

IMPERIAL COLLEGE OF SCIENCE, TECHNOLOGY AND MEDICINE

THE IMPERIAL COLLEGE UNION

CODE OF PRACTICE UNDER THE EDUCATION ACT 1994

DRAFT

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INTRODUCTION

1. The Imperial College Union (ICU) is established under the College's Charter which states that "there shall be a Students' Union of the College (hereinafter referred to as "the Imperial College Union") for the benefit of the students of the College and in their interests as students".⁽¹⁾ The College Statutes further state that the Union "shall for all purposes be treated solely as an integral part of the College".⁽²⁾

2. The ICU represents the students of Imperial College and seeks to advance their education and to serve their social, cultural, welfare and sporting needs, to further their interests both inside and outside the College, and generally to enhance their well being.

3. Section 22 of the Education Act 1994 requires the governing body of every university to:

a. take such steps as are reasonably practicable to ensure that its students' union operates in a fair and democratic manner and is accountable for its finances.

b. Take such steps as are reasonably practicable to ensure that certain specific requirements of the Act are observed by its students' union.

c. Issue, and when necessary revise, a code of practice which sets out how these requirements are to be met.

4. This document constitutes the Code of Practice required by the Act. Its aim is to establish a clear statement of the working relationship between the College and the ICU and to set out:

a. The manner in which the requirements of the Education Act 1994 are to be carried out in relation to the ICU.

b. Other matters affecting the relationship between the College and the ICU.

c. The arrangements by which the College provides operational support to the ICU.

5. This Code of Practice will be published by the College and made available for all students along with:

a. Any restrictions imposed on the activities of the ICU by Charity Law.

b. The College's Code of Practice on Freedom of Speech, drawn up under Section 43 of the Education (No. 2) Act 1986 and approved by the then Board of Governors in 1987, and subsequent amendments to ensure that freedom of speech within the law is secured for the ICU's members, College staff and visiting speakers

6. This Code of Practice sets out the current situation. Any changes to this document required to reflect the changing needs of the College shall be made as a result of full consultation with the ICU and as finally determined by the Council.

¹. [Imperial College Charter](#), Article 17
². [Imperial College Statutes](#), Statute 10

EDUCATION ACT 1994 AND RELATED MATTERS

THE PURPOSES OF THE ICU AND ITS CONSTITUTION

7. The purposes of the ICU, as set out in its Constitution are:
 - a. To advance the education of its members and promote, without prejudice, their welfare at all times.
 - b. To promote and encourage the interest by students in matters outside the College curriculum, especially cultural, social and sporting interests.
 - c. To represent the needs and interests of its members to Imperial College and to other external bodies.
 - d. To provide or ensure a range of facilities which advance the interests of the students of Imperial College.
8. The ICU will continue to contribute to the College Mission and strive for the degree of excellence in its activities which is an explicit part of that Mission. It will operate within the rules and regulations laid down in its Constitution and in accordance with the policies passed by the Union Council and endorsed by its Board of Trustees. It will comply with the current law relating to its operation and activities and with relevant College Policies, Regulations, procedures and Codes of Practice. For its part the College will provide such professional advice as it deems necessary to facilitate this compliance in the best interests of the College.
9. The College will, through the ICU, continue to involve its students in discussions on all policy and administrative matters concerning students' social, cultural, welfare, sporting, academic and other appropriate interests.
10. The ICU's Constitution is subject to the approval of the College Council and must be reviewed by that Council at intervals of not more than five years. If the ICU submits proposals for substantial amendments to its Constitution to the Council in any year, the next formal review will be held five years from the year in which those amendments were approved by the College Council.

MEMBERSHIP OF THE ICU

11. All registered students at Imperial College are automatically members of the ICU. However, any Imperial College student has the right not to be a member of the ICU and to signify that he or she does not wish to be represented by it. Any student who has exercised the right not to be a member of the ICU shall not be unfairly disadvantaged with regard to the provisions of services or otherwise by reason of having exercised that right.
12. The arrangements necessary for opting out of membership of the ICU are to be set out in its Constitution..

13. The College will include in its undergraduate and postgraduate prospectuses and in the information it provides for applicants, information regarding the right of students not to members of the ICU as well as the details of any services provided for students who are not members of the ICU.

