UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE PURSUANT TO THE REQUIREMENTS OF THE EDUCATION ACT 1994 (SECTION 22(3)) IN RELATION TO STUDENTS' UNIONS AND OTHER LOCAL ARRANGEMENTS AGREED BETWEEN THE UNIVERSITY COUNCIL AND THE UNIVERSITY OF BIRMINGHAM GUILD OF STUDENTS

Index of points

1. Status of the University of Birmingham Guild of Students

2. Accountability of Guild Criteria for Admission

3. Constitution of the Guild of Students

4. Requirement of Charity Law

5. Freedom of Speech

6. Membership of the Guild of Students

7. The Finances of the Guild of Students

8. Accounts of the Guild of Students

9. Affiliation to External Organisations

10. Allocation of Resources to Guild Clubs, Societies and Student Group

11. Complaints Procedure

12. Status and Publication of this Code of Practice

1. Status of the University of Birmingham Guild of Students

The University of Birmingham Guild of Students ("the Guild of Students") is the students' union of the University of Birmingham ("the University") as defined in the Education Act 1994.

Prior to 2008 the Guild of Students owed its existence to the University's Charter and was an unincorporated association. On the 31st July 2008 the Guild of Students began operating as a charitable company limited by guarantee registered at Companies House (under company registration number 6638759). The Guild of Students is also a registered charity under charity number 11137548. As such, the Guild of Students is an independent organisation and has all the powers of a legal person. Through its Trustee Board the Guild of Students acts as an employer of staff and has the power and ability to create bye-laws relating to its internal organisation and to enter into contracts and financial transactions in its own name. In accordance with the Education Act 1994 the University closely monitors the Guild of Students' activities through the University Registrar and Secretary, acting on behalf of the University Council as required by statute.

Through its Trustee Board the Guild of Students is, as required by statute, fully accountable to the Council of the University for its financial affairs and management, and for the use of the premises which it occupies.

The University and the Guild of Students enjoy an excellent relationship which contributes substantially to the educational and general experience of the students while at the University.

2. Accountability of Guild

The Guild's Board of Trustees, is accountable to the University for the financial management of the Guild, for the observance of the Guild constitution as approved by the University Council from time to time, for the operation of the Guild in a fair and democratic manner, and for the observance of the University's Code of Practice on Freedom of Speech on Campus drawn up pursuant to Section 43 of the Education (No. 2) Act 1986, and the Code of Practice pursuant to the requirements of the Education Act 1994 (Section 22(3)) in relation to Students' Unions. It is also accountable to the University for the observance of legal and statutory requirements in the operation of the Guild (for example health and safety, catering hygiene, the law relating to charities, raising of funds, and sections 22(2) (i)-(n) of the Education Act 1994) and observance of any occupational agreements in relation to all premises occupied by the Guild.

3. Constitution of the Guild of Students

Any amendments to the Guild's constitution (namely all its governing legislation including its Memorandum and Articles of Association and byelaws) shall be approved by the University Council. The University Council will review the Guild's constitution at least every five years. The University Council will ensure a) that the Guild's constitution provides for appointment to major Guild offices to be by election in a secret ballot in which all members are entitled to vote, b) through the appointment of the Registrar and Secretary or nominee as returning officer, that such

Guild elections are fairly and properly conducted and c) that no person shall hold sabbatical union office, or paid elected union office, for more than two years in the Guild of Students.

4. Requirement of Charity Law

The Guild of Students is governed by the law relating to educational charities. In particular, whilst it may spend money on political debate, it may not support political or other causes except in line with the Charity Commission's guidance OG 48 B3 on students unions or any subsequent guidance on students unions campaigning and political activity. This does not prevent student members from collecting and raising funds privately for the support of any lawful cause.

5. Freedom of Speech

The Guild of Students and its members are bound to observe the University of Birmingham's Code of Practice from time to time in relation to Freedom of Speech on Campus drawn up pursuant to Section 43 of the Education (No. 2) Act of 1986 which will be available on www.birmingham.ac.uk/Documents/university/legal/freedomspeech.pdf.

6. Membership of the Guild of Students

All registered students of the University of Birmingham will be full members of the Guild of Students of the University of Birmingham unless they choose not to be. Any registered student has the right not to be a member of the Guild of Students and/or not to be represented by the Guild of Students. The Guild and the University will publicise the ability of students not to be a member of the Guild of Students.

