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## **Memorandum of Understanding**

**University of Leicester**

**and**

**University of Leicester Students' Union**

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## **1. INTRODUCTION**

- 1.1 The University of Leicester Students' Union (hereinafter referred to as 'the Union') represents the students of the University of Leicester (hereinafter referred to as "the University") and seeks to serve their social, cultural, welfare, educational, political, sporting and developmental needs, to further their interests both inside and outside the University, and generally to enhance their well-being. "The University" shall be taken to mean the governing body of the University, normally the Council, or its senior representatives, including the President and Vice-Chancellor, the Registrar and Secretary, the Director of Finance, and the Director of Estates and Digital Services.
- 1.2 The University's Royal Charter (Article 12) establishes a Students' Union and the Statutes and Ordinances of the University further define the relationship between the Union and the University (reproduced in the appendices).
- 1.3 The aim of this Memorandum of Understanding is to set out, under a number of heads of agreement, issues of common interest to the Union and its subsidiary companies

(University of Leicester Students' Union Trading), its elected officers and staff, and the University, so that a clear and positive working relationship between the two is established. It is the responsibility of the University, under the Education Act 1994, to ensure that the Students' Union complies with Section 22 of that Act. Specifically, the University must approve the Constitution and review it at least every five years.

- 1.4 The University last approved the current constitution of the Union in July 2015.
- 1.5 This Memorandum seeks to set out in one place all the documentation regarding the Union's relationship with the University and includes the Code of Practice (referred to in clause 2.3 below) required by the Education Act 1994.
- 1.6 This Memorandum constitutes the entire agreement between the parties with respect to the subject matter contained in this Memorandum and supersedes and extinguishes all previous agreements and understandings, whether written or oral between the parties hereto with respect to the subject matter hereof.
- 1.7 In addition to this Memorandum the following documents relate to the Union's operation:
  - 1.7.1 The Union's constitution in the form of its Company articles and memorandum;
  - 1.7.2 The Union's rules and regulations that lay out the detailed operating practices of the various Union committees and bodies;
  - 1.7.3 The Percy Gee lease between the University and the Union that sets out the legal arrangements for the safe and appropriate operation of the Union's premises, which are based in the Percy Gee building of the University campus.
  - 1.7.4 The Union's Strategic Plan that lays out its long term aims and goals. The Union's annual objectives are shared with the University via a series of planning meetings. The post-pandemic strategy is currently being reviewed and is due to be launched for 2022/23. The final strategy will be hosted on the Union's website shortly thereafter.
  - 1.7.5 The Union's annual budget and operating document that are established to clarify the Union's detailed plans for the current year.

## **2. THE STATUS AND RELATIONSHIP BETWEEN THE UNION AND THE UNIVERSITY**

- 2.1 The University affirms its commitment to the self-government and autonomy of the Union under its own constitution, consistent with the law and with the University's obligations.
- 2.2 The University and the Union trusts that this Memorandum of Understanding will contribute to maintaining the excellent relationship between the University and the Union and between University officers and Union officers which is in the interests of the University and of its students.
- 2.3 In recognition of its responsibilities, in particular as a result of the Education Act 1994, Part II, the University has agreed this memorandum and the details within it should be read as the Code of Practice required by Section 22.3 of the Act. Attached as an appendix is a summary of the details of the Code of Practice that can be published to all students as required by section 22.4 of the Education Act 1994.

## **3. MANAGEMENT, ACCOUNTABILITY AND THE LAW**

- 3.1 In relation to the Union's affairs there will be designated a student officer to act as the prime student representative and the Chair of Trustees and the Lead Student Officer for all legal matters. Currently this is the President of the Union. The Lead Student Officer is assisted by the other sabbatical officers, other elected officer posts and by the Chief Executive Officer of the Union and his/her staff.
- 3.2 To assist the Union and in recognition of its responsibilities in particular areas of activity, the University has appointed a nominated officer from amongst the staff of the University, to advise the Union's Trustees on any matters that the Trustees should wish, but particularly on financial matters, and to act as the University's representative in such matters as may be deemed necessary. The President and Vice-Chancellor shall propose, and the Union Board of Trustees shall agree the choice of nominated officer.
- 3.3 The Union will comply with the requirements of the Health and Safety at Work Act, with the Chief Executive having the same responsibilities in this respect as those defined in the University's Health and Safety Policy for a Head of Department. The Chief Executive, or his or her nominated deputy, for reasons of continuity, will also be the Safety Officer for the Union, advising the Students' Union Trustees as appropriate. The University Safety Advisor will be the appointed person to advise the Union on Health and Safety matters.
- 3.4 The Students' Union is responsible for complying with all other laws relating to its operations and activities including Building Regulations, the Bribery Act, Food Safety, Data Protection, the Freedom of Information Act, Copyright, Environmental Protection, Charities, Licensing, Education, Employment, Equal Opportunities legislation and the Statutes, Ordinances and Regulations of the University, in the same way as an academic department. University Officers will provide advice necessary to facilitate compliance.
- 3.5 The Union will immediately inform the Registrar and Secretary of any legal proceedings taken or proposed against the Union or its officers.
- 3.6 The Council of the University will appoint an observer to the Sabbatical Officer Election count.
- 3.7 The Union is obliged to maintain a register of members in order to comply with Company and Charity Law. It is agreed that this register will be held on behalf of the Union's trustees by the University Registrar and Secretary who will enable appropriate access to the register by all and any authorised persons or organisations. The Union will also have access to the data held within the register for the purposes of communications with the Company members as and when required.

