



STUDENTS' UNION CODE OF PRACTICE

1 Introduction

This Code of Practice is issued by the Board of Governors of Leeds Beckett University ("the University") in accordance with section 22 of the Education Act 1994 and regulates the activities of Leeds Met Students' Union ("the Students' Union").

2 Membership

- 2.1 Every student has the right to join, or not to join, the Students' Union. The University will draw these rights to the attention of students prior to enrolment.
- 2.2 Students who do not wish to be members of the Students' Union may opt out of membership during the registration process or at any time thereafter by notifying the University by email to secretary®istrar@leedsbeckett.ac.uk
- 2.3 Students who exercise the right not to be a member of the Students' Union will not be eligible to (re)join until the beginning of the next academic year.
- 2.4 Students who exercise the right not to be a member of the Students' Union are entitled to make use of any of the services and facilities of the Students' Union upon payment of any applicable fee. Any such fee will not be higher than that charged to members of the Students' Union.
- 2.5 Students who exercise the right not to be a member of the Students' Union will not be entitled to the following rights or privileges that are granted to members:
- (a) to participate in the government, management and administration of the Students' Union, its groups or its societies;
 - (b) to vote in elections, hold an elected office or nominate candidates for election for posts in the Students' Union;
 - (c) to vote in or propose motions for referendums;
 - (d) to represent the Students' Union on any Board or Committee of the University.
- 2.6 Students are advised that the University has not made any special arrangements for the provision of services or facilities to non-members of the Students' Union because it is satisfied that non-members are not unfairly disadvantaged within the meaning of the Education Act 1994 by the provisions of this clause 2.

3 Constitution

- 3.1 The Students' Union conducts its affairs in accordance with a written constitution which is approved by the University's Board of Governors. In accordance with company law, the Students' Union's constitution consists of a Memorandum and Articles of Association. The constitution will be

reviewed by the Students' Union and the University every five years.

- 3.2 The Students' Union's constitution is available to all students free of charge on the Students' Union's website and on request by email to enquiries@leedsbecketttsu.ac.uk.

4 Election of Student Executive Trustees

- 4.1 The constitution includes provision for the election by secret ballot of up to six Student Executive Trustees who are the "major union office" holders and "sabbatical union office" holders for the purposes of the Education Act 1994. All members of the Students' Union are entitled to vote in elections for Student Executive Trustees.
- 4.2 Student Executive Trustees hold office for a term of 12 months and may be elected to a second term of 12 months. The maximum total term that Student Executive Trustees may serve is 24 months.
- 4.3 The University appoints a Returning Officer who is responsible to the University's Board of Governors and the Trustees of the Students' Union for ensuring the fair and proper conduct of elections of Student Executive Trustees.

5 Financial Matters

- 5.1 The Students' Union's Trustees are responsible for the proper conduct of the Students' Union's financial affairs. The Students' Union's financial regulations will be incorporated as a bye-law approved in accordance with the Students' Union's constitution. The Trustees will prepare an annual budget which will be subject to the approval of the University's Board of Governors (or its nominee). The Trustees will submit quarterly management accounts for review by the University's Board of Governors (or its nominee).
- 5.2 The constitution requires the Students' Union's Trustees to comply with the provisions of the Education Act 1994, the Charities Act 1993, and the Companies Act 2006 as regards keeping financial records, the audit or examination of accounts, and the filing of accounts and other returns with the Charity Commission and the Registrar of Companies.
- 5.3 The Students' Union will publish annual accounts which will be submitted to the University's Board of Governors and made available on the Students' Union's website and on request by email to enquiries@leedsbecketttsu.ac.uk
The annual accounts will include:
- (a) a list of external organizations to which the Students' Union is affiliated and the details of subscriptions or similar fees paid, or donations made, during the financial year;
 - (b) a list of external organizations to which the Students' Union has made donations during the financial year and the details of those donations.
- 5.4 The procedure for allocating resources fairly to the Students' Union's groups and societies will be incorporated as a bye-law approved in accordance with the Students' Union's constitution and made available to all students on the Students' Union's website and on request by email

to enquiries@leedsbeckett.ac.uk.

- 5.5 The procedure for affiliating with external organizations will be incorporated as a bye-law approved in accordance with the Students' Union's constitution and made available to all students on the Students' Union's website and on request by email to enquiries@leedsbeckett.co.uk. The procedure will comply with the requirements of the Education Act 1994, and in particular will include provision for:
- (a) notifying all students and the University's Board of Governors of decisions to affiliate;
 - (b) providing a list of all affiliations for review and approval at the Students' Union's annual general meeting;
 - (c) affiliation to any particular organization to be decided by secret ballot upon receipt of a requisition to that effect made by 5% of the members of the Students' Union.

6 Complaints

- 6.1 A complaints procedure will be incorporated as a bye-law approved in accordance with the Students' Union's constitution and made available to all students on the Students' Union's website and on request by email to enquiries@leedsbeckett.ac.uk.
- 6.2 The complaints procedure will:
- (a) be open to all students or groups of students who are dissatisfied in their dealings with the Students' Union or claim to have been unfairly disadvantaged by having exercised their right not to be a member of the Students' Union;
 - (b) enable complaints to be dealt with promptly and fairly and, where a complaint is upheld, an effective remedy made;
 - (c) include a right for complaints to be referred to the University's Student Complaints Procedure once the Students' Union's procedures have been exhausted.

