

# Codes & Procedures

# Students' Union: Codes and Procedures

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## A. Membership details, rights and fees payable

### Members:

For:	All full-time and part-time students registered at the University of Leeds, membership is processed at University Registration.
Fee:	No charge.
Rights:	Can join all societies, clubs and incorporated bodies under the control of the Union and use the athletic facilities of the Union. Can attend all Union meetings and vote in elections and at meetings. Can propose and second candidate(s) for election and stand for elected posts. Can speak at General Meetings and can wear the official Union colours. Can stand as a representative to serve on bodies outside the Union and can play in Union Teams.

## **B. Students' Union Code of Practice**

### **1. Policy**

The University of Leeds and Leeds University Union are committed to the principle that the Union operates in a fair and democratic manner, and is accountable for its finances, in accordance with section 22 of the Education Act 1994.

### **2. Student Union Constitution**

- 2.1 The Union's Memorandum and Articles of Association and Bye-laws (together "the Constitution ") shall remain in written form.
- 2.2 It shall be the responsibility of all Union Executive Officers to ensure that any student of the University who requests a copy of the Constitution shall be given one free of charge. The Constitution will be available via the Student Union website.
- 2.3 The provisions of the Constitution shall be subject to the approval of the University; and, in particular, no changes shall be made to the Constitution without the prior written consent of the University. The consent of the University shall be granted through an officer of the University nominated by the University Council ("the Appointed Officer").
- 2.4 The Constitution shall be reviewed by the Appointed Officer every five years.

### **3. Rights of Non-Union Membership**

- 3.1 Every student shall have the right to opt out of Union membership. The Union and the University shall publicise such right. In particular such right shall be brought to the attention of students upon registration at the beginning of each academic year.
- 3.2 If a student does not wish to be a member of the Union he/she shall be entitled to use, on the same basis, all Union services provided to its members.
- 3.3 Subject to 3.2, students who are not members of the Union shall not be entitled to any rights or privileges granted to Union members. In particular non-Union members shall not be entitled to vote or speak at Union meetings, be members of a Union committee nor, on the basis that membership of the National Union of Students requires membership of the Union, become members of the National Union of Students.

### **4. Sabbatical Officers**

- 4.1 All Union sabbatical officers shall be elected by a secret ballot with every Union member entitled to one vote each.

- 4.2 The Appointed Officer shall oversee the election of Union sabbatical officers to ensure that elections are conducted fairly and properly and in accordance with the Union's Constitution.
- 4.3 No person shall hold a sabbatical or paid elected Union office for more than two years.

## **5. Financial Matters**

### *Proper conduct of affairs*

- 5.1 The 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 and any other statutory requirements or other conditions that the University may from time to time prescribe. The Appointed Officer shall be required to satisfy the University that all such obligations have been met; and shall accordingly have the right and responsibility to monitor the Union's financial affairs in such manner as provided below.
- 5.2 The Appointed Officer may designate another person or group to act on behalf of the Appointed Officer in regard to the responsibilities at 5.1 above.
- 5.3 The Appointed Officer has the responsibility of advising the Union if, at any time, any action or policy under consideration by the Union appears to the Appointed Officer to be incompatible with the terms of this Code of Practice. Should the Union decide nevertheless to proceed, the Appointed Officer is required to inform the University in writing.

The Union is in any case required to:

- 5.4 keep accounts and accounting records, and prepare accounting information, in accordance with normal professional accounting principles;
- 5.5 maintain a sound system of internal financial management and control;
- 5.6 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;
- 5.7 advise the Appointed Officer of any intended borrowing of money;
- 5.8 advise the Appointed Officer of any guarantees or indemnities proposed to be taken that may incur contingent liabilities;
- 5.9 maintain adequate insurance cover.

### *Budgets*

The Union is required to:

- 5.10 prepare budgets for the next financial year before commencement of that financial year;

- 5.11 provide such budgets to the Appointed Officer, and through the Appointed Officer obtain the endorsement of the University before the commencement of the next financial year.

