

**THE WHITE BOOK
REGULATIONS (GENERAL)**

REGULATION G17

Council responsibilities for the governance and management of SSCSU, including the 'Code of Practice for SSCSU'
(in compliance with the Education Act 1994, s. 22)

Introduction

1. The Sidney Sussex College Students' Union (SSCSU)¹ is a student union governed by the Education Act 1994. The College's Governing Body is *required* to prepare, issue, and, when necessary, revise a Code of Practice as to the manner in which the requirements of the Act are to be carried out [s.44.3].
2. The College is also *required* to bring to the attention of all students, at least once a year:
 - (a) The "Code of Practice for SSCSU" (see Sections 1 and 2 below);
 - (b) Any restrictions imposed on SSCSU activities by the law relating to charities (see Section 3 below);
 - (c) The provisions of section 43 of the Education (No. 2) Act 1983, relating to freedom of speech, and the code of practice related to it (see Section below);
 - (d) Information on the right of a student not to be a member of SSCSU referred to in Section 1, para 1.4 (see Section 2 below).
3. At least annually, SSCSU shall bring to the attention of all students the College's obligations under Ordinance B,XXII and the Codes of Practice in this Regulation and Regulation G13. This shall normally be effected by the distribution to all new students of an information booklet, and by including appropriate references in the electoral material ordinarily published by SSCSU at the end of the Michaelmas and Lent Terms. Notice shall particularly be drawn to the right to opt out from union membership without disadvantage, and to the restrictions placed on the activities of students by the law relating to charities.
4. Information referring to the right to opt out from union membership without disadvantage shall be included in the College Prospectus for persons considering whether to apply for admission to the College.

¹ In this Regulation any reference to SSCSU should be taken also to refer to the Junior Combination Room (JCR) and to the Middle Combination Room (MCR) both individually and jointly.

Section 1: the Code of Practice relating to SSSSU governance

	Requirements of the Education Act 1994	Steps taken to secure	Section of Act
5.	The Council must take steps to secure that the JCR and MCR operate in a fair and democratic manner and are accountable for their finances.	Termly oversight of JCR and MCR governance and activities.	22(1)
6.	The JCR and MCR should each have a written Constitution.	See paragraph [21] Constitutions approved by Council: JCR 14/10/2020 version 2.0 MCR 01/05/2024 version 3.0	22(2)a
7.	The provisions of the JCR and MCR constitutions should be approved by the Council, and reviewed by the Council at least every five years.	All changes to Constitutions to be approved by Council. Constitutions last reviewed: JCR 11/10/2020 MCR 16/02/2024	22(2)b
8.	Any student has a right not to be a member of the JCR or MCR and to signify that s/he does not wish to be represented by it, and such students should not be unfairly disadvantaged with regards to the provision of services or otherwise, by reason of that decision.	See paragraphs [22-24]	22(2)c.i & ii
9.	Appointment to major JCR and MCR offices should be by election in a secret ballot in which all members are entitled to vote.	See paragraph [25] JCR & MCR Constitutions make such provisions	22(d)
10.	The Council should satisfy themselves that the elections are fairly and properly conducted.	The Senior Tutor, appointed by the Council, acts as Returning Officer	22(e)

	Requirements of the Education Act 1994	Steps taken to secure	Section of Act
11.	The financial affairs of the JCR and MCR should be properly conducted and appropriate arrangements should exist for the approval of the JCR and MCR budgets, and the monitoring of their expenditure, by the Council.	See paragraphs [26-28] The SSCSU accounts and budget are approved by the Council at the second Michaelmas Term meeting annually.	22(g)
12.	Financial reports of the JCR and MCR should be published annually and should be made available to the Council and to all students.	See paragraphs [26-28] The SSCSU accounts and budget are published as part of the agenda for the second Michaelmas Term meeting of Council, and available to all members of College on the College intranet.	22(h)
13.	Each financial report should contain a list of the external organisations to which the JCR or MCR has made donations and details of those donations.	See paragraphs [26-28] Contained in SSCSU annual accounts and budget.	22(h)
14.	The procedure for allocating resources to groups or clubs should be fair, set down in writing and freely accessible to all students.	A statement of procedure for allocating resources to clubs and societies is published on the SSCSU website.	22(i)
15.	If the JCR or MCR decides to affiliate to an external organisation, it should publish notice of this (made available to all students and Council) stating the name of the organisation and details of any subscription or donation paid.	See paragraphs [29-30]	22(j)