#### **4. PREMISES**

- 4.1 The Students' Union will be provided with certain premises for the purpose of furthering the social, recreational, cultural, welfare and sporting activities of the University's students so far as is reasonably practicable. The premises so provided are owned by the University and made available to the Union under the terms of a lease which shall establish tenant rights for and obligations on the Union and establishes a formula for the payment of rent and sets out responsibilities for the maintenance of the Building. The Union will not permit third parties to occupy space or facilities in any form that establishes any rights of occupancy without the permission of the University.

- 4.2 The Union and its clubs and societies will be permitted use of other areas in the University by agreement and in accordance with any statute, laid down procedures and subject to availability for social, recreational, educational, cultural and sporting activities, such areas remaining the management responsibility of the University.
- 4.3 Where the Union is allowing use of its premises to clubs, societies or to outside organisations, the requirements of the University's Regulations on Freedom of Speech, attached as an appendix to this Memorandum, will be met by the Union. In addition, the Union is responsible for implementing rules governing posters, notices, temporary signs and the distribution of literature on Union premises and where clubs and societies are using other University space.
- 4.6 The Union is required to inform the University of any activities that may cause disruption to the normal operations of the University, not less than 14 calendar days before the activity in writing to the Registrar and Secretary.

## **5. FINANCE**

- 5.1 Subject to any constraints imposed by OfS, the University shall determine the level of grant to be paid annually to the Students' Union for the furtherance of its charitable objectives.
- 5.2 The grant level will be agreed after a period of debate and consultation between the Union and the University that shall include the requirement for the Union to provide, for information, details of its proposed budget, reserves and its operating plans for the 12-month period. In order to mitigate potential risk, the annual grant will be accompanied by a commitment to support a minimum of 6 months of basic operating costs in the following financial year if required. Therefore giving certainty of minimum funding for 18 months while also ensuring budgeted objectives can be delivered in the 12 months covered by the grant.
- 5.3 The Students' Union is responsible for maintaining its own bank account and financial records and preparing its own annual financial statements. The Students' Union may not borrow money from its bank or elsewhere, without approval from the University Chief Financial Officer.
- 5.4 All of the Union's charitable activities should be operated in a transparent manner and should encompass all of its operations including clubs and societies, sports teams and trading activities.
- 5.5 At year end, the Students' Union financial statements will be audited by an appropriately qualified firm of auditors and will be presented to the Finance and Infrastructure Committee for information.
- 5.6 In accordance with an agreement between the University and the Students' Union, the University's internal auditor shall have access to records, assets and personnel within the Students' Union in the same way as other areas of the University.
- 5.7 The Students' Union is responsible for maintaining their insurance arrangements. These must be declared to and agreed with the Director of Estates and Digital Services.
- 5.8 The University is required under the Education Act 1994 to take such steps as are reasonably practicable to secure that the Students' Union is accountable for its finances, and that the financial affairs of the Union are properly conducted, as well as ensuring that

arrangements exist for the approval of the Union's budget and the monitoring of its expenditure by the University.

- 5.9 The regulation of the financial affairs of the Union is detailed in the Constitution. Responsibility is vested in the Board of Trustees of the Union (or any properly constituted Sub-committee). The Board of Trustees will forward an agreed provisional budget to be received by the University in time for consideration by the University Finance and Infrastructure Committee, the final budget being determined after the final allocation of the Union's grant.
- 5.10 The Union may bid for additional capital to fund larger projects that the Union may wish to undertake.
- 5.11 The Union may not incur expenditure, or take any action, which is inconsistent with the law relating to charities. In general, expenditure is proper if it can be said to be appropriate for the purpose of representing and furthering the interests of students at the University in such a way as to assist in the educational aims of the University.
- 5.12 An Annual Report of the Union will be published and made available to students and the University. The Report will contain a list of external organisations to which donations have been made in the period to which the Report relates and details of those donations. The Report will be available for inspection in the Union office and the office of the Registrar and Secretary.
- 5.13 The Union will comply with the Financial Regulations in place, which are approved by the Board of Trustees of the Union, ratified by the Student Council and subject to approval by the University's Chief Financial Officer.
- 5.14 The Union will comply with the detailed requirements of the Education Act 1994 concerning affiliations to external bodies, in particular giving due notice of any decision to affiliate, reporting on affiliations and reviewing them. The Union's Board of Trustees will review all external affiliations during the course of preparing its annual budget and make recommendations concerning continuation or otherwise of each affiliation for consideration by the Student Council.

## **6. INFORMATION SERVICES**

- 6.1 The Union will be provided with the same degree of service as other University departments in relation to information technology support.

## **7. STAFF MATTERS**

- 7.1 The Union has full responsibility for appointing and managing its staff and such staff will formally be employees of the Union. Union staff shall be employed on the terms and conditions of employment as deemed appropriate by the Board of Trustees, which should seek professional advice.
- 7.2 The Board of Trustees shall be responsible for all matters relating to the employment, appointment, supervision and dismissal of staff. The dismissal of permanent staff shall be the responsibility of the Union's Chief Executive (or in the case of the Chief Executive, the appropriate sub-committee of the Board of Trustees), and shall follow regulations laid out in the Union's employment handbook (located in the Union Office) and follow all legal requirements and current best practice.