#### *Monitoring of Expenditure*

- 5.12 prepare audited annual accounts in accordance with generally accepted accounting principles no later than five months after the end of the financial year;
- 5.13 provide such accounts to the University Council - and make them available to all students, on request and free of charge - within eight months of the end of the financial year; 5.14 provide periodic reports of income and expenditure against budget for consideration by the Appointed Officer at such times and for such periods as the Appointed Officer may from time to time determine;
- 5.15 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 accounts or reports relate, and details of such donations;
- 5.16 make available the accounting records of the Union to the Appointed Officer for inspection on request.

### **6. Allocation of Resources to Student Activity Groups**

All decisions of the Union's Activities Executive shall be made fairly, and comply with the criteria and procedures laid down in the Bye-Laws. Minutes of the Executive's meetings shall be sent to the Appointed Officer and, upon request, made available to any student free of charge.

### **7. Affiliation of External Organisations to the Union**

- 7.1 The Union shall carry on its website a clear notice giving names of external organisations with which the Union is or proposes to be affiliated, and details of the subscriptions, fees or donations made or proposed to be made to any external organisation affiliated with the Union.
- 7.2 The names of bodies with which the Union is currently affiliated and the subscriptions, fees or donations paid to such organisations will be published annually on the Union's website and sent to the Appointed Officer. This information shall also be submitted to the Annual General Meeting of the Union's members, and made available, on request and free of charge, to all other students.
- 7.3 The Better Union Forum shall review all affiliation arrangements with external organisations at least once a year. Recommendations following such review shall then be put to the members' Annual General Meeting.
- 7.4 At each Annual General Meeting, members shall vote whether or not to continue affiliations to which the Union is currently a party. If, on a show

of hands, 5 per cent or more of members wish to vote by a secret ballot, then the matter shall be decided as soon as practicable by secret ballot, each member with one vote.

## **8. Complaints Procedure**

- 8.1 The Union shall have a written complaints procedure within the By-laws. This procedure shall allow students or groups of students who are dissatisfied with their dealings with the Union to have their complaints dealt with promptly and fairly, and secure effective remedial action.
- 8.2 The complaints procedure shall be made available to all students upon request and free of charge. In addition, a copy of the procedure shall be carried on the Student Union's website and displayed clearly within the Union building.

## **9. General**

- 9.1 The University shall ensure that each student will receive annually notice, and information as to where copies may be obtained, of:
  - 9.1.1 this Code of Practice;
  - 9.1.2 the code of practice for protecting freedom of speech in accordance with the provisions of the Education (No 2) Act 1986 Freedom of Expression protocol;
  - 9.1.3 a memorandum summarising restrictions imposed on the activities of the Union by the law relating to charities;
- 9.2 Changes to this Code of Practice may be made by agreement between the University and the Union. The University reserves the right, after consultation with the Union, to make such changes to the Code of Practice as the University Council deems necessary in order to ensure continued compliance with the provisions of section 22 of the Education Act 1994.

## C. Protocol on Freedom of Expression

### Protocol on Freedom of Expression

*This protocol, which has been endorsed by the University Council and by Leeds University Union, describes the framework within which members of the University and visitors enjoy the right to freedom of expression.*

#### Policy statement

1. As an institution of higher education, which values academic freedom (including in particular critical independence and creativity), the University is committed to promoting and positively encouraging free debate, enquiry and, indeed, protest. This means that it tolerates a wide range of views, political as well as academic, even when they are unpopular, controversial or provocative.
2. In any event, the University has an explicit duty in law<sup>1</sup> to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. This duty includes a responsibility to ensure that the use of University premises is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group or on the grounds of the policy or objectives of the group.
3. This does not mean, however, that the right to freedom of expression is unfettered. It is limited, for example, by laws to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence. A significant strand in the regulatory framework is the public sector Equality Duty which requires universities to have due regard to the need to foster good relations between people who share a protected characteristic<sup>2</sup> and people who do not share it.
4. Freedom of expression also has to be set in the context of the University's values, and the values of a civilised, democratic, inclusive society. The University expects speakers and those taking part in protest activities to respect those values, to be sensitive to the diversity of its inclusive community, and to show respect to all sections of that community. These precepts apply in particular to the way in which views are expressed and the form of protest activities.
5. In considering whether or not to allow a particular event to take place on its premises or elsewhere under its authority, the University has to consider
  - whether the views or ideas to be put forward (or the manner of their expression)
    - ~ infringe the rights of others, or
    - ~ discriminate against them
  - whether the activity in question
    - ~ constitutes a criminal offence

