

St Hugh's College, Oxford

Code of Practice relating to the Middle Common Room

Approved by Governing Body 14 June 2023

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1. Overview

- 1.1. This code of practice sets out the steps which the Governing Body of St Hugh's College, Oxford ("the Governing Body") agrees to take, in so far as is reasonably practicable, in observance of the requirements of the Education Act 1994, to secure that the Middle Common Room of St Hugh's College, Oxford (the "MCR") operates in a fair and democratic manner and is accountable for its finances.
- 1.2. The Governing Body seeks to work with the MCR according to the principles of the CUC/NUS guidance on the role of governing bodies in respect of student unions (https://www.universitychairs.ac.uk/wp-content/uploads/2016/02/guide_for_members_of_higher_education_bodies.pdf). These are:
 - 1.2.1. **Strategic Partnership:** A spirit of partnership should be fostered between the College and the MCR, which should inform the strategic direction of both parties.
 - 1.2.2. **Being student-centred:** The College and the MCR have a shared interest in developing and improving student experience, both academia and extra-curricular.
 - 1.2.3. **Respect and Understanding:** For any relationship to work there needs to be clarity about, and a shared understanding of, the distinct roles of each party and the value and perspectives that they bring. The Governing Body and the MCR will put ongoing time and effort into understand each other's position.
 - 1.2.4. **Openness and Trust:** Effective communication is essential for successful relationships. Both the College and the MCR recognise the benefit of full, open and regular communication on relevant issues.
 - 1.2.5. **Mutual Support and Commitment:** The Governing Body and the MCR are committed to making the relationship work through investment of time and resources.
 - 1.2.6. **Independence:** The Governing Body recognises the value of a strong, student-led MCR empowered to determine and manage its own affairs, and also recognises its own role in helping achieve this by encouraging the MCR to apply good practice in relation to their governance.
 - 1.2.7. **Accountability:** Section 22 of the 1994 Education Act places a legal requirement on the Governing Body to ensure that the MCR 'operates in a fair and democratic manner and is accountable for its finances', as detailed in this Code of Practice.
 - 1.2.8. **Diversity and Equality:** Both the Governing Body and the MCR hold a shared commitment to equality and diversity and the fair treatment of all staff and students.

2. The MCR

- 2.1. The MCR, as an unincorporated association, operates under the Constitution approved by the MCR on 16 April 2023 and ratified by the Governing Body on 17 May 2023, or any subsequent updates approved by the MCR and ratified by the Governing Body ("the Constitution").

- 2.2. The MCR exists to fulfil its aims, as set out in Article 4.2 of its Constitution, and as required by the College's Bylaw VIII.B
- 2.3. The MCR is a charity operating for the public benefit in furthering the charitable objects of the College, specifically by fulfilling its aims as set out in Article 4.2 of its Constitution.
- 2.4. The MCR is currently exempt from the requirement to register with the Charity Commission because it is an Excepted Charity as a Smaller Student Union with income of less than £100,000 per year.
- 2.5. The Governing Body shall review the Constitution at intervals of not more than five years. Any amendment to the Constitution shall be presented to the Governing Body for approval at the earliest opportunity, in accordance with Part II of the Education Act 1994, but pending approval shall take effect provisionally from the time it is enacted by the MCR.
- 2.6. The MCR is required to make copies of its Constitution freely accessible on line for inspection by all students of the College, whether or not they are members of the MCR.
- 2.7. The MCR may undertake only activities, or incur expenditure, which fulfil its objects and which are permitted under its powers as described in the Constitution.
- 2.8. As a Student Union, the MCR is not permitted to undertake party political activity; to affiliate with or give money to any political party; or to engage in political campaigning on any issue that does not affect students *qua* students.
- 2.9. The MCR is required to act within the law and in accordance with the Statutes and all applicable rules of the College and of the University of Oxford.

3. Membership of the MCR

- 3.1. Registered undergraduate students of the College will become members of the MCR unless they exercise their right to opt out of such membership pursuant to Article 8 of the Constitution. A student who exercises that right will not be unfairly disadvantaged by reason of having done so.
- 3.2. A student who wishes to exercise their right to opt out may do so by giving written notice to the MCR Vice President. The MCR Vice President will inform the Dean so that the College is aware and can exercise reasonable oversight of the measures taken to ensure that students who opt out of membership of the MCR are not disadvantaged.
- 3.3. Students who opt out of membership are not entitled to represent or be represented by the MCR, or to participate in any of its democratic processes, or to serve as officers of the MCR or any of its clubs, societies or committees. They are eligible to use the other services and facilities provided by the MCR for students of the College.