ACCESS BY LIFE MEMBERS TO THE COLLEGE AND ITS FACILITIES

14. Former students and staff of the College who are Life Members of ICU are normally allowed rights of access to the College. However, these may be withdrawn by the College in consultation with the ICU, temporarily or permanently, according to the prevailing circumstances.

ACCESS BY NON-MEMBERS TO THE ICU AND ITS FACILITIES

15. Non-members (that is students who have exercised their right not to be a member of ICU) have the following rights of access to services and activities:

a. Access to all facilities managed by the ICU provided that the appropriate fee or charge for the service has been paid, which shall not be higher than that charged to members of the ICU.

b. The right to become a member of any ICU club or society, provided the appropriate membership fee has been paid, which shall not be higher than that charged to members of the ICU. However, restrictions on eligibility for elected positions may apply to non-members of the ICU.

16. Non-members of the Union are not eligible to stand or vote in ICU elections.

ACCESS BY MEMBERS OF THE PUBLIC TO THE ICU AND ITS FACILITIES

17. Access to and use of ICU facilities by members of the public may be granted by the ICU's Board of Trustees in consultation with the College Secretary. Any such access must be consistent with the need to maintain the health, safety and security of College staff and students and the licensing conditions of the ICU's premises.

ELECTION OF ICU OFFICERS

18. Appointment to major ICU offices will be made by election in a secret ballot in which all members of the ICU are entitled to vote. The provisions for these elections shall be set out in the ICU Constitution.

19. No person may hold a sabbatical post, or any paid elected union office, for more than two years in total..

20. The ICU shall confirm to the College Council that its elections have been fairly and properly conducted by way of a report on the conduct of its elections, which shall be included in its Annual Report to the Council.

FUNDING AND FINANCIAL ACCOUNTABILITY

21. The ICU shall conduct its financial activities in accordance with its Financial

Regulations and Procedures, which are designed to ensure the proper conduct of the Union's financial affairs and which have been approved by the College Council. Amendments to the Union's Financial Regulations are subject to the approval of the College Council, as advised by the College Audit Committee.

22. The ICU's proposed annual budget will be scrutinised by the College through the annual Planning Round. Based on this scrutiny and in the context of the College's Annual Budget, the College will allocate funds to the ICU by means of a subvention. This will take account of ICU's responsibilities and related costs, as detailed in Annex A to this document, and its trading activities and earnings capability. Whilst it is expected that these trading activities shall be operated efficiently and profitably, as the ICU is a charity, profit motives must not be pursued to the detriment of the interests of the student customers.

23. The ICU's Board of Trustees will monitor the ICU's expenditure against its annual budget and will report any fraudulent or irregular procedures in the management of public funds and those resulting from the Union's trading activities to the College's internal auditors. The ICU will also be required to report regularly on its financial performance to the College's Chief Operating Officer.

24. The Chief Operating Officer will include a report on the ICU's financial performance against budget in his or her regular financial reports to the Council.

25. The ICU will submit its annual accounts and a report on its handling of public and other funds annually to its Board of Trustees, to the College Audit Committee and to the College Council. The ICU's annual financial report is to include a list of the external organisations to which the ICU has made donations in the period covered by the report and the details of any such donations. The ICU's annual accounts will be consolidated into the College's annual Financial Statements before these are published.

26. The ICU shall have a procedure for allocating resources to its clubs and societies, which must be fair. The procedure shall be set down in writing, provided to all the ICU's clubs and societies and published by the ICU so that it is freely accessible to all students.

27. Funds allocated by the ICU to the Faculty Unions from its annual subvention shall be subject to the same financial regulations as those which apply to the ICU itself.

28. The College's Internal Audit Service shall have the same rights of access to the ICU as it has to other parts of the College for the purposes of fulfilling its remit.

EXTERNAL AFFILIATIONS

29. The ICU, the Faculty Unions and the ICU's clubs and societies may affiliate to external organisations provided that such affiliations accord with the ICU's purposes. If the ICU, a Faculty Union, club or society decides to affiliate to an external organisation, the ICU shall inform the College Secretary of the decision so that he or she can advise the College Council accordingly. A notice of the decision will also be published by the ICU in such a way that it is freely accessible to all students. This notice shall state:

- a. The name of the external organisation.
- b. The details of any donation, subscription or similar fee which has been, or is proposed to be, paid to the organisation.