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<sup>1</sup> Under the Education (No 2) Act 1986

<sup>2</sup> Protected characteristics, as defined by the Equality Act 2010, are: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation

- ~ constitutes a threat to public order or to the health and safety of individuals
  - ~ incites others to commit criminal acts, or
  - ~ is contrary to the civil and human rights of individuals.
6. A key test is whether a proposed event is likely to give rise to an environment in which people will experience – or could reasonably fear – harassment, intimidation, verbal abuse or violence, particularly because of a protected characteristic. (Guidance published by Universities UK<sup>3</sup> advises institutions, amongst other things, that ‘if an expression of views or beliefs is highly offensive with the potential of developing into harassment, or may constitute criminal activity, the balance is likely to lie in favour of restricting that activity’.)
  7. Other key tests are (a) whether adequate arrangements can be made to safeguard the safety of participants in the event, and other people within the vicinity, and to ensure that public order is maintained; and (b) whether the risks of an event drawing people into terrorism can be sufficiently mitigated.
  8. The general rule is that the University will intervene to restrict freedom of expression in any particular case only on the grounds indicated in 5-7 above.
  9. Some examples may serve as illustration of the approach being taken by the University. It would not, for example, seek to prevent or inhibit picketing of, or a demonstration against, a graduate recruitment event if a group of students considered one of the participating companies to be unethical. The University would however resist any attempt to prevent the event from happening at all; forcing the cancellation of the event would infringe the rights of students who wished to take part. Similarly, the University would not seek to prevent or inhibit spoken or written criticism of the state of Israel; it would not however allow criticism of Israel to be expressed in a form which was or might reasonably be taken to be antisemitic, just as it would not allow, to take another example, the expression of views intended to stir up religious hatred against Muslims. The University would always take firm and decisive action against any members of the University demonstrating antisemitism, Islamophobia or other forms of hate crime<sup>4</sup>. Quite apart from the fact that the expression of views that are racist in character or intended to provoke religious hatred (or both) is likely to be unlawful, it would in any case infringe the rights of particular groups of students, it might incite criminal acts and would be likely to give rise to an environment in which people will experience – or could reasonably fear – harassment, intimidation, verbal abuse or violence by virtue of their ethnicity, race, religion and belief.

### **Authority**

10. The Council authorises the Secretary to act on its behalf to ensure as far as is reasonably practicable that all members of the University (staff and students), and all visiting speakers, comply with the provisions of this protocol.

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<sup>3</sup> Promoting good campus relations: dealing with hate crimes and intolerance

<sup>4</sup> In determining what does and does not constitute hate crime, the University will take into account, amongst other things, guidance from the Government (for example, in its 2016 Hate Crime Action Plan), and such bodies as the UN and the EHRC, and the working definition of antisemitism produced by the International Holocaust Remembrance Alliance (IHRA)

## **Procedure**

### *Meetings*

11. Operational responsibility for overseeing implementation of this protocol in respect of meetings on University premises or elsewhere under the authority of the University, and for ensuring that organisers of meetings comply with the provisions of the protocol, lies with a 'Responsible Officer'. For meetings held in the premises of Leeds University Union, the Responsible Officer will be the Union's Chief Executive (or her or his nominee); for all other meetings on University premises and elsewhere under its authority, the Responsible Officer will be the Secretary (or his or her nominee).
12. Those wishing to hold an event are required (using the standard booking form) to signify that they have read and agreed to abide by the provisions of this protocol. In addition, they are required to designate a 'Principal Organiser', who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this protocol.
13. The Principal Organiser shall ensure that appropriate information is provided to the Responsible Officer, using the booking form, about the nature and topic of the meeting. In any event, the Principal Organiser is required to notify the Responsible Officer – as far as possible in advance of the meeting, and in any case at least one week before it – if the subject matter of the meeting is or might reasonably be construed as 'controversial' (a 'controversial' meeting in this context being taken as one which might reasonably be construed as having the potential to occasion protest from, or give offence to, any sections of the University or wider community).
14. The Principal Organiser shall on request provide the Responsible Officer with such information as the latter may require – including in particular the name of the principal speaker or speakers at the meeting, the theme(s) of the speech(es), the name of the person who will chair the meeting, the subject of the address or addresses, the names and experience of any stewards and other logistical information.
15. The Responsible Officer shall grant or withhold permission for the event to proceed. Permission may be withheld only on the grounds indicated in 5-7 above, or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Responsible Officer. Such conditions may include requirements
  - (a) that tickets be issued;
  - (b) that an adequate number of stewards, suitable to the Responsible Officer, be available, in addition to any University or Union security staff that the Responsible Officer may feel should be present to maintain safety and order;
  - (c) that the meeting be held in a venue other than that proposed by the organisers;
  - (d) as to the admission or exclusion of press, television or broadcasting personnel, and, subject to licensing law, the sale or consumption of alcohol within the premises;

