

# **ST CATHERINE'S COLLEGE**

## **Code of practice relating to the operation of the Junior and Middle Common Rooms**

### **1 Introduction**

This Code of Practice has been published by the Governing Body of St Catherine's College accordance with the requirements of section 22(3) of the Education Act 1994 ("the Act"). The Act requires the College and its Junior and Middle Common Rooms to comply with a number of measures relating to the operation of the Common Rooms, in particular relating to its: constitution; membership; elections; Common Room Representatives; finances; donations; affiliations; complaints; and notification requirements. This Code sets out the arrangements made to secure observance of the Act.

The Code will be received by the Student Liaison Committee each Trinity Term when the newly elected JCR President attends. Should any amendments to the Code be suggested they will reported to Governing Body in the following Michaelmas Term.

The Governing Body will approach the use of this Code from a position that sees the Common Rooms as key institutions in the life of the College which should be allowed to operate with the lightest possible degree of oversight. Where responsibilities are to be exercised by the College under the Education Act 1994 and this Code of Practice prior notification of at least two weeks will be given to Common Room officers and the opportunity to discuss the matter will be given at the Student Liaison Committee.

### **2 Constitution**

The Common Rooms have been established, and conduct and manage their affairs, under constitutions approved by the Governing Body. Any amendments to the constitution must be submitted to and approved by the Governing Body before any such amendments can take legal effect.

The Governing Body will review and, where necessary, revise a Common Room constitution in consultation with the relevant Common Room every five years. In reviewing and revising constitutions the Governing Body is acting to ensure that Common Rooms operate in a fair and democratic manner and are accountable for their finances. The Governing Body shall ensure that its review of the Constitution shall only proceed after discussion has taken place in the Student Liaison Committee.

### **3 Membership**

Any student member has the right not to be a member of a Common Room and not to be unfairly disadvantaged by reason of having exercised that right.

Any student member not wishing to be a member of a Common Room must indicate this decision in writing to the President of the Common Room. This decision will remain effective for the current academic year unless a student member takes specific action within two weeks of the decision to opt out, to resume membership.

Any student member wishing to resume membership should write to the President of the Common Room. The President shall inform the Academic Registrar within five days of receipt of any decision to opt out or resume membership of a Common Room by supplying a copy of the relevant correspondence. It is then the President's responsibility to inform OUSU of the student member's decision.

#### **4 Elections**

Elections to Common Room Offices shall be conducted by secret ballot in accordance with the provisions of the Constitution. No person shall hold sabbatical or paid elected Common Room office for more than two years in total at the College. The Governing Body may satisfy itself that an election has been fairly and properly conducted by requesting that a report from the Returning Officer be given to the Academic Registrar.

#### **5 Finance**

The Common Rooms, through their Officers, are responsible for the proper conduct of their financial affairs and for ensuring that funds provided to them by the College are used only in accordance with the Act and other applicable legislation.

The Common Rooms shall require their Presidents and Treasurers to satisfy the College that all such requirements are complied with and to advise the Common Rooms if at any time action or policy is being considered which appears to the Presidents to be incompatible with the terms of this Code of Practice relating to Finance and Affiliations. In particular the Common Rooms are required to:

- maintain accounts and accounting records in accordance with normal professional accounting principles in a form to be agreed with the Bursars
- maintain a sound system of internal financial management and control
- plan and conduct its financial affairs so as to ensure that its total income is at least sufficient, taking one year with another, to meet its total expenditure and that its financial solvency is maintained
- maintain adequate insurance cover for Common Room assets (if any)
- report regularly to the College, through the Bursars, in an agreed format to permit the College to approve annual budgets and monitor expenditure on behalf of the Governing Body

- ensure that fair written procedures and rules exist for allocating resources to groups, clubs and societies and that these are observed.

The financial affairs of the Common Rooms shall be managed in accordance with Appendix A.

The accounts of the Common Rooms, approved by a General Meeting of the relevant Common Room, shall be presented to the Bursars within one month of the end of each academic year. Copies shall be supplied to the Governing Body and be available to all student members for inspection at the offices of the Common Rooms during office hours.

The audited accounts shall include a list of:

- all external organisations to which a Common Room has made donations in the period to which the accounts relate and the amounts paid to each;
- all external organisations to which a Common Room is/was affiliated and details of subscriptions, fees or donations made to such organisations in the period to which the accounts relate.