30. The ICU shall include in its Annual Report to the College Council a list of the external organisations to which it is currently affiliated and shall state the details of any donations, subscriptions or similar fees paid to such organisations since its previous Annual Report.

31. Each year the list of the ICU's affiliations to external organisations shall be submitted to the ICU Council for review and approval.

32. The ICU's continued affiliation to any particular organisation may be challenged by its members. Such issues shall be decided by a secret ballot in which all the members of the ICU are eligible to vote, provided that the requisition to hold such a ballot is made by at least 5% of the ICU's current membership.

RAISING FUNDS FOR CHARITIES

33. All ICU clubs and societies and individual members of the ICU collecting in the name of the ICU, its Faculty Unions or its clubs and societies, shall strictly observe the requirements of the Charities Act 2006 and any other relevant legislation when raising funds for charity. In particular:

- a. The ICU shall not expend funds for activities outside its constitutional purposes.
- b. The ICU shall not make donations to any external organisation except where a specific collection has been taken for that purpose, all those making a donation are aware of the destination of their donation, and all reasonable costs associated with collecting the donations are deducted from the donation.
- c. Collections may only be carried out in those local authorities from which a licence to collect has been obtained and collectors must carry copies of these licences when collecting. Collecting tins must bear the information required about the charity or charities for which the collection is being made.
- d. The results of any such charitable collections shall be published in the ICU's Annual Report.

COMPLAINTS PROCEDURE

34. The ICU's Constitution shall include a complaints procedure, which shall be available to all students, or groups of students, who:

- a. Are dissatisfied in their dealings with the ICU, or
- b. Claim that they have been unfairly disadvantaged by reason of having exercised their right not to be a member of the ICU.

35. Students or groups of students who wish to make a complaint on these

grounds must follow the complaints procedure set out in the ICU's Constitution. All such complaints must be handled promptly and fairly and, where a complaint is upheld, an effective remedy should be provided.

36. If, having completed the ICU's complaints procedure, the complainant(s) are dissatisfied with the outcome of their complaint or the way in which it was handled, they have a right of appeal to the Pro-Rector (Educational Quality). On receiving such an appeal, the Pro-Rector (Educational Quality) will convene a panel to consider the appeal. The Panel will be chaired by the Pro-Rector (Educational Quality) or his or her nominee and will include the College Secretary and the Academic Registrar or their nominees. The Panel will request a report from the ICU on the handling and outcome of the original complaint and may undertake an investigation if necessary. The Panel will notify the complainant in writing of its decision and remedy, if any.

37. If the complainant(s) are dissatisfied by the Panel's response to their appeal, they have the right to request that their complaint be referred to an independent person appointed by the College Council not being a person employed by or studying at the College who shall investigate the complaint and report his or her conclusions to the College Council.

FREEDOM OF SPEECH

38. The ICU will comply with the College Code of Practice, drawn up under Section 43 of the Education (No. 2) Act 1986 and approved by the then College Board of Governors in 1987, and any subsequent amendments to ensure that freedom of speech within the law is secured for its members, College staff and visiting speakers.

ANNUAL REPORT

39. The ICU shall publish an Annual Report for submission to the ICU Board of Trustees and to the College Council at the meeting at which it presents its Annual Accounts. The Report is to contain:

- a. A statement that the ICU operates in a fair and democratic manner and that it has properly accounted for its finances.
- b.. A report on the conduct and outcome of elections of ICU Officers, which must confirm that they have been fairly and properly conducted.
- c. A list of the external organisations to which it is currently affiliated and the details of any donations, subscriptions or similar fees paid to such organisations since its previous Annual Report.
- d. A note of any charitable collections made by the ICU.

OTHER MATTERS AFFECTING THE RELATIONSHIP BETWEEN THE COLLEGE AND THE ICU

HEALTH AND SAFETY

40. The President of the ICU is the person with overall responsibility for health and safety matters in the ICU. His or her responsibilities in this regard are set out in detail in the College's Health and Safety Policies.