	Requirements of the Education Act 1994	Steps taken to secure	Section of Act
16.	If the JCR or MCR is affiliated to an external organisation, an annual report should be published including a list of these organisations and details of subscriptions paid, or donations made, in the previous year.	See paragraphs [29-30]	
17.	The JCR & MCR should have procedures whereby the current list of affiliations is submitted for approval by members annually.	See paragraphs [29-30]	22(1)i
18.	The JCR & MCR should have procedures whereby at intervals (once a year at least) a requisition may be made by x% of members that the question of continued affiliation be decided upon by secret ballot in which all members are entitled to vote.	See paragraphs [29-30]	22(1)ii
19.	The Council is required, in respect of the item above, to decide on the value of x, this being not greater than 5.	See paragraphs [29-30]	22(1)ii
20.	The JCR and MCR should have a complaints procedure for those members who are dissatisfied with their dealings with the JCR or MCR, or who claim to be unfairly disadvantaged by having exercised their right not to be a member, and this procedure should include provision for an independent person, appointed by the Council (currently the Dean), to investigate and report on complaints.	See paragraphs [31-32]	22(m)
21.	The Council is required to ensure that complaints are dealt with promptly and fairly, and where a complaint is upheld, that there should be an effective remedy.	See paragraphs [31-32]	22(m)

Section 2: Further details relating to the Code of Practice for SSCSU

Written constitution

22. The Sidney Sussex College Students' Union (SSCSU) shall have a written constitution, which shall be considered for approval by the Council every five years from the Easter Term 1995. No alterations to the Constitution shall be made without the approval of the Council.

Opting out

23. Any student who would otherwise be a member of SSCSU may, in a given academic year, give written notice to the President, by the division of the Michaelmas Term, that he or she does not wish to be a member of SSCSU for that year. SSCSU shall make all its services available to any student who opts out, and this shall be a condition of any College funding for SSCSU.
24. SSCSU shall normally continue to make payments to the Cambridge Students' Union (CSU) in respect of any student who has opted out, provided that CSU continues to make all its services available to any such student.
25. Any resident undergraduate student, whether or not a member of SSCSU, shall have the right to stand for election as one of, and to vote for, the two elected student members of the Governing Body of the College. The Presidents of the JCR and the MCR serve ex officio as members of the Governing Body.

Elections

26. In accordance with the Constitution, elections to the major offices of SSCSU are conducted by secret ballot among all its members, in accordance with the procedures set out in the Constitution and approved by the Council as fair. In particular, the Council shall appoint annually one member of the Council who is a Fellow to act as returning officer in all SSCSU elections and ensure that they are properly conducted.

Officers

27. No student shall hold a sabbatical or paid electoral office in SSCSU for more than two years in total.

Financial matters

28. In accordance with the Constitution, the budget of SSCSU shall be approved by the members of SSCSU and by the Council. The President of SSCSU shall be the officer responsible for the financial management of the union and shall be accountable to the Council. Financial reports shall be published annually, reviewed by the College's Head of Accounting and Finance, made available to all students of the College, and presented to the Council. Compliance with these requirements shall be a condition of any College funding for SSCSU.

29. Funds may be provided by the College, and held or managed by SSCSU, for the purpose of supporting College Clubs and Societies. SSCSU shall allocate such resources fairly, in accordance with a written procedure approved by the Council and made available to all students of the College. No student shall be excluded from participating in the activities of a College Club or Society, or from benefiting from funds provided from SSCSU, on the grounds that he or she has opted out of membership.

External affiliation

30. In accordance with the Constitution, SSCSU shall give notice to all students of the College and to the Council of any decision taken by the union to affiliate to any external organisation. Such notice shall include the name and business of the organisation, and details of any subscriptions, fees, donations or other payments made or proposed to be made to it. A report of any external affiliations, listing the names of the organisations and providing the details above, shall be published by SSCSU at least annually, made available to all students of the College and presented to the Council.

31. In accordance with the Constitution, the annual report on external affiliations shall, where three per cent of the members of SSCSU so require, be submitted in the Lent Term for approval by the membership. Where five per cent of members then so require, continued affiliation to a particular organisation on the list shall be submitted to decision by a secret ballot among all members.

Complaints

32. Any student, or group of students, who is dissatisfied in his or her or their dealings with SSCSU, or who claims to be unfairly disadvantaged by reason of having opted out of membership, may, where such complaint is not satisfactorily resolved by the officers of SSCSU, refer it to the College Complaints Officer, under Ordinance C,XV and Regulation P12.

33. Any remedy or remedies determined by the College Complaints Officer or, where appointed, by a Student Complaints Committee or Complaints Review Committee, shall be implemented promptly and fairly by the officers of SSCSU, as a condition of further College funding.

Section 3: SSSU and the law relating to charities

Introduction

34. As a student union governed by the laws relating to charities, the officers and members of SSSU shall comply with all relevant requirements and restrictions on their activities. The core requirements are that the expenditure and activities of SSSU shall be educational, in a wide sense, and shall not be political. Officers of SSSU shall ensure that they are aware of the relevant requirements and restrictions, by consulting the Charity Commission, and shall advise members of SSSU appropriately, for the conduct of their activities.
35. The JCR and MCR are “charitable unincorporated associations” as well as being “students’ unions”. The College is their “partner establishment” and although the JCR and MCR share a close legal and practical relationship with the College, and with each other, they are constitutionally independent.

