

**IMPERIAL COLLEGE OF SCIENCE, TECHNOLOGY AND MEDICINE**

**THE IMPERIAL COLLEGE UNION**

**CODE OF PRACTICE UNDER THE EDUCATION ACT 1994**

## Contents

	Page
Introduction	1
<del>Education Act 1994 required</del> Code of Practice	2
The Purposes of the ICU and its Constitution	2
Membership of the ICU	2
Access by Life Members to the College and its Facilities	3
Access by Non-Members to the ICU and its Facilities	3
Access by Members of the Public to the ICU and its Facilities	3
Election of ICU Officers	3
Funding and Financial Accountability	4
External Affiliations	4
Raising Funds for Charities	5
Complaints Procedure	5
Freedom of Speech	6
Annual Report	6
<u>Partnership Agreement</u>	<u>7</u>



## 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”. <sup>(1)</sup> The College Statutes further state that the Union “shall for all purposes be treated solely as an integral part of the College”. <sup>(2)</sup>
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.~~ ICU’s Charitable Objects, as outlined in the Constitution are the advancement of education of Students at Imperial College London for the public benefit by:
  - a. promoting the interests and welfare of Students at Imperial College London during their course of study and representing, supporting and advising Students;
  - b. being the recognised representative channel between Students and Imperial College London and 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.
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~~ 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:

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1. Imperial College Charter, Article 17  
2. Imperial College Statutes, Statute 10

- a. Any restrictions imposed on the activities of the ICU by Charity Law.
  - ~~b.~~ ~~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 College Council.

## CODE OF PRACTICE

### 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:

The Union’s objects are the advancement of education of Students at Imperial College London for the public benefit by:

a) promoting the interests and welfare of Students at Imperial College London during their course of study and representing, supporting and advising Students;

b) being the recognised representative channel between Students and Imperial College London and 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.

~~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-bye-laws laid down in its Constitution and in accordance with the policies passed by the Union Council ~~and endorsed by its and its~~ Trustee Board. 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 College 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~~ 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 be members of the ICU as well as the details of any services provided for students who are not members of the ICU.

### **ACCESS BY LIFEASSOCIATE MEMBERS TO THE COLLEGE AND ITS FACILITIES**

14. Former students and staff of the College, or students of another Institution who are LifeAssociate Members of ICU are normally allowed rights of access to the ICU and certain parts of College. However, these may be withdrawn by the College in consultation with the ICU, temporarily or permanently, according to the prevailing circumstances and only with reasonable grounds. The ICU reserves the right to levy additional charges to Associate Members (in comparison to Members) if felt to be appropriate.

### **ACCESS BY NON-MEMBERS TO THE ICU AND ITS FACILITIES**

15. All registered students of the College will be entitled to be a Member of the ICU unless they choose not to be a Member. Any registered student has the right not to be a Member of the ICU and/or not to be represented by the ICU. The ICU and the College will publicise the right of students not to be a Member of the ICU.
16. The sole consequences of a registered student of the College not being a Member of the ICU are:
  - a) Non-Members are not permitted to vote in any ICU elections, ballots or referenda.

- b) Non-Members are not allowed to stand for office in any election in the ICU.
- c) Non-Members may not hold office in ICU or any of its constituent parts, but registered students of the College may join any ICU Club, Society or Project and participate in their activities. The ICU reserves the right to levy additional charges to non-Members if felt to be appropriate.
- d) Non-Members will not be permitted to use the licensed bar facilities of the ICU unless they are signed in by a Member, or unless they take up Associate Membership. Associate Membership will enable the holder to gain entry into ICU licensed premises but would not allow the holder to sign in guests. A fee for Associate Membership may be charged.
- e) All other facilities and services of the ICU shall be available to registered students of the College.