- 7.3 The standards by which staff employed by the Union and how they shall conduct themselves in relation to each other are included in a Staff Student Protocol (employment handbook) agreed by the Board of Trustees.
- 7.4 The Union will consult with the University regarding any proposed change to its employees' pension arrangements. For so long as the University is required by USS to guarantee the Union's obligations to USS, the Union will in particular ensure that it remains in active membership of USS by having at least one member of staff in active membership, and taking such action as is necessary to avoid triggering a "Section 75" withdrawal from USS.
- 7.5 The University will be consulted regarding the terms, conditions and recruitment of the Union's most senior member of staff, normally the Chief Executive. The University will normally be invited by the Board of Trustees to add a member of its senior management team to any interview panel for the senior staff post in the Union.
- 7.6 Staff employed by the Union to work for more than 16 hours per week, on contracts of at least 12 months' duration, and who are not already full-time students of the University, shall be entitled to receive a fee discount on courses of part-time or distance learning study undertaken by them at the University. On this basis a fee discount which is the same as that which is offered to University staff will be applied to programmes of study. Individuals whose primary purpose in joining the University is to be a student shall not be eligible to receive such discounts.

## **8. COMPLAINTS AND DISCIPLINE**

- 8.1 The by-laws of the Union provide for a [complaints](#) procedure for use by students not satisfied in their dealings with the Union. Complainants not satisfied, having utilised in full the procedures internal to the Union, have a right to refer the matter to the Registrar and Secretary of the University for consideration under the University's Complaints Procedure.
- 8.2 Complainants not satisfied as a result of the above have the right of access to an independent person appointed by the University. The independent person will carry out appropriate enquiries and report to the complainant and to the University with conclusions and suggested remedies. All parties to any complaint will be informed of its nature and have the right to present written responses or representations, which will be considered.
- 8.3 Reports of complaints and of suggested remedies shall be made to the University. The University shall determine whether the remedies are appropriate and suggest action by the Union, the University or the complainant as a result. The Union undertakes to implement such remedies promptly and fully.
- 8.4 Serious offences will be reported by the Union to the Registrar and Secretary before Union action is considered or taken. Any University decision to proceed under the University Senate regulations governing student discipline will normally take precedence and any Union proceedings will cease.

## **9. WELFARE**

- 9.1 The University and the Union both attach great importance to the welfare of students and will co-operate fully in providing complementary services of quality, commensurate with available resources.
- 9.2 Representatives from the Union sit on relevant University Committees and on working parties with responsibilities for student welfare and student related matters. The University recognises and welcomes the representative function of the Union on these committees and commits to consult with the Union on any changes to the provision of welfare services.
- 9.3 The University recognises and welcomes the important role of independent advocacy provided by the Union in representing, advising and supporting students who are utilising the appeals and complaints procedure or who are the subject of disciplinary action.

## **10. MEDIA**

- 10.1 All features, articles, letters and advertisements published in publications, or content on the radio or TV stations are as a result of decisions made by the Editor/Station Manager liaising with the Executive Committee of the Union as appropriate. As such they are independent of the University and the University will accept no responsibility for anything so published. Material which is unlawful may not be published, and the Union is obliged to ensure this is so and will appoint a student officer to check student publications to ensure compliance with the law before it goes to print or is broadcast. The Union's Trustees shall ensure that there is in place an appropriate removal policy for all Union media.
- 10.2 All the Union's electronic communications (including its web site and any social network sites) will be moderated by a responsible officer or staff member of the Union, and any offensive or inappropriate material will be removed as soon as it is practical to do so.
- 10.3 The Union will normally liaise with the University press office if significant media publicity is being sought for any issue in order to maximise its impact and to reduce any potential clashes with the University press agenda.

## **11. LOCAL COMMUNITY**

- 11.1 The University and the Union are committed to improving links with the local community.
- 11.2 The University recognises the work done by the Union with volunteering through its various programmes and will support such initiatives for the good of students and the local community.

## **12. COMMUNICATION WITH THE UNIVERSITY ADMINISTRATION**

- 12.1 The formal channel of communication between the University and the Union will be via the President of the Union and the Registrar and Secretary of the University who will meet regularly for this purpose. However, in general, Union officers may access members of Corporate Services directly on any issue. The President and Vice-Chancellor will meet with officers of the Union from time to time or as necessary.

## **13. DISPUTE RESOLUTION**

- 14.1 In the event that there is a dispute between the Union and the University regarding any matter, both parties will seek a resolution through negotiations between senior officers and staff of the parties, who have authority to settle the same.
- 14.2 If the matter is not resolved by negotiation within a reasonable time, both parties shall attempt to resolve the dispute in good faith through the appointment of a single mediator to be agreed between the parties, or failing agreement on a mediator, a mediator will be appointed by the Chair of University Council.

## **15. REVIEW**

- 15.1 The University will formally review the Union's constitution, and this Memorandum of Understanding (MoU), every five years. However, if the Union submits proposals for substantial amendments to the constitution or the Memorandum of Understanding to the University in any year, the next formal review will be held at least five years from the year in which the University approved those amendments. A copy of the MoU is included within the SU constitution and this was last reviewed earlier this year.
- 15.2 The rules and regulations of the Union can be amended by the Union (utilising the appropriate procedures) as required. However, they shall be presented to the University every five years along with the Union's Constitution and this memorandum of Understanding for the five yearly review as required by the Education Act 1994.
- 15.3 Any disputes on the interpretation or application of this Memorandum of Understanding will be referred to a meeting of the Union's Chair of Trustees, the Union's Chief Executive, the University Registrar and Secretary and the Chair of the University Council.

SIGNED FOR THE UNIVERSITY:



.....  
Registrar and Secretary

Date: 05 September 2024

SIGNED FOR THE STUDENTS' UNION:



Chair of the Board of Trustees

Date: 25 April 2025

## **APPENDICES**

### **APPENDIX 1: UNIVERSITY CHARTER (EXTRACT)**

#### **Section 12**

There shall be an Alumni Association of the University and there shall also be a Students' Union. The Alumni Association and the Students' Union shall respectively have such and so many representatives on the Council and the Court and on such conditions as may be provided by the Statutes and Ordinances of the University.

