



## **Student Regulations and Procedures**

**Academic Division**

**2007/2008**

**- 11 -**

**Students Union Code of Practice**

**and**

**Students Union and the Law Relating to Charities**

**Manchester Metropolitan University  
All Saints Building  
Oxford Road  
Manchester  
M15 6BH**

[www.mmu.ac.uk/academic/student\\_regulations.php](http://www.mmu.ac.uk/academic/student_regulations.php)

### **IMPORTANT NOTICE TO ALL STUDENTS**

**All students should access their University e-mail account on a regular basis, as this will be used to mail them important information regarding their course, tuition fees, award ceremonies and other matters**

**CODE OF PRACTICE PURSUANT TO THE REQUIREMENTS OF THE EDUCATION ACT 1994 (CLAUSE 22) IN RELATION TO STUDENTS' UNIONS AND OTHER LOCAL ARRANGEMENTS AGREED BETWEEN THE BOARD OF GOVERNORS AND THE STUDENTS' UNION OF THE MANCHESTER METROPOLITAN UNIVERSITY.**

**1 Status of the Students Union**

The Manchester Metropolitan Students' Union is recognised by the Board of Governors as an association of the generality of students of the University as defined in the University's Articles of Government (Article 1.1). As prescribed in the Articles of Government (Article 12.1) it conducts and manages its own affairs and funds in accordance with a constitution approved by the Board of Governors, and is required to present audited accounts annually to the Board.

**2 Constitution of the Students Union**

The constitution of the Students' Union has received the formal approval of the Board of Governors. Any amendments which have been constitutionally approved shall be reported to the Board of Governors and must be approved by the Board before coming into effect.

The Constitutional Working Party of the Students' Union shall review the constitution at regular intervals and make such proposals for amendment to the Student Representative Council as deemed appropriate. The Board of Governors will review the Students' Union Constitution at least every five years.

**3 Membership of the Students Union**

All registered students of The Manchester Metropolitan University will be entitled to full membership of the Students' Union unless they choose not to be members. Any registered student has the right not to be a member of the Students' Union and/or not to be represented by the Students' Union.

The Students' Union and the University will publicise the right of students not to be a member of the Students' Union.

The sole consequences for a registered student of The Manchester Metropolitan University of not being a full member of the Students' Union are as follows:

- a) Non full members are not permitted to vote in any Students' Union elections, ballots or referenda.
- b) Non full members are not allowed to stand for office in any election in the Students' Union.
- c) Non full members may not hold office in any Students' Union Club, Society, or Group, but registered students of The Manchester Metropolitan University may join any Students' Union Club, Society, or Group and participate in their activities. The Students' Union reserves the right to levy additional charges to non full members if felt to be appropriate.
- d) Non full members will not be permitted to use the licensed bar facilities of the Students' Union unless they are signed in by a full member, or unless they take up Associate Membership. MMSU Associate Membership will enable the holder to gain entry into MMSU licensed premises but would not allow the

holder to sign in guests. A fee for MMSU Associate Membership will be set annually by the Students' Union Finance, Services and Staffing Committee and publicised accordingly.

- e) All other facilities and services of the Students' Union would be available to registered students of The Manchester Metropolitan University.

Any student wishing to exercise his or her right not to be a member of the Students' Union will be required to sign a declaration to this effect. Declaration forms will be made available at all Students' Union offices. Once membership has been formally declined, this will be recorded in registers maintained by both the University and the Students' Union. A registered student, having signed the declaration stating that he or she does not wish to be a member of the Students' Union, will not normally be permitted to become a member for the remainder of the academic term in which the declaration was signed.

#### **4 Students Union Election Procedures**

The Board of Governors of the University will ensure that election to major Students' Union offices will be by election in a secret ballot in which all members are entitled to vote. The major offices shall be defined in the Students' Union constitution.

All other elected Sabbatical Officers are elected by all members of the relevant site whom they represent either at Manchester or Crewe.

The one exception to this procedure will be for the designated post of Women's Officer. Women only will be permitted to stand for this office, or to cast a vote in the election for this post.