~~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 or meetings.~~

### 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 Trustee Board 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

~~187. 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 and Major Election Regulations~~Bye-Laws~~.~~

~~189. No person may hold a sabbatical post, or any paid elected union office, for more than two years in total.~~

~~1920. 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 College Council.~~

### FUNDING AND FINANCIAL ACCOUNTABILITY

~~204. 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~~ Procedures are subject to the approval of the ~~College Council~~ Union's Trustee Board, ~~as advised by the College Audit Committee~~ following consultation with the College's Director of Finance.

212. ~~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 shall not prevent the College, should it so wish, from committing to a longstanding subvention agreement.~~ The College will provide an annual grant to the Union that is adequate for it to continue and develop its activities <sup>[JC1]</sup>. 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.
232. The ICU's Trustee Board 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 shall report regularly upon its financial performance to the Rector.
234. The ~~Chief Operating Officer~~ Union President will include a report on the ICU's financial performance against budget in his or her ~~regular financial~~ annual reports to the College Council. The Union's Management Accounts will be shared with the College, through the Director of Finance on a quarterly basis.
2524. The ICU will submit its annual accounts and a report on its handling of public and other funds annually to its Trustee Board, 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.
2625. The ICU shall have a procedure for allocating resources to its clubs ~~and~~ societies and projects, which must be fair. The procedure shall be set down in writing, provided to all the ICU's clubs, ~~and~~ societies and projects and published by the ICU so that it is freely accessible to all students.
2726. Funds allocated by the ICU to the Faculty Constituent Unions from its annual subvention shall be subject to the same financial regulations as those which apply to the ICU itself.
2827. 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**

2928. The ICU, the Faculty Constituent Unions and the ICU's clubs, ~~and~~ societies and projects may affiliate to external organisations provided that such affiliations accord with the ICU's purposes. If the ICU, a Faculty Constituent Union, club ~~or~~ society or project 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.

| ~~3029~~. 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.

| ~~3130~~. Each year the list of the ICU's affiliations to external organisations shall be submitted to the ICU Council for review and approval.

| ~~3231~~. 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 ~~510%~~[PJB2] of the ICU's current membership.

### **RAISING FUNDS FOR CHARITIES**

| ~~3332~~. All ICU clubs and societies and individual members of the ICU collecting in the name of the ICU, its ~~Faculty~~ Constituent 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**

| ~~3433~~. The ICU's Constitution shall provide for a complaints procedure, which shall be available to all students, or groups of students, who:

| ~~a.~~ a.—Are dissatisfied in their dealings with the ICU, or

| ~~b.~~ b.—Claim that they have been unfairly disadvantaged by reason of having exercised their right not to be a member of the ICU.

- ~~3534.~~ 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 Regulation Seven Complaints & Disciplinary Bye-Laws. All such complaints must be handled promptly and fairly and, where a complaint is upheld, an effective remedy should be provided.
- ~~3635.~~ 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 ~~Court President~~ 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.
- ~~3736.~~ 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.~~ 37. The ICU will comply with the College Code of Practice, drawn up under Section 43(3) 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. Section 43 requires, among other things, that
- a. ~~a.~~ "Every individual and body of persons concerned in the government of [Imperial College] 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 [Imperial College] and for visiting speakers; (section 43(1))
- b. Use of any premises of the [Imperial College and ICU] is not denied to any individual or body of persons on any ground connected with — (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body (sections 43(2) and (8)).

## **ANNUAL REPORT**

- ~~3938.~~ The ICU shall publish an Annual Report for submission to the ICU Trustee Board ~~and~~ to the College Council, and ~~when registered,~~ the Charity Commission, at the meeting at which it presents its Annual Accounts. The Report is to contain:
- a. ~~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.
- b. \_\_\_\_\_
- ~~\_\_\_\_\_~~ 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.

c.

d.

~~d.~~ A note of any charitable collections made by the ICU.

### PARTNERSHIP AGREEMENT

34. There shall exist a Partnership Agreement between the College and the ICU detailing operational, commercial and strategic arrangements that exist between the two institutions.

35. The Partnership Agreement shall be agreed jointly by the ICU Trustee Board and the College Council and shall be reviewed no less than every five years.