The sole consequences for a registered student of the University of Birmingham of not being a member of the Guild of Students are as follows:

a) Non-members are not permitted to vote in Guild general meetings elections or referenda.
b) Non-members' are not allowed to stand in any elections in the Guild.
c) Non-members may not hold office in any Guild Club, Society or student group, because of the need for financial accountability to the Guild's governing bodies, but registered students of the University of Birmingham may join any Guild Club or Society.
d) Non-members may forfeit their right to membership of the National Union of Students and their student card.

Any student wishing to exercise his or her right not to be a member of the Guild of Students is advised to consult the President of the Guild before making a decision in order to ensure only that he or she possesses all the necessary information. If a student chooses not to be a member he or she must notify the President of the Guild of Students in writing, and his or her name will be entered in a register, which will be forwarded to the Registrar and Secretary by the Guild's Chief Executive at least once a term, to ensure that he or she cannot participate as specified in a)-d) above.

Students are advised that the University has made no special arrangements for the provision of services or facilities specifically for non-members of Guild of Students,

since it is satisfied that the range of services provided by Guild of Students, and the University for all students are sufficient to ensure that non-members are not unfairly disadvantaged within the meaning of the Education Act 1994.

7. The Finances of the Guild of Students

The Director of Finance of the University will bring forward annually to the appropriate University authority for approval the Guild of Students' proposed budget for the following financial year. The Director of Finance will make arrangements to monitor the Guild's expenditure and report to the appropriate University authority in accordance with the University's financial rules.

The University's Internal Auditor will have access to the financial records of the Guild of Students.

Before entering into any significant loan or borrowing agreements, lease or licence agreements or guarantees or indemnities (over the value of £50,000) that may incur contingent liabilities (save the Guild's lease of the Union Building) the Guild of Students' Trustee Board must first obtain the written approval of the University's Director of Finance.

Guild of Students will maintain adequate employers, third party and public liability insurance cover. Guild of Students Trustee Board will seek the approval of the Director of Finance regarding the type and level of insurance cover they propose to take out each year prior to renewal.

8. Accounts of the Guild of Students

The Director of Finance of the University will satisfy himself or herself that the Guild of Students' accounts are properly drawn up and audited. The accounts will normally be published annually and will be sent to the University's Director of Finance for submission to the Audit Committee, Strategy Planning and Resource Committee and Council as appropriate in November/December each year. A copy of the accounts may be obtained by any member of the University Council or member of the Guild of Students on application to the Chief Executive of the Guild.

The accounts of the Guild must list any external organisation to which the Guild has made donations in the period to which the accounts relate, and details of those donations. Where no such donations have been made, a nil return will be recorded in the accounts under this heading.

The accounts will also record any affiliation by the Guild to any external organisation by naming such organisation and details of any subscriptions, fees or donations paid by the Guild to that organisation.

9. Affiliation to External Organisations

The Guild will publish promptly on its website any decision it has made to affiliate to an external organisation, stating the name of the organisation and details of any subscriptions, fees or donations paid or to be paid to the organisation.

The Guild's Trustee Board will review all affiliations to external organisations at least once a year. A requisition may be made to the Guild Trustee Board once a year by at least 5% of the members of the Guild that the question of continued affiliation to any particular external organisation be decided upon by a secret ballot in which all members are entitled to vote. In the case of such requisition, the procedures for referenda laid down in the Guild's constitution will be implemented.

10. Allocation of Resources to Guild Clubs, Societies and Student Group

The procedure for allocating resources to Guild Clubs, Societies and Student Groups will be fair and set out at www.guildofstudents.com, published annually and is freely available to any registered student on application to the Chief Executive of the Guild.

11. Complaints Procedure

Complaints by any registered student in relation to their dealings with the Guild 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 Guild will be dealt with in three stages:

a) by the internal complaints procedure set out in the Guild constitution.
b) if the student is still dissatisfied, jointly by a panel comprising a lay member of Council (in the chair), the Pro-Vice-Chancellor (Education) (or nominee) and the Registrar and Secretary of the University (or nominee) and the Guild President (or nominee).
c) if the student is still dissatisfied, by reference to an independent and external person nominated and appointed by the University Council. Complaints will be dealt with promptly and fairly and when a complaint is upheld there will be an effective remedy.

12. Status and Publication of this Code of Practice

This Code of Practice, as amended by the University Council in consultation with the Guild of Students from time to time, has the status of University Ordinances and Regulations. It will be included in the governance section of the University's website and will be referred to in the University's Online Registration which students must undertake annually.

Approved by University Council on 9th April 2014