The College’s responsibilities for the JCR and MCR

36. The JCR and MCR are *students’ unions* within the meaning of the Education Act 1994. As a result, the College Council is required to do various things as set out in the Code of Practice (**Section 1**)

The JCR and MCR as entities

37. As a *charitable unincorporated students’ union* the JCR and MCR are charities. (They do not need to be registered as a charity with the Charity Commission unless their individual gross annual income exceeds £100,000.)
38. The Officers of the JCR and MCR are the *trustees* of each charity and all the normal regulations, rules and responsibilities of being a charity trustee apply to them. The minimum age of a trustee is 18 and there are other requirements listed in Appendix 1. The trustees must also meet the management condition in the Finance Act 2010. This requires a charity’s trustees to be “*fit and proper persons*”.
39. An unincorporated students’ union has no legal identity of its own. All its legal relationships are entered into by the trustees rather than by the JCR or MCR themselves. The trustees can use any assets of the JCR/MCR to meet any liabilities, but if the assets of the JCR/MCR are insufficient to cover those liabilities, the trustees may be personally liable for the shortfall. The assets of the JCR/MCR would include the proceeds of any insurance policy taken out to protect against different types of liability. For example, liabilities to third parties, liabilities for acts committed by any staff employed, etc.

40. Since an unincorporated students' union cannot enter into a contract in its own name, it is the trustees who do so. If the trustees act in a way which is negligent, a claim can be brought against them but this is rare.
41. An unincorporated students' union is governed by a constitution, and in legal terms this is a contract between the members.
42. As trustees, the JCR/MCR Officers hold and manage the assets of the larger group of members of the JCR and MCR. Since the legal basis of the rights of the members is contractual, those members have the right to insist that the constitution is complied with.

Charitable objectives

43. It is really important to understand the 'charitable objectives' of the JCR/MCR. For students' unions these are intimately related to the charitable objectives of the 'partner organisation' – that is, the College. In other words, there is an assumption that the objectives of the JCR/MCR will be to further the educational purposes of the College, and specifically that the JCR/MCR will be devoted to the educational interests and welfare of its members.
44. The consequence of this is that JCR/MCR funds can only be used to promote these charitable objectives. That is, only in furthering the interests of the students in a way that assists in the educational aims of the College. This includes providing facilities for recreation and leisure.
45. Having said this, there is no objection to students joining together to collect their own, separate funds for any purpose for which JCR/MCR funds cannot be used. So, students can participate in a wide range of activities. The rules only prevent the core JCR/MCR funds being used for purposes outside the objects of the charity.
46. The JCR and MCR may operate a bar, provide catering facilities, etc. subject to licensing and other legal requirements. Any profits will form part of JCR/MCR funds and must be used for the charitable purposes of the JCR/MCR. If the bar, catering, events, etc are open to members of the public as well as students, the profits will normally be taxable.
47. If the JCR or MCR own facilities, these can be lent or hired out to students as a means of assisting the students in the College. But, if they are hired out to non-students, or to students for any other use outside the JCR/MCR charitable purposes, a proper commercial rate must be charged.

Clubs and Societies

48. JCR/MCR funds can be used to support a wide range of clubs and societies in College. This can include political clubs and societies, so long as they are dealt with in an even-handed way, that is, treated equally.

Donations by the JCR and MCR

49. Neither the JCR or MCR or any of its clubs or societies can generally make donations to external organisations *from their own funds*. But as mentioned previously, they can collect funds from students or the public (via, for example, a fundraising event) and pass them on to such organisations.

50. Just because the JCR and MCR are charities, does not mean that donations can be made *from their own funds* to other charities. They can however donate to an organisation that has a connection with the welfare of students *at Sidney Sussex*.

Campaigning and political activity

51. "The circumstances in which JCR/MCR funds can be used for campaigning (either on local or national issues) are very limited." The requirements are as follows:

- a. The issue must affect present and future members of the JCR/MCR. Examples include: more public transport in Cambridge at night, student loans and grants.
- b. An issue of general interest or concern, but which does not affect Sidney Sussex JCR/MCR members *as students* is not permitted. Examples include: general campaigning on environmental matters, treatment of political prisoners overseas.
- c. Party political events are also not permitted.