No person shall hold sabbatical Union office for more than two years in The Manchester Metropolitan Students' Union.

The Returning Officer shall submit a report to the Board of Governors regarding elections of members to Students' Union office. The Board of Governors must be satisfied that all elections are conducted fairly and properly.

#### **5 Students Union Permanent Staff**

An individual shall, so long as s/he is, and for twelve months after s/he ceases to be, a Sabbatical Officer of the Students' Union, be disqualified from being appointed to a position on the permanent staff of the Union.

#### **6 The Finances of the Students Union**

##### **6.1 Proper Conduct of Affairs**

The Students' Union is responsible for ensuring that funds provided to it by the University are used only in accordance with the Education Act 1994, this Code of Practice, the requirements of Charity Law, and other statutory requirements, as applicable to the status of the Students' Union.

The President is required to satisfy the University that all such conditions are complied with. The President has the responsibility of advising the Students' Union if, at any time, any action or policy under consideration by the Students' Union appears to the President to be incompatible with the terms of this Code of

Practice. Should the Students' Union decide nevertheless to proceed, the President is required to inform the University in writing.

The Students' Union is required:

- 6.1.1 To keep accounts and accounting records in accordance with normal professional accounting principles.
- 6.1.2 To maintain a sound system of internal financial management and control.
- 6.1.3 To plan and conduct its financial affairs so as to ensure that its total income is at least sufficient, taking one year with another, to meet its total expenditure and that its financial solvency is maintained.
- 6.1.4 To obtain the prior written consent of the University to any transaction in excess of £50,000 involving land, buildings or equipment.
- 6.1.5 To obtain the prior written consent of the University to the borrowing of any money for a period in excess of twelve months.
- 6.1.6 Not to give any guarantees or indemnities incurring contingent liabilities other than in the normal course of business.
- 6.1.7 To maintain adequate insurance cover for Students' Union owned assets and public and employer's liabilities.

## 6.2 Approval of budgets

The Students' Union is required to:

- 6.2.1 Prepare budgets for the following financial year at least two months before the commencement of the financial year.
- 6.2.2 Obtain the approval of the Executive Committee to such budgets and submit them to the University before the commencement of the academic year to which the budgets apply.

## 6.3 Monitoring of expenditure

The Students' Union is required to:

- 6.3.1 Prepare audited annual accounts in accordance with generally accepted accounting principles and applicable statements of accounting practice, within five months of the end of the financial year.
- 6.3.2 Make accounts available on request to all students, obtain the approval of the Student Representative Council to such accounts, and submit them to the University within six months of the end of the financial year.
- 6.3.3 Provide periodic reports of income and expenditure against budget for consideration by the Student Representative Council and the University at such times and for such periods as the University may from time to time determine, and make them available on request to all students.
- 6.3.4 Include, within its annual accounts and financial reports, a list of the external organisations to which it has made donations in the periods to which such

reports or accounts relate, and details of such donations.

- 6.3.5 Make available the books and accounting records of the Students' Union to the University for inspection on request.

Failure to comply with the financial procedures contained within this Code of Practice or any statutory requirements may require the repayment in whole or in part of funds paid by the University to the Students' Union, together with interest in respect of any period during which a sum due to the University under this condition remains unpaid.

## **7 Allocation of resources to Students Union clubs and societies**

The procedure for allocating resources to Students' Union Clubs and Societies will be set out in schedules attached to the Students' Union constitution.

Appeals concerning allocations to Clubs and Societies will be dealt with by the Students' Union Council, which will receive all minutes of meetings of the Athletic Union and Societies Finance Committees.

## **8 Affiliation to external organisations**

- 8.1 The Students' Union will include details of affiliations and payments in the annual accounts. Details of affiliation decisions will be published in the Students' Union newspaper, and also made available to the Board of Governors.

- 8.2 Affiliations to external bodies shall be submitted for approval by full members by means of site meetings held at both the Crewe and the Manchester sites at least once a year before submission to the Student Representative Council for ratification.

- 8.3 A requisition may be made to the Student Representative Council once a year by at least 5% of the full members of the Students' Union that the question of continued affiliation to any particular external organisation be decided upon by a secret ballot in which all full members are entitled to vote.