## **APPENDIX 2: UNIVERSITY STATUTES (EXTRACT)**

### **Section 11: The Students' Union**

There shall be a Students' Union of the University and Ordinances shall prescribe the constitution, functions, privileges and other matters relating to such a Union.

## **APPENDIX 3: UNIVERSITY ORDINANCES (EXTRACT)**

### **Ordinance 22: The Students' Union**

1. There shall be a Students' Union of the University (hereinafter called the Union) for the promotion of the general interests of students and to afford a recognised channel of communication between students and the University authorities.
2. The members of the Union shall be: (a) all registered students of the University; (b) such members of staff of the University as may elect to become Associate Members of the Union; - .(c) such persons as the Union in accordance with its Regulations may from time to time admit or elect as Associate, Life, Honorary or External Members, provided that any registered student shall have the right not to be a member of the Union if he/she so wishes, and shall not be unfairly disadvantaged by reason of having exercised that right. Students wishing not to be members of the Union must indicate this wish in writing to the Registrar and Secretary (or such officer as he may designate for the purpose), and this decision will remain effective for the duration of their registered student membership of the University unless they take specific action to resume membership. Students who have opted out may not resume membership of the Union during the session in which they have opted out, but they may take up membership in any subsequent session, provided that they indicate a wish to do so in writing to the Registrar and Secretary or his designated officer.
3. Members under 2(b) and 2(c), other than Honorary Members, will be required to pay such subscription as may be required by the Regulations of the Union.
4. The Constitution of the Union shall consist of the provisions of the University's Statutes concerning the Students' Union, this Ordinance, any other Regulations of the University concerning the Union, the by-laws and Regulations of the Union prepared and approved in accordance with section (6) below, and the Articles and Memorandum of Incorporation. This Constitution shall comply with the terms of the Education (No. 2) Act 1986 and the Education Act 1994, and shall be presented to the Council of the University for review at least every five years. Copies of the Students' Union Constitution shall be made freely available for inspection by any member of the University in the offices of the Union, the office of the Registrar and Secretary, the Library of the University, and in such other places as the Executive Committee of the Union may designate.
5. The Union shall designate an officer or an employee who shall have overall responsibility for the implementation of the financial aspects of this Ordinance and of any Regulations of the University concerning the Union. This person shall also have a duty to advise the Union if at any time any action or policy under consideration by the Union appears to be in conflict with any statutory requirements, the terms of this Ordinance, the Regulations of the University, or any other agreement between the Union and the University. The designated person shall be required to inform the President and Vice-Chancellor in writing should the Union decide to proceed contrary to that advice.

6. Regulations shall be prepared by the Union for the furtherance of the objects of the Union which regulations and any alterations or abrogation thereof shall be of effect and binding on all members of the Union immediately upon receiving the approval of the Registrar and Secretary, whose decision in each case shall be reported to the Council of the University. The Regulations shall provide inter alia for the election of officers by secret ballot, for the conduct of all elections by democratic process, for the publication of an Annual Report and Accounts, for the appointment of a Union University, an Executive Committee, a Finance and Management Committee and Standing Committees, for the affiliation of Students' Societies and Athletic Clubs to the Union, for the allocation of resources to affiliated societies and clubs, for the affiliation of the Union to external organisations, and for appropriate procedures governing these activities.
7. Students shall be permitted to participate in elections of the Union by postal ballot under such circumstances and according to such procedures as shall be defined in the Regulations of the Union.
8. The conduct of the elections of officers shall be subject to inspection by a person appointed by the University of the University, who shall be required to satisfy himself on behalf of the University that the elections have been fairly and properly conducted, and without whose certificate any election shall be void.
9. No person shall hold sabbatical office, or paid elected office, in the Union for more than two years in total.
10. The functions of the Executive Committee, subject to the Regulations of the Union, shall be to represent the Union in all matters affecting its interests.
11. The Board of Trustees shall be accountable for the administration of the finances of the Union. The accounts of the Union shall at the end of each financial year be audited by a public accountant in the active practice of his profession, and copies of the accounts, with the signed report of the auditor, shall be presented to the Student Council. The audited accounts shall also be presented to the Council of the University, through the University's Finance Committee, and copies shall be made freely available for inspection by any member of the University in the offices of the Union, the office of the Registrar and Secretary, the Library of the University, and in such other places as the Board of Trustees may designate.
12. The Annual Report and Accounts of the Union shall contain: (a) a list of any external organisations to which the Union has made donations in the period to which the report relates, and details of those donations; and (b) a list of any external organisations to which the Union has been affiliated in the period to which the report refers, and details of the subscriptions or fees paid to such organisations in the same period.
13. The budget of the Union for the forthcoming financial year shall be prepared in accordance with the Regulations of the Union, shall be subject to discussion with the Registrar and Secretary and other appropriate officers of the University, and shall be presented to the Council of the University, through the University's Finance Committee, for approval.
14. The Union shall make a quarterly report on its income and expenditure against the approved budget to the University's Finance Committee.
15. The Union shall incur no expenditure, and take no other action, which is inconsistent with the law relating to charities.