41. For reasons of continuity, the ICU General Manager, or another senior member of the ICU's permanent staff, will be the Departmental/ Divisional Safety Officer for the ICU, advising the President and the ICU's Health and Safety Committee as appropriate

42. The ICU is to maintain a Health and Safety Committee, chaired by the sabbatical officer with responsibility for Health and Safety matters. Its remit will be to advise the President on such matters as affect the safety of students and others in the Union Building, in the other facilities managed by the Union, and at student functions and clubs and societies events elsewhere, as well as ensuring the safety of equipment owned by the ICU and its clubs and societies wherever located.

43. The ICU Health and Safety Committee is to report to the College Health and Safety Management Committee in the same way as the College's faculties, departments and divisions. The ICU is also represented on the Health and Safety Consultative Committee by the Deputy President (Clubs and Societies).

44. Health & Safety matters affecting students at the outlying campuses will be reported to the relevant Health and Safety Committees at those campuses by student representatives nominated by the President.

45. The College's Safety Department has the same rights of access to the ICU and its facilities as it has to other parts of the College for the purposes of fulfilling its remit to advise on, monitor and audit safety across the College and to carry out investigations as necessary.

ESTATE MANAGEMENT ISSUES

46. All space is College space. Areas are only allocated to the ICU by the College on the understanding that the allocation may, after consultation with the ICU, be varied where necessary for the good of the College as a whole.

47. The areas allocated to, or currently used by, the ICU are set out in Annex J to this Code of Practice. These areas have been provided to the ICU for the furtherance of the social, cultural and welfare activities of the College's students, together with other areas in the College where the Union may carry out trading activities.

48. The College will at all times endeavour to preserve and augment the areas used for student activities. However the College may, after consultation with the ICU, alter, withdraw or limit the use of such areas if it is reasonable to do so in the wider interests of the College. In such cases, the College will endeavour to find suitable alternative space if it is possible so to do. Any requests by the ICU, its Faculty Unions and/ or its clubs, societies and other affiliated bodies, for the allocation or use of additional space in the College which is not part of a Faculty or academic Department or Division, should be made by the ICU President or the ICU General Manager to the College Secretary or to such other officer as the Rector may designate.

49. In addition, the ICU will be permitted to use other areas in the College, also identified in Annex J, for sporting, leisure and cultural activities, although these will remain the management responsibility of the College and may from time to time be varied, following consultation with the ICU, according to the changing needs of the College. Such variations are to be reflected in revisions to Annex J of this Code of Practice as and when they occur.

50. The ICU will continue to be provided with office space in each of the Faculties and the outlying campuses for its Faculty Unions and outlying campus committees. Such space is to be determined by consultation with the respective Faculty Principals or their nominees as appropriate and is to remain under the administrative control of the Faculty/ Department/ Division/ Campus in which it is situated. The allocation of this space is to be reflected in Annex J.

51. Those areas which are identified for use primarily or solely as areas for student functions will be let by the ICU to its clubs, societies and outside organisations on the understanding that they abide by current rules laid down by the College through the Conference Office.

52. The College Council will from time to time review and determine those areas of the College which are occupied and managed by the ICU to enable the Union to fulfil its legitimate role.

53. The College's Facilities Management Division, Building Projects Division and Property Services Division will provide support and guidance to the ICU in accordance with the Service Level Agreements set out in Annex J.

RULES GOVERNING THE USE OF SPACE

54. The allocation to and use of space by the ICU, the Faculty Unions and student clubs and societies shall be subject to the College's Property Rules, which are published by the Facilities Management Division. In accordance with these Rules, the allocation, use and modification of space shall be subject to inspection and approval by College officers, as appropriate, including:

a. **Facilities Management Division.** The Facilities Management Division:

(1) Must authorise all physical alterations to space, other than simple redecoration in accordance with College Project Management Procedures.

(2) Must be notified of any change in the allocation and/ or use of space so that this can be recorded on the College database.

(3) Will exercise control over the repair and maintenance of the fabric of buildings and building services.

b. **Security.** For access control and the security of persons, equipment and buildings.

c. **Chief Fire Officer.** For compliance with fire legislation.

d. **Safety Department.** For compliance with health and safety legislation.

e. **College Secretary**. For compliance with legislation and with the terms of this Code of Practice.