- (e) as to the arrangements for chairing the meeting, and as to the circumstances in which the meeting may or must be terminated prematurely;
- (f) that the designated meeting or activity be declared 'public' or 'private';
- (g) that University staff be responsible for all security arrangements connected with the meeting.

16. It shall in all cases be open to the Secretary

- (a) to require that a meeting due to be held in the Union building is held in premises managed by the University;
- (b) to invite the Police to be present at any meeting on University premises;
- (c) to require that a controversial event can only proceed if there is an opportunity to present the opposing views or for the audience to challenge the speaker (through Q&A, for example); and in any event it shall be open to the Responsible Officer to withdraw permission for a meeting if, having originally granted permission, he or she so judges that the meeting will not in fact conform to University policy (as outlined in 5-7 above) or that safety or public order cannot be guaranteed or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Responsible Officer.

17. Premises used for meetings must be left in clean and tidy condition, in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required. Payment in advance or evidence of ability to pay towards these costs may be required. The University reserves the right to re-charge the organisers of any meeting for any extraordinary expenditure it incurs as a result of that meeting.

#### *Protests and demonstrations*

18. Operational responsibility for overseeing implementation of this protocol in respect of protests and demonstrations on University premises, and for ensuring that organisers of protests and demonstrations comply with the provisions of the protocol, lies with the Secretary or her or his nominee (the 'Responsible Officer').

19. Those arranging protests or demonstrations on University premises are required to designate a 'Principal Organiser', who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this protocol.

20. As long as is reasonably practicable in advance of the event in question, the Principal Organiser shall ensure that appropriate information is provided to the Responsible Officer, normally through the University Security Service, about the nature and theme of the event. Wherever possible, this information shall be provided at least a week before the event.

21. The Principal Organiser shall on request provide the Responsible Officer with such information as the latter may require.

22. The Responsible Officer shall grant or withhold permission for the use of University premises (including, as appropriate Union premises) for the meeting proposed. Permission may be withheld only on the grounds indicated in 5-7

above, or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Responsible Officer.

### **Appeals**

23. Appeals against the rulings of the Responsible Officer may be made to the Pro-Chancellor, whose decision shall be final.

### **Infringements**

24. The Secretary shall report to the Council on the circumstances of any significant infringements of, and departures from, the provisions of this code. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the University's disciplinary procedures.

*22 March 2007; revised June 2007; February 2016; and September 2018*

## **D. Students' Union Complaints Procedure**

1. Any student or group of students dissatisfied with their dealings with LUU has the right to make a complaint.
2. Students also have the right to make a complaint if they claim to have been unfairly disadvantaged as a result of opting out of LUU membership.
3. All complaints will be dealt with fairly and promptly and will be investigated according to the following stages:

### **Informal complaint**

4. We expect that most complaints will be resolved via an informal discussion about the matter at the earliest opportunity. A student should therefore bring the matter to the attention of the Manager of the service, or Officer Trustee responsible for the area in question. This may be orally or in writing, including by electronic format or via the LUU Your Comments scheme.
5. The recipients of informal complaints are responsible for responding to them promptly and fairly. This would normally be within seven working days of receiving the complaint.
6. This is an informal stage and as such no written records would be kept if the matter is resolved at this point.

### **Formal complaint**

7. If the complaint has not been satisfactorily resolved at Stage One, or if the nature of the complaint is serious, the complainant has the right to raise the matter as a formal complaint. Formal complaints may be made about a service or an individual or group within the Union.

