

## Students' Union Code of Practice

### Introduction

The 1994 Education Act ("the Act") requires university governing bodies to take reasonable and practicable steps to ensure that the students' union operates in a fair and democratic manner and is accountable for its finances. This Code of Practice responds to the requirements of the Act and how they will be implemented.

The College Council is the governing body of RHUL, which is ultimately responsible for implementing and monitoring adherence to this Code. The Code applies to staff and students of the College, and to the RHUL Students' Union and its staff and officers.

The College Students' Union (SURHUL) is established by Statute 23 of the College Statutes. It is an unincorporated charity established under the Education Act 1994 and has been registered with the Charity Commission since 19<sup>th</sup> May 2011 (No. 1141998). As a charity SURHUL must comply with the requirements of the Constitution and charity law, particularly the completion of an Annual Return and annual financial statements. The Trustee Board is also responsible for safeguarding the assets and ensuring their proper application in accordance with charity law.

Requirement of Section 22, Education Act 1994	Response and responsibilities
<p><b>22(1)</b> The governing body of every establishment to which the part 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 responsible for its finances.</p>	<p>The College Council is the governing body of RHUL and approves SURHUL's constitution and issues this Code of Practice.</p>
<p><b>22(2)</b> The governing body shall in particular take such steps as are reasonably practicable to secure that the following requirements are observed by or in relation to any students' union for students at the establishment.</p>	<p>The Students' Union makes an Annual Report on its activities to the Council.</p> <p>See responses below.</p>
<p><b>22(2)(a)</b> The union should have a written constitution.</p>	<p>SURHUL has a written constitution and it is the responsibility of the SURHUL President, Union Chair and Democracy Officer to ensure it is up to date and publicly accessible, normally through publication on the SURHUL website.</p>
<p><b>22(2)(b)</b> The provisions of the constitution should be subject to the approval of the governing body and to review by that body at intervals of not more than five years</p>	<p>The College Council last approved the constitution on 28<sup>th</sup> March 2012.</p> <p>The next review / approval of the SURHUL constitution by College Council shall take place no later than 27<sup>th</sup> March 2017.</p> <p>The Registrar and Secretary is responsible for</p>

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	<p>ensuring SURHUL are aware of the date by which the review is due. The Registrar and Secretary and the SURHUL President will agree a review timetable to ensure such review accommodates meeting dates of both the College Council and SURHUL General Meeting.</p> <p>The SURHUL President is responsible for implementing the review and ensuring appropriate SURHUL and College approval.</p> <p>No change to the Constitution Proper and Schedules proposed by SURHUL at any time shall be effective until approved by the College Council.</p>
<p><b>22(2)(c)</b> A student should have the right -          (i) not to be a member of the union, or          (ii) in the case of a representative body which is not an association, to signify that he does not wish to be represented by it, and students who exercise that right should not be unfairly disadvantaged, with regard to the provision of services or otherwise, by reason of their having done so.</p>	<p>All registered full-time and part-time students are automatically members of SURHUL unless they choose to opt out. If a student decides not to be a member of SURHUL they cannot stand for elective or appointed offices or vote in any election or meeting connected with SURHUL. However, they may enjoy all the other rights and privileges associated with full membership as follows:          a) Attend and speak at General Meetings,          b) Make use of any services and facilities of SURHUL          c) Hold ordinary membership of clubs and societies recognised by SURHUL, in accordance with their own constitutions          d) Attend all SURHUL committees as observers where permitted by the Constitution and Regulations.</p> <p>To opt out of the democratic process of SURHUL a student must either inform the President in writing or use the opt-out option during College enrolment at the beginning of each academic year. The opt out procedure is publicised in the SURHUL constitution and this Code of Practice.</p> <p>A list of non-members is kept by the SURHUL General Manager.</p>
<p><b>22(2)(d)</b> Appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote</p>	<p>Annual elections take place to elect the Sabbatical and Student Trustees of SURHUL and other major positions, which are open to all SURHUL members. Elections are by a secret ballot in which all members are entitled to vote.</p>
<p><b>22(2)(e)</b> The governing body should satisfy themselves that the elections are fairly and properly conducted</p>	<p>The election procedures are summarised in the SURHUL constitution which is approved by Council. Regulation B sets out detailed election procedures.</p> <p>An NUS representative acts as Senior Returning</p>

