there is some reason they do not feel able to approach a JCR/MCR official, they may consult the Dean.

The Dean shall have the power to deal with the matter, including any negotiation of any mitigation for the complaint between the student and the SU.

Where either the student or the JCR/MCR is not satisfied with the outcome of such a process, or where the Dean determines it is required in any case, the matter may be referred to an independent person appointed by the governing body to investigate and recommend any appropriate action back to the governing body for approval or amendment as it sees fit.

Once a matter has been determined by the governing body in this way, there shall be no further right of appeal.

Communication

The governing body shall bring to the attention of all students, at least once a year:

- The code of practice relating to JCR/MCR Governance currently in force.
- Any restrictions imposed on the activities of the JCR/MCR by the law relating to charities.
- The provisions of section 43 of the **M1** Education (No.2) Act 1986 (freedom of speech in universities and colleges).

- The right of all students not to be a member of the JCR/MCR, and any provisions made for those who so elect.

Engagement of Governing Body

For the purposes of reporting, and making submissions to governing body, the JCR/MCR should first consult the Bursar, who will provide any required guidance, and arrange for any proposals and reports to be incorporated in relevant committee business, for subsequent review / approval at a meeting of the governing body.