55. The following College Officers should also be consulted about the allocation, use and modification of space as appropriate:

a. **Director of Commercial Services**. For consideration of the impact on and interaction with the College's Commercial services, including Sports and Leisure, Residences Catering and Conferences.

b. **Director of Finance**. In connection with insurance requirements, value for money studies and the like.

56. In areas under the management control of the College which are used for student activities, the ICU shall not permit any alterations to the internal structure or decor, other than the temporary displacement of furniture. No games machines, video games or like equipment may be installed in these areas without the permission of the College Secretary or such other officer as the Rector may designate.

HUMAN RESOURCE ISSUES

57. The College's HR Division will provide support and guidance to the ICU in accordance with the Service Level Agreement set out in Annex G.

STAFF/ STUDENT PROTOCOL

58. The maintenance of the integrity of democratic practice within the ICU precludes the direct involvement of staff, whether employed in the Union or not, in matters of policy, while the maintenance of the integrity of the ICU and the College as an employer precludes staff matters, either related to work or personal matters, from being discussed in any open forum of the ICU.

59. The arrangements for ensuring that staff are not involved in matters of policy and that staff matters are not discussed in any open forum are set out in the Staff/ Student Protocol, which is included as Annex H to this Code of Practice.

FINANCE MANAGEMENT ISSUES

60. The College's Finance Division will provide support and guidance to the ICU in accordance with the Service Level Agreement set out in Annex I.

INFORMATION COMMUNICATION TECHNOLOGIES (ICT) ISSUES

61. The College's ICT Division will provide support and guidance to the ICU in accordance with the Service Level Agreement set out in Annex K.

TRADING ACTIVITIES

62. The ICU may continue to operate legitimate trading activities in the College.

Should it wish to alter the nature of a current trading outlet or introduce a new one it must notify the College Secretary, or such other officer as the Rector may designate, who will need to determine the space which can be allocated and the terms under which that allocation is made. He or she will need to satisfy him or herself that the proposed trading activity integrates with the College's own plans for trading outlets. The operation of the ICU's trading outlets and the other trading outlets operated by the College will be subject to a retailing agreement between the College and the ICU, a copy of which is included as Annex B to this Code of Practice.

63. Trading activities where the College and ICU hold a joint interest shall be detailed in agreements recorded in Annex C of this Code of Practice.

64. As far as this is consistent with Charity Law, the ICU may retain any profits received from its trading activities or rental charged to its franchises to fund legitimate, charitable non-political student activities.

HARLINGTON GRAVEL PROCEEDS

65. In accordance with the decision of the Finance and Executive Committees of the Governing Body at their meeting on 12 May 1989, the policy in respect of proceeds arising from the extraction of gravel on the north side of the Harlington Sports Ground is that the Governing Body "will administer all existing and future sporting and athletic facilities for the benefit of students and that any income arising from the use or disposal of such facilities will be applied for the benefit of students".

66. At its meeting on 23 September 2005, the College Council further resolved that:

- a. The sum held by the College to fund annual grants, the Harlington Grants Fund, "should be retained for that purpose and should be available for disbursement for the benefit of students of Imperial College in relation to sporting, athletic and recreational facilities";
- b. "Responsibility for the disbursement of the income from the Grants Fund should be delegated through the Rector to the Harlington Grants Fund Committee";
- c. "The Harlington Grants Fund Committee should be chaired by the Pro-Rector (Educational Quality) and include as members the incumbent Imperial College Union President and a former Imperial College Union President"; and
- d. "The Harlington Grants Fund Committee [will] be required to report annually through the Rector to the Council as the Harlington Trustees".

67. In accordance with previous decisions of the College Council, the principles on which the Harlington Grants Fund Committee is required to operate may only be amended by the College Council.

NOTICEBOARDS

68. The ICU shall be responsible for designated noticeboards on the Walkway at the South Kensington Campus and at other locations across the College's other campuses. The ICU will take steps to ensure that:

- a. All notices posted on these noticeboards are in English.
- b. Notices do not include racist, sexist or otherwise offensive language or images.
- c. Any notices which are posted other than on official noticeboards are removed promptly.