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	<p>Officer in the elections. Their report is forwarded to the NUS who will confirm if elections are being run in a fair and democratic manner.</p> <p>The election complaints procedure is outlined in the SURHUL Constitution, Regulation B. Appeals or complaints about the conduct of any election will ultimately be dealt with via the College Head of Support and Advisory Services or via an independent review (with the reviewer appointed by Council) whose decision would be final.</p> <p>The President of SURHUL will, at the request of the Council or the Registrar and Secretary, provide a written report on the conduct of elections.</p>
<p><b>22(2)(f)</b> A person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment</p>	<p>A person cannot hold a sabbatical union office or paid elected union office for more than two years in total.</p> <p>The SURHUL Trustee Board is responsible for retaining a list of sabbatical appointments as evidence.</p>
<p><b>22(2)(g)</b> The financial affairs of the union should be properly conducted, and appropriate arrangements should exist for the approval of the union's budget, and the monitoring of its expenditure, by the governing body</p>	<p>College Council oversees SURHUL finances via the College Finance Committee, which requires reports of income and expenditure from the President and General Manager.</p> <p>The annual budget is approved by the Finance Committee and the SURHUL General Meeting in advance of the financial year to which it relates.</p> <p>It is the responsibility of the SURHUL Finance Manager to ensure that the accounts are annually audited by an external provider.</p>
<p><b>22(2)(h)</b> Financial reports of the union should be published annually or more frequently, and should be made available to the governing body and to all students, and each such report should contain, in particular; 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</p>	<p>It is the responsibility of the SURHUL General Manager to ensure that the SURHUL financial accounts are published at least once in each academic year, normally via the SURHUL website.</p> <p>The financial accounts and / or reports are scrutinised by the College Finance Committee. Such reports contain details of donations made to external organisations as required by this section of the Act.</p>
<p><b>22(2)(i)</b> The procedure for allocating resources to groups or clubs should be fair and should be set down in writing and freely accessible to all</p>	<p>The procedures for the allocation of funds to SURHUL clubs and societies are set out in the activities section of the SURHUL website. The Vice-President (Student Activities) is responsible for the</p>

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students	Student Activities Budget and procedures.
<p><b>22(2)(j)</b> If the union decide 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 proposed to be made, to the organisation, and any such notice should be made available to the governing body and to all students.</p>	<p>SURHUL publishes details of any subscriptions, fees or donations paid to any organisations to which it has decided to affiliate at each Annual General Meeting.</p>
<p><b>22(2)(k)</b> Where the union is affiliated to any external organisations, a report should be published annually or more frequently containing a list of the external organisations to which the union is currently affiliated, and details of subscriptions to similar fees paid, or donations made, to such organisations in the past year or since the last report, and such reports should be made available to the governing body and to all students.</p>	<p>A list of the external organisations to which SURHUL is affiliated is included in the published annual accounts which are submitted to the College Finance Committee. It is the responsibility of the SURHUL President to provide a copy of the list to the Registrar and Secretary at least once every academic year.</p> <p>The College Council and the SURHUL Annual General Meeting is provided with a report from the SURHUL President which includes SURHUL participation in affiliated bodies.</p>
<p><b>22(2)(l)</b> There should be procedures for the review of affiliations to external organisations, under which the current list of affiliations is submitted for approval by members annually or more frequently, and at such intervals of not more than a year as the governing body may determine, a requisition may be made by such proportion of members (not exceeding 5%) as the governing body may determine, 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.</p>	<p>Written procedures for the review of affiliations to external organisations are included in the SURHUL Constitution.</p> <p>The SURHUL membership reviews affiliations to external organisations at the Annual General Meeting.</p> <p>Additionally, 3% of the membership may request a secret ballot to decide whether a particular affiliation should be continued. No more than one ballot can be held in each academic year.</p>
<p><b>22(2)(m)</b> There should be a complaints procedure available to all students who are dissatisfied in their dealings with the union, or claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c) above, which should include provision of an</p>	<p>Students or groups of students have the right to complain if they are dissatisfied by their dealings with SURHUL or if they feel they have been unfairly disadvantaged by reason of having exercised their right not to be a member of the Union.</p> <p>The complaints procedure is the responsibility of the SURHUL President and is published, normally on the</p>

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<p>independent person appointed by the governing body to investigate and report on complaints.</p>	<p>SURHUL website.</p> <p>The procedure includes appeals to the College Head of Support and Advisory Services and where appropriate to an independent review. The reviewer will be appointed by Council, and their decision is final. The outcomes of independent reviews are reported to College Council.</p>
<p><b>22(2)(n)</b> Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.</p>	<p>The SURHUL complaints procedure includes time limits for response and investigation, and requires that any investigating officers or panels have no interest or had prior involvement with the matter.</p>
<p><b>22(3)</b> The governing body of every establishment to which this Part applies shall for the purposes of this section 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.</p>	<p>The Registrar and Secretary is responsible for ensuring that this Code of Practice is accurate, implemented, published and reviewed.</p>
<p><b>22(4)</b> The governing body of every establishment to which this Part applies shall as regards any students' union for students at the establishment bring to the attention of all students, at least once a year;</p> <p>a) The code of practice currently in force under subsection (3)</p> <p>b) Any restrictions imposed on the activities of the Union by the law relating to charities, and</p> <p>c) Where the establishment is one to which section 43 of the Education (No.2) Act 1986 applies (freedom of speech in universities and colleges), the provisions of that section, and of any code of practice issued under it, relevant to the activities or conduct of the union.</p>	<p>This Code of Practice is approved by the Council of RHUL and agreed with the SURHUL Board of Trustees. It is published by both RHUL and SURHUL, normally via their websites. Copies are also available on request from the Office of the College Secretary. The Academic Registrar is responsible for ensuring this Code is brought to the attention of all students during enrolment.</p> <p>Appendix 1 to this Code of Practice outlines restrictions imposed by charity law on SURHUL activities.</p> <p>The College has a Freedom of Speech Policy which is published on the student pages of the RHUL website.</p> <p>Both this Code of Practice and the Freedom of Speech Policy are the responsibility of the Registrar and Secretary.</p> <p>The SURHUL President is responsible for ensuring that this Code of Practice and appendix 1 brought to the attention of students each academic year.</p>