16. The Board of Trustees shall have the authority to affiliate the Union to outside organisations, subject to legislation, the provisions of Ordinances, and the Regulations of the Union. Any such new affiliation shall be announced by means of a notice stating the name of the organisation, and details of any subscriptions or donations made or proposed. The notice shall be prominently displayed in the Students' Union, and shall be made available for display in the University Library and the office of the Registrar and Secretary.
17. The Regulations of the Union shall include procedures for the review of affiliations to external organisations annually. Five per cent of the members of the Union under clause 2 (a) of this Appendix 3 may, on provision of a signed requisition, call for a ballot of all members on the continuation of affiliation to a specified external organisation or organisations, provided that no organisation may be the subject of such a ballot more than once in any Academic Year.
18. The Regulations of the Union shall include procedures for the consideration of any complaints by students (whether members or not) who are dissatisfied in their dealings with the Union. Complainants shall have a right of appeal to an independent person appointed by the Council of the University. Students who, not being members of the Union, claim to have been unfairly disadvantaged as a consequence, may have their complaints considered by the Registrar and Secretary, and shall have a right of appeal thereafter to an independent person.

## **APPENDIX 4: STUDENTS' UNION CODE OF PRACTICE**

The Education Act 1994 (Section 22(3)) requires universities to issue a Code of Practice, setting out the manner in which the requirements of section 22(1) and (2) of the Act, relating to the organisation and activities of the Students' Union, are to be put into effect.

The statutory Information for Students under Section 22(4)(b) of the Education Act is detailed below.

<b>The requirements of Section 22(2) in the wording of the Act</b>	<b>The steps taken by the University</b>
(a) The Union should have a written constitution	<p>The Memorandum and Articles of Incorporation were approved by Council in 2008.</p> <p>More detailed procedures of a constitutional nature are set out in the by-laws, agreed by the Unions Board of Trustees and Student Council, the first version of these being received by University Council on 29 March 2010 at the same time as the Memorandum and Articles of Incorporation.</p>
(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>See above. The constitution was last reviewed and minor changes approved by the University Council in March 2022.</p> <p>The next review will take place in the academic year 2026-27.</p>
(c) A student should have the right not to be a member of the union, or 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 of otherwise, by reason of their having done so.	<p>Article 15.1.1 of the Articles of Incorporation establishes the right of students to opt out of Union membership.</p> <p>The procedures for so doing are contained in the by-laws.</p>
(d) Appointment to major union offices should be by election in a secret ballot in which all	This is established by the Memorandum and Articles of Incorporation (Article 37).

members are entitled to vote.	
(e) The governing body should satisfy themselves that the elections are fairly and properly conducted.	According to the by-laws, the University shall appoint a representative to oversee the good conduct of the Students' Union's elections.
(f) A person should not hold sabbatical office, or paid elected union office, for more than two years in total at the establishment.	This is established by the Articles of Incorporation (Article 37.2).
(g) 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>The Budget of the Students' Union is received by the University Finance Committee, which would thereby be enabled to draw the attention of the Students' Union to any problems it had identified.</p> <p>The Financial Regulations of the University and the Union provide for the approval of the audit arrangements of the Students' Union by the University.</p>
(h) 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>The Annual Financial Statements of the Students' Union are received by the University Finance Committee.</p> <p>Details of any donations would be contained in the Financial Statements.</p>
(i) The procedure for allocating resources to groups or clubs should be fair, and should be set down in writing and freely accessible to all students.	<p>The procedures are published by the Students' Union in the Clubs and Societies Handbooks, generally accessible to members, and on the Students' Union website.</p> <p>Revisions of the procedures must be approved by the University Director of Finance.</p>
(j) If the union decides to affiliate to an external organisation, it should publish notice of its decision, stating the name of the organisation, and details of any subscription or similar fee paid or proposed to be paid, and of any donation	If the Union decides to affiliate to an external organisation, it shall publish notice of its decision, stating the name of the organisation, and details of any subscription or similar fee paid or proposed to be paid, and of any

<p>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>donation made or proposed to be made, to the organisation, and any such notice should be made available to Council and to all students.</p>
<p>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 or 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>An annual report shall be made to Council, normally in the Autumn term in conjunction with the Financial Statements of the Students' Union, containing a list of the external organisations to which the union is currently affiliated, and details of subscriptions or similar fees paid, or donations made, to such organisations since the last report. If there are no affiliations, Council shall be so informed. The content of the report to Council shall be made available to all students by the Students' Union.</p>
<p>(l) 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>The Students' Union is required to conduct an annual review of its current list of affiliations, according to procedures to be approved by the Registrar and Secretary. The procedures shall be published by the Students' Union on its website.</p> <p>The by-laws provide that Members who are opposed to affiliation of the Union to a particular external organisation, or who wish to see the Union affiliated to a particular organisation may call for a secret ballot of all members. 5% of the full membership of the Union may call for such a ballot (in accordance with the Constitution), provided that no organisation may be subject to a ballot more than once in any one academic year.</p>
<p>(m) There should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the union, or claim to be unfairly disadvantaged by reason of their having exercised the right</p>	<p>Under the by-laws, the Trustees are required to provide for the internal handling of complaints in the Students' Union.</p>

<p>referred to in paragraph (c) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints.</p> <p>(n) Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.</p>	<p>The Students' Union is also required to publish on its website a complaints procedure for those dissatisfied with the outcome of the internal complaints procedure. This shall include provision for an independent person appointed by Council to investigate on complaints. The procedure shall be approved by the Registrar and Secretary of the University.</p>
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#### **Section 22(4)(b) - Information for students**

Under section 22(4)(b) of the Education Act 1994, the University is obliged to draw to the attention of students the restrictions imposed on the activities of the Students' Union by the law relating to charities.