A secret ballot of all full members entitled to vote may also be called following a motion to this effect being passed by the Student Representative Council.

## **9 Complaints Procedure**

Complaints by any registered student in relation to their dealings with the Students' Union or in relation to any claim of unfair disadvantage if a student has exercised his or her right not to be a member of the Students' Union will be dealt with as follows:

- (a) By the internal complaints procedure as set out as Section 9 in the Students' Union constitution.
- (b) If the student is still dissatisfied the matter may be referred to the University Secretary, who will seek to resolve it by discussion with relevant parties.
- (c) If the student is still dissatisfied, by reference to an independent and external person nominated and appointed by the Board of Governors.

Complaints will be dealt with promptly and fairly and when a complaint is

upheld, there will be an effective remedy.

## 10 **Publication of the Code of Practice**

This Code of Practice, as amended by the Board of Governors in consultation with the Students' Union from time to time, will be published in student handbooks produced by the University and on the University's website.

### **STUDENTS' UNION AND THE LAW RELATING TO CHARITIES**

SECTION 22(4) (B) OF THE EDUCATION ACT 1994 REQUIRES GOVERNING BODIES OF EDUCATIONAL INSTITUTIONS TO BRING TO THE ATTENTION OF ALL STUDENTS ANY RESTRICTIONS IMPOSED UPON THE ACTIVITIES OF STUDENTS' UNIONS BY THE LAW RELATING TO CHARITIES. THE FOLLOWING NOTES, BASED SUBSTANTIALLY ON A STATEMENT ISSUED BY THE ATTORNEY-GENERAL IN 1983, ARE THEREFORE PUT FORWARD FOR THE GUIDANCE OF STUDENTS:

- 1 Expenditure of the Students' Union funds is proper if it can be said to be appropriate for the purpose of representing and furthering the interests of the students at the University in such a way as to assist in the educational aims of the University - for example, by providing channels for the representation of student views within the University or by improving the conditions of life of the students and, in particular, providing facilities for their social and physical well-being.
- 2 If the University is to function properly, there is a need for the normal range of clubs and societies so as to enable each student to further the development of her/his abilities, both mental and physical. Equally, it is proper that students should hold meetings to debate matters of common concern, and publish some form of campus newspaper. Reasonable expenditure on such purposes is permissible.
- 3 In deciding whether or not expenditure is proper, the essential question is: does the matter in issue affect the interest of either the students as such or the affairs of the University as such? If the answer is 'no', then the case is likely to be one on which the students may hold debates and express views but not charge expenditure to the charitable funds of the Union.
- 4 Whilst it is entirely natural that students will wish to express their views on political matters, the law sets strict limits to the expenditure of charitable funds for political purposes. Such expenditure is permissible only if the political purposes are merely incidental to the necessarily non-political objects of the charity. Thus, for the Union to expend its charitable funds in supporting a political campaign or demonstration is extremely unlikely to be justifiable unless the issue directly affects students as students. In this context politics is not to be limited to party politics, but extends essentially to all aspects of the making and changing of laws. Thus it would be no less improper for charitable funds of the Union to be devoted to a campaign for or against the legalisation of drugs, even though this is not a matter of party political debate, than it would be for such funds to be used either in support of or opposition to a campaign concerning, say, nuclear weapons or some controversial parliamentary debate not concerned with the interests of students as such.

- 5 It is also accepted that students may wish to express a view on a current industrial dispute, particularly if it be centred upon the neighbourhood of the University. There is, however, no justification for applying charitable funds in support of either side to the dispute. It would be as wrong for charitable funds to be spent on the hire of coaches, say, for the purpose of taking demonstrators to the scene of the dispute as it would be to hire coaches to take students to a demonstration in respect of the political issues referred to in the last paragraph.
- 6 There is, of course, no objection whatsoever to students joining together to collect their own monies for a particular purpose for which Union funds cannot be used. The objection is not to student participation in activities outside the educational sphere, but to the use of charitable funds for purposes for which they cannot properly be applied according to the law.