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<p><b>22(5)</b> The governing body of the establishment to which this Part applies shall bring to the attention of all students, at least once a year, and shall include in any information which is generally made available to persons considering whether to become students at the establishment;</p> <p>a) Information as to the right referred to in subsection (2)(c)(i) and (ii), and</p> <p>b) Details of any arrangements it has made for services of a kind which a students' union at the establishment provides for its members to be provided for students who are not members of the union.</p>	<p>Information about opting out of full membership of SURHUL will be brought to the attention of students during enrolment. This is the responsibility of the Academic Registrar.</p>
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<b>Approved by:</b>	Council
<b>Date:</b>	20 <sup>th</sup> March 2013
<b>Review date:</b>	No later than June 2017

## **Students' Union Code of Practice (continued)**

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### **Appendix 1; Restrictions imposed by the law relating to charities**

*The following is based on Charity Commission Guidance CC9 – Speaking out Guidance on Campaigning and Political Activity by Charities.*

Charities must be established for charitable purposes, as defined in the Charities Act 2006. All purposes must be exclusively charitable; it cannot have some purposes which are charitable as well as others which are not. Purposes cannot be political, although political activity and campaigning can be carried out in order to support charitable purposes.

#### **Charities can:**

- Engage in activities that support the delivery of its' charitable purposes
- Can campaign for change in law, policy or decisions which would support the charity's purposes, including ensuring that existing laws are observed.
- Support specific policies advocated by political parties which would help achieve its charitable purposes
- Must stress its independence and ensure that any involvement it has with political parties is balanced.

#### **Charities cannot:**

- Engage in political campaigns that are the sole activity of the charity for an unreasonable period.
- Cannot exist for a political purpose, i.e. any purpose directed at furthering the interests of any political party, or securing or opposing a change in the law, policy or decisions either in this country or abroad.
- Must not give support or funding to a political party, candidate, politician or similar.
- Become a vehicle for the expression of the political, religious or similar views of any individual trustee or staff member

#### **For example:**

A charity can campaign for or against a bill progressing through Parliament, if this can be reasonable expected to support the delivery of the charitable purposes. It may comment on possible changes to the law or proposed policy, and can debate the issue. It can also promote the need for new legislation and can do what any individual may acceptably do, i.e. can write to or meet government ministers explaining concerns, brief MPs, and supporters to help, but must not incite people to violence or defame people.

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### Appendix 2; Schedule of Key Actions

Section	Action	Responsibility of	Record
N/A	Ensure incoming sabbatical officers are aware of this Code of Practice and responsibilities	Registrar and Secretary	
22(2)(a)	Ensure SURHUL constitution is accurate and published	SURHUL President and Union Chair	
22(2)(b)	Initiate review of SURHUL constitution	Registrar and Secretary	
	Develop review timetable	Registrar and Secretary with SURHUL President	
	Implement review and ensure documents are approved as appropriate	SURHUL President	
22(2)(c)	Maintain a list of students who have opted out of full SURHUL membership		Register of non-members
22(2)(f)	Ensure no individual holds an SURHUL paid office for more than two years in total	SURHUL Trustee Board	List of post holders
22(2)(g)	Ensure that the Annual Accounts are audited externally	SURHUL Finance Manager	Published Annual Accounts
22(2)(h)	Ensure SURHUL accounts are published at least once each academic year	SURHUL General Manager	
22(2)(i)	Publish written procedures for allocating funds to SURHUL clubs and societies	SURHUL Vice-President (Student Activities)	
22(2)(k)	Provide a list of SURHUL affiliations to external organisations to the Registrar and Secretary	SURHUL President	Kept by College Secretary's Office in accordance with Retention Schedule
22(2)(m)	Maintain and publish a complaints procedure	SURHUL President	
22(4)	Publish this Code of Practice	Registrar and Secretary and SURHUL	Website
	Highlight this Code of Practice to students at enrolment	Academic Registrar	
	Publish Freedom of Speech policy ensuring it is freely accessible to students	Registrar and Secretary	Website
	Bring this Code of Practice and Charity requirements to the attention of students at least once each academic year	SURHUL President	
22(5)	Provide information about and allow all students to opt out of	Academic Registrar	

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	SURHUL membership at enrolment		
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