Resources provided to the Union by the University should be used only for the charitable purposes of the Students' Union. The charitable purposes of the Students' Union are defined by the Memorandum and Articles of Incorporation as:

1. The objects of the Union are the advancement of education of Students at the University of Leicester for the public benefit by:
  - a. promoting the interests and welfare of Students at the University of Leicester during their course of study and representing, supporting and advising Students;
  - b. being the recognised representative channel between Students and the University of Leicester any other external bodies; and
  - c. providing social, cultural, sporting and recreational activities, and forums for discussions and debate for the personal development of its students.

## **APPENDIX 5: THE EDUCATION ACT 1994 (EXTRACT)**

### **Part II – Students’ Unions**

#### **20. Meaning of “students’ union”**

1. In this Part a “students’ union” means—
  - a. an association of the generality of students at an establishment to which this Part applies whose principal purposes include promoting the general interests of its members as students; or
  - b. a representative body (whether an association or not) whose principal purposes include representing the generality of students at an establishment to which this Part applies in academic, disciplinary or other matters relating to the government of the establishment.

2. References in this Part to a students' union include an association or body which would fall within subsection (1) if for the references to the generality of students at the establishment there were substituted a reference to—
  - a. the generality of undergraduate students, or graduate students, at the establishment; or
  - b. the generality of students at a particular hall of residence of the establishment.
3. References in this Part to a students' union include an association or body which consists wholly or mainly of—
  - a. constituent or affiliated associations or bodies which are themselves students' unions within subsection (1) or (2), or
  - b. representatives of such constituent or affiliated associations,and which fulfils the functions of a students' union within subsection (1) or (2) in relation to students at an establishment to which this Part applies.
4. An association or body may be a students' union within the meaning of this Part in relation to more than one establishment but not in relation to establishments generally in the United Kingdom or a part of the United Kingdom.
5. References in this section to an association of the generality of students, or of any description of students, include—
  - a. any association which the generality of students, or of students of that description, may join, whether or not it has in membership a majority of them, and
  - b. any association which would fall within paragraph (a) if the references there to students were confined to full-time students;and references to a representative body whose principal purposes include representing the generality of students, or of any description of students, shall be similarly construed.

## **21. Establishments to which Part II applies**

1. The establishments in England and Wales to which this Part applies are—
  - a. any university receiving financial support under section 65 of the [1992 c. 13.] Further and Higher Education Act 1992;
  - b. any institution conducted by a higher education corporation or further education corporation within the meaning of that Act;
  - c. any institution designated under section 129 of the [1988 c. 40.] Education Reform Act 1988 as eligible to receive support from funds administered by a higher education funding council;
  - d. any institution designated under section 28 of the [1992 c. 13.] Further and Higher Education Act 1992 as eligible to receive support from funds administered by a further education funding council;

- e. any institution substantially dependent on financial support under section 6(5) of that Act (certain institutions providing facilities for part-time, or adult, further education);
- f. any institution designated, or of a description designated, by order of the Secretary of State;
- g. any college, school or hall in an establishment within any of the above paragraphs.

2. The establishments in Scotland to which this Part applies are—
  - a. any institution within the higher education sector for the purposes of section 56(2) of the [1992 c. 37.] Further and Higher Education (Scotland) Act 1992;
  - b. any college of further education (within the meaning of section 36(1) of that Act), the board of management of which, or in respect of which an appropriate person, is in receipt of a grant, loan or other payment as mentioned in section 4(1) of that Act;
  - c. any central institution within the meaning of section 135(1) of the [1980 c. 44.] Education (Scotland) Act 1980;
  - d. any institution designated, or of a description designated, by order of the Secretary of State.
3. For the purposes of subsection (1)(e) an institution is substantially dependent on financial support under section 6(5) of the [1992 c. 13.] Further and Higher Education Act 1992 in any year in which such support amounts to 25 per cent. or more of its income.

For this purpose “year” means an accounting year of the institution, and “income” means receipts of any description, including capital receipts.

4. In subsection (1)(g) “college” includes any institution in the nature of a college.
5. References in this Part to the governing body of an establishment are to the executive governing body which has responsibility for the conduct of affairs of the establishment and the management and administration of its revenue and property.

## **22. Requirements to be observed in relation to students' unions**

1. The governing body of every establishment to which this 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 accountable for its finances.
2. 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—
  - a. the union should have a written constitution;

- 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;
- c. 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;
- d. appointment to major union offices should be by election in a secret ballot in which all members are entitled to vote;
- e. the governing body should satisfy themselves that the elections are fairly and properly conducted;
- f. a person should not hold sabbatical union office, or paid elected union office, for more than two years in total at the establishment;
- g. 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;
- h. 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—
  - i. a list of the external organisations to which the union has made donations in the period to which the report relates, and
  - ii. details of those donations;
- i. the procedure for allocating resources to groups or clubs should be fair and should be set down in writing and freely accessible to all students;
- j. if the union decides 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;
- k. where the union is affiliated to any external organisations, a report should be published annually or more frequently containing—
  - i. a list of the external organisations to which the union is currently affiliated, and

- ii. details of subscriptions or 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;
- I. there should be procedures for the review of affiliations to external organisations under which—
  - i. the current list of affiliations is submitted for approval by members annually or more frequently, and
  - ii. 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 per cent.) 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;
- m. there should be a complaints procedure available to all students or groups of students who—
  - i. are dissatisfied in their dealings with the union, or
  - ii. claim to be unfairly disadvantaged by reason of their having exercised the right referred to in paragraph (c)(i) or (ii) above, which should include provision for an independent person appointed by the governing body to investigate and report on complaints;
- n. complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.

3. 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.

4. 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—

- a. the code of practice currently in force under subsection (3),
- b. any restrictions imposed on the activities of the union by the law relating to charities, and
- c. where the establishment is one to which section 43 of the [1986 c. 61.] 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.