If the Accounts Office has not received the audited accounts within three months of the end of the preceding academic year, the College will act in accordance with the provisions of section 13 of Appendix A

## **6 Affiliations**

All proposals to affiliate to external organisations shall be approved by the Officers of the Common Rooms and shall be submitted to the membership for approval annually at a properly advertised Open Meeting. If an affiliation is challenged, the Constitution permits a referendum to be held to decide the question of continued affiliation to that particular external organisation.

A register of current affiliations containing details of subscriptions or similar fees paid, or donations made, to such organisations in the past year (or since the last report) shall be maintained by the Common Rooms. The register shall be available for inspection by all students at the offices of the Common Rooms during office hours.

## **7 Complaints**

The following Complaints Procedure is available to all student members or groups of student members who are dissatisfied in their dealings with the Common Room, or claim to be unfairly disadvantaged by reason of having exercised their right not to be a member of a Common Room. The Complaints Procedure is designed to enable complaints to be dealt with promptly and fairly and, where a complaint is upheld, for an effective remedy to be provided. It makes provision for an independent person appointed by the Governing Body to investigate and report on complaints.

Complaints arising on the basis of dissatisfaction in dealings with a Common Room should be submitted in writing to the President of the Common Room in the first instance, setting out the specific grounds of complaint.

The President will consider the complaint, consulting as necessary with others. The President will respond to the complainant in writing, setting out his or her conclusions and, where appropriate, any recommendations or proposals to remedy the situation.

In the event that the complainant considers that the conclusions are incorrect or that the proposed remedies are inappropriate or ineffective, the complainant may refer the complaint to the Academic Registrar, setting out the specific grounds of the complaint.

The Academic Registrar will consider each complaint, consulting as necessary with others. The Academic Registrar will respond to the complainant in writing, setting out his/her conclusions and, where appropriate, any proposals or recommendations to remedy the situation.

In the event that the complainant considers that the conclusions are incorrect or that the proposed remedies are inappropriate or ineffective, the Academic Registrar will, after consultation with the Master and Dean, invite an officer of similar standing from another College to consider the complaint as an independent arbitrator. The Academic Registrar will forward to the arbitrator all documentation held by him/her relating to the complaint and the initial responses. The complainant will be invited to set out the grounds of dissatisfaction with the initial consideration and proposed remedies.

The arbitrator will consider and advise the parties on the way in which he or she intends to consider the complaint. The arbitrator may wish to meet the complainant, President of the Common Room and the Academic Registrar . The conclusions reached by the arbitrator and any remedies proposed shall be final and will be binding on the Common Room and/or the complainant as appropriate. The arbitrator will report his/her decision and the remedies to the Governing Body.

At all stages of the complaints procedure, those making decisions or prescribing remedies shall have regard to the Education Act 1994, the Statutes, By-Laws and Regulations of the College and the Constitution of the relevant Common Room.

## **8 Notification requirements**

The College will bring to the attention of all student members at least once a year, in the form of an email message referring student members to the College website:

1 This Code of Practice, which includes statutory information relating to a student member's right not to be a member of a Common Room and not to be

unfairly disadvantaged as a consequence of having exercised that right (section 3), details of arrangements made by the College to provide services for students who are not members of a Common Room (section 8) and information about restrictions imposed on the activities of Common Rooms by the law relating to charities (section 9) and

2 The College's Code of Practice on Freedom of Speech and Lawful Assembly. This information will be published electronically on the College's website.

3 The following statement: "The Education Act 1994. Under the provisions of the Education Act 1994 any student member has the right not to be a member of the relevant Common Room and not to be unfairly disadvantaged with regard to the provision of services, or otherwise, by reason of having exercised that right. At St Catherine's College all students members, whether they are or are not members of a Common Room, have in general the right of access to services provided by the College and its Common Rooms. However, there are some rights which are not extended to non-members of Common Rooms and these include the following:

- the right to participate in Common Room, OUSU and NUS (National Union of Students) elections and decision-making processes
- the right of OUSU and NUS representation
- the right to commercial advantages negotiated for the benefit of Common Room, OUSU and NUS members.

On the basis of the above arrangements the College is satisfied that the range of services otherwise provided by the College and the Common Rooms to student members (whether members of a Common Room or not) are sufficient to ensure that non-members are not unfairly disadvantaged within the meaning of the Act".

## **9 Restrictions imposed by the law of charities**

The College is required by the Education Act 1994 to bring to the attention of all student members any restrictions which the law of charities places on students' unions, which for the purposes of this statement includes Common Rooms. As a general rule expenditure of Common Room funds is only permitted if it "furthers the interests of the students in a way that assists in the educational aims of the College". The Common Rooms as constituent bodies of St Catherine's College and fall under the College's charity registration. as such they are subject to many of the requirements of the law of charities.