52. For further information see Section 6 of the Charity Commission Operational Guidance OG48-01 on Students' Unions.

Affiliations

53. The JCR/MCR can affiliate to the National Union of Students or similar organisations. It can also affiliate to a campaigning alliance *provided* the issues on which the alliance is campaigning are of the kind which the JCR/MCR could campaign for directly itself (as outlined above)

Responsibilities of Officers who are Trustees

54. The Officers of the JCR and MCR who are trustees are those who are responsible for the general control and management of the administration of the JCR or MCR. As at April 2024 these are as follows:

JCR	MCR
President	President
Vice-President	Vice-President
Treasurer	Treasurer
Secretary	
Bar Manager	

55. These trustees must undertake their role subject to:

- a. The Education Act 1994
 - b. The governing documents; the JCR and MCR constitutions
 - c. Charity law,
- as outlined and summarised in this document. Also,
- d. The law in general (including criminal law, equality law and defamation)

They must also ensure that appropriate and adequate safeguarding policies and procedures are in place for those who take part in the JCR and MCR activities and for their members.

56. The essential duties of the trustees are the same as trustees of any other charity. They are set out in the [Charity Commission’s guidance CC3 – The essential trustee: what you need to know, what you need to do](#). This will include that trustees:

- a. Ensure that the JCR/MCR is carrying out its purpose for the public benefit only;
- b. Comply with the JCR/MCR comply with their constitutions and the law;
- c. Act in the JCR/MCR’s best interests;
- d. Manage the JCR/MCR’s resources responsibly;
- e. Act with reasonable care and skill; and
- f. Ensure the JCR/MCR is accountable.

Democratic Decision-Making Activity

57. Motions may be proposed in JCR or MCR debates which call upon the JCR or MCR corporately, or the Officers in their capacity as trustees, to take or not take particular positions or actions, or to campaign in favour of or against a particular proposition. If this happens, the principles outlined in 51 above need to be observed. That is, those positions or steps must only be taken if they further the charitable purposes of the JCR or MCR.

58. The trustees should take into consideration the impact on students and ensure that any view or activity taken is not, and does not appear to be, discriminatory towards students on the basis of particular protected characteristics. A motion, properly passed, can only be implemented in so far as is permitted under charity law or other relevant legal obligations

(such as the Equality Act 2010). The JCR and MCR's resources must not be used to implement any motions if doing so would not be lawful.

59. For further information see Section 5 of the Charity Commission Operational Guidance OG48-01 on Students' Unions at <http://ogs.charitycommission.gov.uk/g048a001.aspx>)

Conclusion

60. As charity Trustees, the Officers of the JCR & MCR have very significant personal responsibilities of which they need to be aware. Support and training are available on request from a variety of senior College Officers.

Section 4: Freedom of Speech: provisions of section 43 of the Education (No. 2) Act 1986 and the code of practice related to it

Cambridge University Statement on Freedom of Speech:

<https://www.governanceandcompliance.admin.cam.ac.uk/governance-and-strategy/university-statement-freedom-speech>

Cambridge University Code of Practice relating to Freedom of Speech:

<https://www.cambridgestudents.cam.ac.uk/new-students/rules-and-legal-compliance/freedom-speech>

Sidney Sussex College Statement on Freedom of Speech and Code of Practice relating to Freedom of Speech:

<https://www.sid.cam.ac.uk/about-sidney/published-information/college-policies-protocols-and-statements>

Appendix 1

You must not act as a trustee (and be an Officer of the JCR or MCR) if you are disqualified under the Charities Act. Reasons for disqualification include if you:

- have an unspent conviction for one or more offences:
 - a) under Part 4 of the Counter-Terrorism Act 2008;
 - b) under Section 13 or 19 of the Terrorism Act 2000;
 - c) under Part 2 of the Serious Crime Act 2007;
 - d) under Section 415 of the Proceeds of Crime Act 2002;
 - e) under Section 1, 2, 6 or 7 of the Bribery Act 2010
 - f) under Section 77 of the Charities Act 2011; and/or
 - g) of misconduct in public office, perjury, or perverting the course of justice;
- have aided or abetted in any of the above offences (a)-(g);
- have an individual voluntary arrangement (IVA), debt relief order and/or a bankruptcy order;
- have been removed as a trustee in England, Scotland or Wales (by the Charity Commission or Office of the Scottish Charity Regulator);
- have been removed from being in the management or control of any body in Scotland (under relevant legislation);
- have been disqualified by the Charity Commission;
- am a disqualified company director;
- am a designated person for the purposes of anti-terrorism legislation;
- am on the sex offenders register;
- have been found in contempt of court for making (or causing to be made) a false statement;
- have been found guilty of disobedience to an order or direction of the Charity Commission

Appendix 2

Additional guidance and source documentation for this Regulation:

- Section 22 of The Education Act 1994:
<https://www.legislation.gov.uk/ukpga/1994/30/part/II>
- NUS guide on Legal Forms and Incorporation for Students' Unions:
<https://www.nusconnect.org.uk/resources/students-union-governance-code>
- Charity Commission Operational Guidance OG48 on Student's Unions::
<https://ogs.charitycommission.gov.uk/g048a001.aspx>