### **Making a complaint**

8. A formal complaint must be made in writing either by:
  - (i) personal letter or
  - (ii) via email or
  - (iii) completing a standard complaint form.
9. Complaints should be addressed to:
  - (i) Where the complaint relates to the Chief Executive or an elected officer, other Trustee, or other elected representative of the Union, the complaint should be addressed to the Union Affairs Officer. A

complaint concerning the Union Affairs Officer must be addressed to the Deputy Chair of Trustees.

- (ii) All other complaints must be addressed to the Chief Executive, who may delegate responsibility for dealing with the complaint to an appropriate person.

10. Complaints will be considered valid if the complainant:

- (i) provides details of their name, address and telephone number
- (ii) provides details of the event or occurrence giving rise to the complaint
- (iii) raises the complaint within 10 working days of the event or occurrence giving grounds for complaint, unless there are exceptional circumstances.

### **Investigation of complaints addressed to the Chief Executive**

11. Valid complaints will be investigated within 15 working days of receipt.

12. During the investigation stage the complainant and others involved may be asked to provide verbal evidence for clarification and additional information but no formal hearings will take place.

### **Investigation of complaints addressed to the Union Affairs Officer, or Deputy Chair of Trustees**

13. Valid complaints will be investigated within 15 working days of receipt.

14. The Union Affairs Officer, or the Deputy Chair of Trustees, will investigate and during the investigation stage the complainant and others involved may be asked to provide verbal evidence for clarification and additional information but no formal hearings will take place.

### **Outcome of an investigation**

15. The person conducting the investigation will determine:

- (i) all findings of fact and
- (ii) any mitigating circumstances and
- (iii) appropriate further action if any.

16. Where complaints are not upheld the complainant will be advised within five working days and informed of the right to raise the matter with the Independent Complaints Officer of the University of Leeds in accordance with the Education Act 1994 and as outlined in the in the Students Union: Codes and Procedures.

17. Where complaints are upheld, confirmation of this and that appropriate action will be taken will be confirmed in writing to the complainant.

18. Any disciplinary action to be taken will be done so according to the relevant LUU procedures which may include:

- (i) staff disciplinary procedures
- (ii) Bye-Law (12) Disciplinary Procedures
- (iii) Article 35 of the Memorandum and Constitution of Association,  
Removal of Trustees

## **E. Restrictions imposed on Leeds Students' Union by Charity Law**

Leeds University Union is a registered charity no. 1136742 and a company limited by guarantee registered in England and Wales no. 7284768. It is governed by a Board of Trustees as outlined in the Constitution. The LUU Board has a duty to see that the funds are only used for the purposes outlined in the Constitution.

The objects of the Union are the advancement of education of Students at the University of Leeds for the public benefit by:

- 1.1 promoting the interests and welfare of Students at the University of Leeds during their course of study and representing, supporting and advising Students;
- 1.2 providing social, cultural, sporting and recreational activities and forums for discussions and debate for the personal development of its Students;
- 1.3 being the recognised representative channel between Students and the University of Leeds and any other external bodies; and

Generally speaking, it is proper for the Union to use funds for furthering the interests of Leeds students by, for example, improving the conditions of their welfare and providing sporting and social services. In addition the Union acts as a useful support to the University in achieving its educational objectives. Whilst this may give the Union a reasonable amount of flexibility, there are obvious areas of difficulty. In particular, the Union can only carry out campaigns and engage in political activities when they directly affect the education and welfare of students at Leeds University. By way of example, the Union may fund a campaign to support changes in the law relating to student grants, but could not give money to a political party for its general purposes.

Unfortunately, the distinction between legitimate campaigning and political activities as compared to illegitimate political purposes is not always clear. Nevertheless, the factors below give a strong indication of where political activities are permissible:

- if there is a reasonable expectation that the action taken will help the stated objects of the Union;
- the action taken is well-founded, reasoned and expressed in a responsible and balanced manner;
- the officers of the Union are acting in accordance with the Union 's Constitution.;

Examples of unacceptable activity will include:

- direct support for a political party;
- issuing material which is biased and without any reasoned argument;

- any persuasion by the Union for its members to vote in particular for one political party.

If any student is in doubt as to whether the Union is operating properly within its charitable purposes, then it is suggested that that student should contact a member of the Union's Executive. A student may also initiate a complaint against the Union under the Student Union complaints procedure.