Funds must be used for the pursuance of the Common Rooms' objectives as stated in their constitutions, and in accordance with relevant legislation. For example:

- recreational, leisure and sporting facilities
- communicating with members
- clubs and societies
- affiliations to certain external organisations which have objects related to those of the Common Rooms and affect members as students
- donations to external organisations connected with the welfare of the College's students
- campaigning, but only on issues relevant to the students as students of the college.
- debating issues of common concern.

Expenditure must be at a reasonable level, taking into account the likely benefits to students and the overall financial resources and commitments of the Common Rooms.

## **Appendix A**

The College and the JCR will take steps to restore the status quo ante in terms of the JCR's financial autonomy and funding, subject as follows (items 2 to 13 to be recorded in an agreed protocol on the JCR's financial arrangements):

1. A change to the JCR constitution excluding any final year student from the post of JCR Treasurer, and requiring the JCR President to take on the functions of JCR Treasurer in the event that the Treasurer resigns or is unable to act.
2. The JCR Treasurer and President to receive training from the College Accountant as to the preparation of accounts, budgeting and the maintenance of financial records.
3. The JCR to establish arrangements for handover between the current JCR Treasurer and incoming JCR Treasurer before the end of Trinity Term in each year, including a period in which both share responsibility for the conduct of the JCR's financial affairs and its record keeping.
4. The JCR Treasurer may approve spending up to an amount of £30 for emergency purposes, in situations where it would be impractical to get Committee approval. Any such purchases would be highlighted in the twice termly JCR accounts. For spending between £30 and £150, any purchases must be approved in advance by the JCR Committee.
5. The JCR Treasurer, in consultation with other members of the JCR Committee, will produce by the beginning of Week 0 of Michaelmas Term, an annual budget, which will be approved through an affirmative motion in a JCR open meeting. Purchases above £150 that are not accounted for in the termly budget, must be approved through an affirmative motion in a JCR open meeting. A copy of any motion of these types, passed in an open meeting, will be forwarded to the College Accountant by the next working day (Monday to

Friday, excluding Bank Holidays and College shutdown). Any such purchase will not occur until the College has had 24 hours to respond (excluding any non-working day).

6. The JCR Treasurer is the committee member responsible for the JCR debit card and is, therefore, the only signatory of the account and the only pinholder.

7. The JCR debit card and Bod (UniPay) card may only be used by a member of the JCR Committee and (for Committee members other than the JCR Treasurer and JCR President) only with the express authorisation of either the JCR Treasurer or the JCR President.

8. Upon arrival of the monthly paper bank statement, the JCR Treasurer will export an online copy from online banking and will send this by e-mail or in hard copy to the College Accountant.

9. No change to the JCR's banking arrangements without the College's approval.

10. The JCR Treasurer will maintain a cash ledger for all cash transactions.

11. Until further agreement, the JCR Treasurer will prepare and produce to the College Accountant "management accounts" (in a form requested by the College) (1) at the beginning of each term (reflecting any changes over the vacation) and (2) in Week 9 of Michaelmas and Hilary Terms (reflecting any changes up to the end of each term).

12. The JCR Treasurer will prepare final accounts (reflecting any changes to the end of the academic year) by the end of Week 9 of Trinity Term, and will deliver these together with all relevant financial records to the College Accountant.

13. The College Accounts Office to review the accounts (items 11 and 12) and annual budget (item 5). If the College concludes on reasonable grounds that the JCR's financial records, management accounts, annual budget and/or final accounts are inadequate (a) the College will notify the JCR Treasurer and JCR President of its concerns in writing, (b) a meeting will take place at the earliest opportunity between (at a minimum) the Finance and/or Home Bursar, College Accountant, JCR Treasurer and JCR President with a view to agreeing remedial steps to be taken, to the satisfaction of the College, (c) the JCR will take all such steps on its behalf promptly and will pay an amount reflecting the time spent by the College's finance team in assisting or reviewing the taking of those steps, and (d) if no agreement on remedial steps can be reached or if the College considers that the terms of any agreement have not been met, the Finance and/or Home Bursar will refer the matter to Finance Committee, which will consider what further steps need to be taken to comply with the College's and the JCR's financial responsibilities. (The JCR will be given the opportunity to make representations to the Finance Committee.)