UNION MEDIA

69. All features, articles, letters and advertisements published by or on behalf of the ICU are the responsibility of the Editor of the publication concerned and/ or its Editorial Board and, as such, are independent of the College and the College Council. The College accepts no responsibility for anything published by or on behalf of the ICU. (This includes Felix, other Union publications, ICU world-wide web pages, and IC Radio and STOIC broadcasts). However, where the content of such publications or broadcasts is in breach of the Defamation Code of Practice appended to this Code of Practice at Annex F, or of other College policies and codes of practice such as those covering Freedom of Speech, Data Protection, Equal Opportunities and Diversity or the use of IT facilities, the College may take action to remove or amend any such features, articles, letters or advertisements.

70. **Felix.**

- a. All features, articles, letters and advertisements published in Felix are the responsibility of the Felix Editor and/ or the Felix Editorial Board and, as such, are independent of the ICU, the College and the College Council.
- b. The Editor of Felix is required to operate in accordance with the Code of Practice agreed within the publishing industry as attached at Annex E, and with the Defamation Code of Practice attached at Annex F.
- c. Where a complaint or dispute arises in relation to the Code of Practice agreed within the publishing industry, the ICU Executive Committee will perform a role similar to that of the Press Complaints Commission and will aim to resolve the issue amicably and as quickly as possible. If an amicable resolution cannot be achieved, the Executive Committee will investigate further and adjudicate and the Editor must abide by any decision made. Failure to do so may result in disciplinary action being taken against the Editor in accordance with the procedures set down in the ICU Constitution.

71. Other Union media shall also operate in accordance with the Code of Practice agreed within the publishing industry and attached at Annex E, the Defamation Code of Practice as attached at Annex F and other relevant College policies and codes of practice.

72. Any trading activities carried out by the Felix Office or any other Union media are to be subject to the same constraints as other ICU trading activities.

USE OF THE COLLEGE CREST AND THE "IMPERIAL COLLEGE" TRADEMARK

73. The words "Imperial College", "Imperial College of Science, Technology and Medicine" and "Imperial College London" are registered trade marks. The College crest is granted by the College of Heralds and is also a registered trade mark. The

trade marks may be used only with the College's prior written consent. By virtue of Section 10 of the Imperial College Act 1997, and Section 10 of the Imperial College Act 1999, the following names may not be used without the College's prior written consent:

- a. National Heart and Lung Institute.
- b. Charing Cross and Westminster Medical School.
- c. Royal Postgraduate Medical School.
- d. Wye College.
- e. The College of St. Gregory and St. Martin at Wye".

74. The ICU has a non-exclusive right to reproduce the words "Imperial College", "Imperial College of Science, Technology and Medicine" and "Imperial College London", the College Crest and the Imperial College logo for social and commercial purposes, provided that the style of use complies with the conditions laid down by the College from time to time to protect its property and interests, including those imposed upon it by the College of Arms. Any new use of the College Crest, the "Imperial College" title and the Imperial College logo, including their use on World Wide Web pages or in registered World Wide Web domain names must be referred to the College Secretary for approval.

CHANNELS OF COMMUNICATION WITH THE COLLEGE ADMINISTRATION

75. The ICU President has regular meetings with the Rector and with the Deputy Rector, Pro-Rector (Educational Quality) and College Secretary. The effectiveness of these and other channels of communication between the Sabbatical Officers and the ICU General Manager and members of the College Administration will be kept under review. In addition, more formal reporting procedures are to be maintained in order that the College can be assured that the ICU is carrying out its responsibilities and to ensure that it is receiving the support and guidance it needs in accordance with this Code of Practice.

76. The Union is to report formally to the College on the following activities:
- a. On financial matters to the College Audit Committee;
 - b. On health and safety matters to the College Health & Safety Management Committee;
 - c. On Estates management matters to the Support Services Committee (?).

REVIEW AND ARBITRATION

77. The College Council will formally review this Code of Practice, at least once every five years.

78. The Annexes to this Code of Practice may be updated periodically by agreement between the College Secretary and the ICU Board of Trustees on the

recommendation of the ICU President without further reference to the College Council. The Annexes, as amended, shall be re-presented to the College Council alongside the Code of Practice at its next formal review. The creation of new Annexes will require the approval of the College Council.

79. In his capacity as the College's Chief Executive and Senior Finance Officer the Rector will act as arbiter to resolve any disputes on the interpretation or application of this Code of Practice.

Approved by the Council: [date]
Date for next Review: [date]

DRAFT