7 Freedom of Speech

The University has published a Code of Practice on Freedom of Speech and Expression in accordance with the Education (No. 2) Act 1986, which is available to all students free of charge on the University's website www.leedsbeckett.ac.uk/studentregs or on request by email to secretary®istrar@leedsbeckett.ac.uk.

8 Charity Law Guidance

- 8.1 The Students' Union's Trustees are responsible for ensuring that the conduct of the Students' Union's affairs complies with the provisions of charity law. General guidance on the implications of charity law for the Students' Union is provided below. If the Trustees have any doubt whether any proposed activities or expenditure are consistent with charity law, they should seek advice from the University, the Students' Union's professional advisers, or

the Charity Commission.

- 8.2 The Trustees are responsible for ensuring that the Students' Union's funds are used only for purposes which are permitted by the Students' Union's constitution and promote its charitable objects. If funds are improperly used, the Trustees may be personally liable to repay the money. The misuse of funds can lead to the loss of tax benefits deriving from the Students' Union's charitable status.
- 8.3 As a general rule, expenditure of the Students' Union funds is likely to be permitted only if it furthers the interests of the students in a way that assists in the educational aims of the University. This includes, of course, providing facilities for recreation and leisure. Some examples of what is and is not permissible are provided below.
- 8.4 The fact that the Students' Union is a charity does not, of course, restrict students from participating in any particular range of activities. It only prevents the use of the Students' Union's funds for purposes which are outside its charitable objects. There is no objection to students joining together to collect their own funds for any purpose for which the Students' Union funds cannot be used.
- 8.5 The Students' Union may operate a bar, provide catering facilities, or organize concerts etc., subject to licensing and other legal requirements. Any profits will form part of the Students' Union's funds and must be applied for the purposes of the Students' Union. If the bar, catering facilities, concerts etc. are open to members of the public as well as to students, the profits will normally be taxable if they exceed the *de minimis*.
- 8.6 Facilities owned by the Students' Union (such as vehicles or audio equipment or premises) can be lent or hired out to students as a means of assisting them in the University. The Students' Union must charge a proper commercial rate if the facilities are hired to non-students or for any other use outside the Students' Union's own purposes.
- 8.7 The Students' Union's funds can be used to support a campus newspaper, and a wide range of groups and societies in the University. These can include political groups and societies so long as these are dealt with in an even-handed way. Neither the Students' Union nor any of its groups or societies can generally make donations to external organizations, particularly political parties or causes [see paragraph 8.15 below]. However, groups or societies may, like the Students' Union, affiliate to a relevant external organization in certain circumstances [see paragraph 8.13 below].
- 8.8 The circumstances in which funds and facilities can be used for campaigning (either on local or national issues) are very limited. The first requirement is that the issue must affect present and future members of the Students' Union as students. Examples of local issues which might fulfil this requirement would be better street lighting near the campuses, more public transport at night, or the provision of nursery places for the children of students. An example of a national issue would be student finance and fees.

- 8.9 By contrast, the Students' Union funds cannot be used to promote or support campaigns on matters which may be of general interest or concern but which do not affect members of the Students' Union as students. Examples would be industrial disputes, general campaigning on environmental matters (such as environmental policies and road building) or the treatment of political prisoners in a foreign country. The Students' Union cannot, for instance, pay for coaches to transport students to demonstrations on such issues.
- 8.10 The Students' Union's funds cannot be used to participate in party political demonstrations, or to persuade members of the public to vote for or against a particular candidate or party in local or national elections. By contrast, reasonable expenditure on debating matters of common concern is permissible.
- 8.11 Even where an issue is one which affects students as such, the connection must be sufficiently close to justify any expenditure which the Students' Union incurs. Trustees need to consider carefully whether the amount being spent is reasonable (a) in relation to any benefit to students which may be expected, and (b) in relation to the Students' Union's financial resources and its other commitments.
- 8.12 If factual information is put forward as part of a campaign which the Students' Union can properly support, Trustees must take care that it is accurate and is not distorted in any way.
- 8.13 The Students' Union can affiliate to the National Union of Students or other similar organizations concerned with further and higher education and related training, and can spend money on attendance by representatives at conferences, seminars and training events facilitated by such organizations. This enables its members to be represented at national, regional and local levels, and helps to ensure that the Students' Union's affairs are properly conducted.
- 8.14 The Students' Union can affiliate to a campaigning alliance, even if the alliance includes non-charitable organizations. The issues on which the alliance is campaigning must be of a kind which the Students' Union could campaign for directly itself [see paragraphs 8.8 to 8.12 above]. Otherwise the Students' Union, or any groups or society (including a political group or society), can only affiliate to particular campaigns or external organizations for the purposes of obtaining educational material or information to assist in the discussion and expression of views. Any affiliation fee must be reasonable, and the test of reasonableness will be similar to that mentioned in paragraph 8.11.
- 8.15 The fact that the Students' Union is a charity does not mean, of itself, that donations can be made to other charities. Furthermore, neither the Students' Union nor any of its groups or societies can make donations to any external organization or cause, particularly if it is political in nature, unless the organization or cause has a connection with the welfare of students at the University. None of this prevents the Students' Union fund raising where

those funds are passed directly to the intended recipients. So, for example, there is nothing to prevent the Students' Union holding a rag week to collect money for various named charities or other causes and passing the money collected from students or the general public directly to the organization concerned.

- 8.16 Like other charities, the Students' Union enjoys fiscal benefits, including relief from income tax. Trustees should seek advice from HMRC to ensure that tax relief is not lost.

Approved by resolution 058.2011.GON of 16 December 2012 to have effect from 01 August 2012.