5. The governing body of every 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—

- a. information as to the right referred to in subsection (2)(c)(i) and (ii), and
- 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.

6. In subsections (2), (4) and (5) the expression "all students" shall be construed as follows—

- a. in relation to an association or body which is a students' union by virtue of section 20(1), the reference is to all students at the establishment;
- b. in relation to an association or body which is a students' union by virtue of section 20(2), the reference is to all undergraduate, or all graduate, students at the establishment or to all students at the hall of residence in question, as the case may be;
- c. in relation to an association or body which is a students' union by virtue of section 20(3), the reference is to all the students who by virtue of section 20(1) or (2) are comprehended by that expression in relation to its constituent or affiliated associations or bodies.

7. In this section the expression "members", in relation to a representative body which is not an association, means those whom it is the purpose of the union to represent, excluding any student who has exercised the right referred to in subsection (2)(c)(ii).

8. In subsection (2)(j) to (l) the references to affiliation to an external organisation, in relation to a students' union for students at an establishment, include any form of membership of, or formal association with, an organisation whose purposes are not confined to purposes connected with that establishment.

9. Subsection (2)(d) and (l)(ii) (elections and affiliations: requirements to hold secret ballot of all members) do not apply in the case of an open or distance learning establishment, that is, an establishment where the students, or the great majority of them, are provided with materials for private study and are not required to attend the establishment to any significant extent or at all.

## **APPENDIX 6: UNIVERSITY REGULATIONS CONCERNING FREEDOM OF SPEECH**

### **CODE OF PRACTICE CONCERNING FREEDOM OF SPEECH**

#### **Introduction**

1. The University regards it as a fundamental principle of its existence as an independent academic institution that freedom of speech within the law should be respected on its premises and in all its activities. No individual or body of persons shall be prevented from studying, or participating in any academic activity, or being invited to deliver a lecture, or delivering a lecture, or complying with a contract of employment with the University, solely on account of their political, religious or other opinions and beliefs. Equally, the University does not expect that any speaker will make requests or seek to impose conditions requiring the observance of their opinions or beliefs by the audience.

#### **Basis of Jurisdiction**

2. This Code is approved by the Council, in accordance with its authority under the Charter and Statutes of the University. It also constitutes the Code of Practice required by Section 43 of the Education (No 2) Act 1986, which states, *inter alia*, that every individual and body of persons concerned in the government of the University shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the University and for visiting speakers; and that the Council shall issue and keep up to date a code of practice setting out the procedures to be followed in connection with the organisation of meetings and other activities, and the conduct required in connection with any such meeting or activity.

#### **Scope of Authority**

3. The provisions of this Code, and of any procedures duly instituted in accordance with it, shall apply in full to all employees, students, honorary and visiting staff and any other members of the University within the meaning of Section 2 of the Statutes; to the Students' Union, its clubs and societies; and to all persons and associations occupying property of the University.
4. All persons to whom the Code applies are under an obligation to take no action which would hinder freedom of speech within the law, or which would prevent the University, the President and Vice-Chancellor or any of its Officers from discharging their duty to ensure freedom of speech so far as is reasonably practicable.
5. Ordinance 23(2) and the Regulations Governing Student Discipline provide that persons authorised by Senate for the purpose shall have the authority, and it shall be their duty to check disorderly or improper conduct or any breach of regulations occurring in any of the University buildings or their precincts or in public buildings or places.
6. This Code applies to informal or social activities and events as well as to any more formal meeting or lecture as may be subject to the specific and detailed special arrangements set out below. Examples of applicable events include visiting lecturers invited by

academic staff; religious or political representatives speaking on campus; and events such as debates, speeches and conferences taking place in University facilities that have been organised by staff, students and external bodies.

7. Throughout this Code, its provisions will be deemed to apply both to events that are held face-to-face on University premises, and to events that are delivered online via a virtual/digital platform.
8. In the exercise of its duties under this Code, the University and its Officers will also take account of other obligations under the law which may require it to have regard to what is said on its premises. In particular, the rights conferred by this Code do not extend to any speaker who acts unlawfully by, for example, using threatening, abusive or insulting words or behaviour so as to run the risk of inciting violence or racial hatred; who invites support for a proscribed terrorist organisation; or whose activities, even if directed to lawful purposes, cease to be lawful when, for example, they break conditions imposed by the police, endanger the health and safety of others, or cause serious public disorder.

### **Procedures**

9. The President and Vice-Chancellor shall be responsible to the Council for the operation and enforcement of this Code. His or her authority for its administration shall be delegated to the Registrar and Secretary, who may further delegate authority in general or particular instances to other Officers of the University.
10. The Registrar and Secretary shall be authorised to compile such additional Administrative Procedures as he or she thinks necessary for the effective implementation of this Code, and such procedures shall have effect as if they formed part of this Code, and shall be interpreted in such a manner as not to conflict with the Code.
11. Such administrative procedures may include, but are not restricted to:
  - a. details of the arrangements required for booking rooms or arranging other activities on University premises;
  - b. appointing of Officers responsible for the receipt and management of event bookings;
  - c. explanation and elaboration of the categories of visiting speaker, and of subject matter for a meeting, and of other characteristics of an activity which at any given time is likely to be "designated" under the terms of paragraph 22 below.
12. Such Administrative Procedures shall be published by the Registrar and Secretary in an Appendix to this Code and, as far as is reasonably practicable, shall be circulated to all persons or organisations within the University concerned in the organisation of activities covered by this Code. Failure to receive such Administrative Procedures shall not exempt the organiser of any activity from liability to conform with the said procedures.

### **General Requirements**

13. Any meeting or activity taking place on the premises of the University, shall, whether it has been "designated" or not, comply with paragraphs 1 and 4 above, and with paragraphs 14 to 21 below.
14. The organisers of any meeting or activity held on University premises shall ensure that a single person is appointed as the principal organiser of the event. The principal organiser has a duty to see that nothing in the preparations for or conduct of that meeting or activity infringes the law, for example, by conduct likely to cause a breach of the peace or incitement to illegal acts.
15. The principal organiser or chair of the meeting has a duty so far as is possible to ensure that both the audience and the speaker act in accordance with the law during the meeting. In the case of conduct which is or appears to be unlawful or in breach of this Code, the chair is required to give appropriate warning and, if necessary, to require the withdrawal or removal of persons concerned.
16. No article or objects capable of causing damage or injury may be taken inside a building where a meeting is taking place, or taken or used elsewhere on University premises, in circumstances likely to lead to damage or injury.
17. Premises used for meetings or activities must be left in a clean and tidy condition, in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required.
18. The University's expectation is that any request to make a booking for an event to be held on University premises will normally be received at least two weeks before the event is due to take place. This notice period is required so that the University has sufficient time to undertake any review that it considers necessary of the details of the planned event. The University's expectation is that any such review will normally be completed within three working days of the receipt of the request. Any specific variations to these normal expectations are detailed in the Appendix.

### **Gender Segregation at Events and Meetings**

19. The University has a legal duty to ensure that all students, employees and members of the public can enjoy access to events and meetings held on its premises without unlawful discrimination. Segregation of audiences according to gender is therefore not permitted at any conference, meeting, speech, lecture or other event organised for and attended by students, employees of the University or the Students' Union, or members of the public. This includes any such event held on University premises that takes place under the auspices of the Students' Union, its clubs, societies and associations, or any external organisation.
20. The University will decline any request received from an organising body or a visiting speaker, or from an individual attending or wishing to attend an event at the University, for the audience to be segregated according to gender.

21. Segregation according to gender is permissible during acts of collective religious worship as this is not subject to equality legislation. However, no segregation is permitted at any meeting or event at the University which precedes or follows on from an act of collective religious worship.

#### **Designated Events**

22. Any meeting or other activity where the Registrar and Secretary judges that the identity of the speaker and/or the subject matter of his or her speech will be regarded as controversial, such that there is a real likelihood that the speaker or participants may not be able to enter or leave the building safely and/or deliver his or her speech, will be classified by the Registrar and Secretary or (in each of clauses 24-30) his or her Appointed Officer as a Designated Event.
23. The fact that a meeting or activity has for any reason not been defined as a Designated Event shall in no way exempt the organisers or participants from their general responsibilities under this Code.
24. The principal organiser of a Designated Event will be required to provide to the Registrar and Secretary or his or her Appointed Officer, by a deadline which shall be specified by the University for that event, a written statement of the name of the speaker, the title and subject of the address and the precise times of the arrival and departure of the speaker. The University reserves the right to cancel the booking at any time for any event where the principal organiser does not provide the written statement by the due deadline.
25. Having given proper consideration to this written statement and all other information as he or she deems appropriate, in accordance with the general principles set out in paragraphs 1 and 2, the Registrar and Secretary shall issue to the principal organiser a written statement which shall either grant or withhold permission for the use of University premises for the event. This shall normally be issued within three working days of the receipt of the written statement from the principal organiser, and it shall indicate that the principal organiser has the right to appeal against the decision of the Registrar and Secretary.
26. Permission for the use of University premises may be granted subject to such conditions as the Registrar and Secretary considers reasonably necessary to secure fulfilment of the University's responsibilities concerning the protection of free speech within the law.
27. The principal organiser must provide written confirmation that they and all other persons concerned with the organisation of, or speaking at, an event for which permission has been granted shall be required to comply with any and every condition laid down by the Registrar and Secretary. Such conditions may include a requirement that tickets must be issued for public meetings, events should conclude by a certain time and that an adequate number of named stewards should be available, as to whose suitability the Registrar and Secretary must be satisfied, in addition to any security staff that the Registrar and Secretary may feel should be present to maintain order.

28. The conditions prescribed by the Registrar and Secretary may include conditions concerning admission or exclusion of press, television or broadcasting personnel. Conditions may also exclude the audience being allowed to record some or any part of the event.
29. In addition to any conditions referred to above the Registrar and Secretary has discretion to lay down further conditions, if appropriate, after consultation with the police; and if not satisfied that adequate arrangements can be made to maintain good order and the health and safety of all individuals involved in the event the Registrar and Secretary may refuse or withdraw permission for the meeting or activity. This shall include the authority to withdraw permission at short notice, including immediately before or after an event has commenced if it becomes apparent that the University has not been notified of relevant details or material changes, such as a change of named speaker, which might otherwise have resulted in permission to hold the event not being granted.
30. Appeals against the rulings of the Registrar and Secretary may be made to the President and Vice-Chancellor whose decision shall be final but must be reported nomination the next meeting of the Council.

#### **Enforcement**

31. Any infringement of this Code by a student or a member of staff of the University shall be subject to the established disciplinary procedures of the University appropriate to the person or persons concerned. In respect of students, infringement may be classified as an offence within the terms of the regulations governing student discipline; and in respect of employees of the University, infringement may be regarded as a breach of contract of employment.
32. If any actions involve breaches of the law, the University will assist the prosecuting authorities to implement the process of law and may suspend any internal disciplinary proceedings pending the outcome of any such processes.