4. Provision of Services

- 4.1. The MCR shall provide for all students (including those who have opted out of membership) a range of activities, amenities and services.
- 4.2. All students at the College who utilise the facilities or services of the MCR, whether members or not, shall be bound by the complaints procedures of the MCR, as set out in the Constitution.

- 4.3. Any provision of services by the MCR on College premises or in a college context is subject to the rules set out in the College Statutes, Bylaws, Student Disciplinary Code, Student Handbook, and any other relevant College policies.

5. Elections

- 5.1. MCR elections are conducted in accordance with the Constitution.
- 5.2. The MCR is required to publicise the election procedures on the MCR's website so that they are freely available for inspection by all students, whether members or not.
- 5.3. The Committee Officers shall be deemed to be holders of "major union offices" for the purpose of s22 (2) (d) of the Education Act 1994.
- 5.4. Committee Officers of the MCR are elected annually by a secret secure online voting system ballot in which all full members of the MCR are entitled to vote.
- 5.5. No student may hold a Committee Office or any remunerated elected MCR office for more than one year.
- 5.6. The Returning Officer of the MCR shall be appointed in accordance with Article 41 of the Constitution. The MCR shall inform the Dean of the name of the Returning Officer prior to the start of elections along with other relevant information about arrangements for elections, such as dates.
- 5.7. Should the College become aware of irregularities in the conduct of elections it shall refer these to the Returning Officer for investigation. The College shall refuse to recognise the appointment of any elected Officer whom it believes, following such investigation, to have been elected improperly. If not satisfied that an election has been fairly and properly conducted, the Returning Officer may declare such an election void. The Returning Officer is responsible for providing a report to the Dean to confirm that they are satisfied as to the conduct of the elections.

6. Financial Matters

- 6.1. The MCR is required to keep proper accounts and accounting records; 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 to meet its total expenditure. The MCR must maintain its financial solvency.
- 6.2. The Committee Officers prepare and approve the MCR's budget each year. The budget is subject to consideration by Finance Committee on behalf of the Governing Body and in accordance with the terms of any written decisions by Finance Committee governing the agreement of funding. The MCR is required to prepare a termly budget, and an annual report on income and expenditure.
- 6.3. The MCR is required to publish its annual financial reports online, and such accounts and also be made available for inspection by all students, whether or not they are members of the MCR.
- 6.4. The MCR is required to publish in its annual financial reports a list of the external organisations to which the MCR has made donations in that financial year, and details of those donations.

- 6.5. The MCR allocates resources to societies, clubs and other groups within or affiliated to the MCR in accordance with Article 37 of the Constitution.
- 6.6. If the MCR fails to comply, to the reasonable satisfaction of the Governing Body, with the requirements of this Code or of the requirements relating to any specific funding as agreed by Finance Committee, or of the Constitution, or the or of the relevant statutes, the Governing Body may withhold funding from the MCR and/or may require the MCR to repay in whole or in part funds which the College has made to the MCR, together with interest in respect of any period during which a sum due to the College under this or any other condition remain unpaid.

7. MCR Affiliations

- 7.1. The MCR will ensure that any affiliations that it enters into are appropriate and consistent with its legal obligations and with the Constitution.
- 7.2. The MCR is required to publish a notice of any decision to affiliate to an external organisation, stating the name of the organisation to which the MCR is to affiliate and details of any subscription or similar fee paid or proposed to be paid, and of any donation made or proposed to be made, to that organisation. The notice shall be made available to the Governing Body and to all students of the College.
- 7.3. The MCR is required to publish, at least once in each academic year, a report containing a list of any external organisations to which the MCR is currently affiliated and details of the subscriptions or similar fees paid, and of any donations or grants made, to such organisations in the past year or since the last report. The notice shall be made available to the Governing Body and to all students of the College.
- 7.4. The MCR shall submit a current list of affiliations to external organisations for approval by Members of the MCR by Referendum at least once in each academic year.
- 7.5. Once in every academic year a Referendum to determine whether to continue affiliation to any particular organisation may, subject to the requirements set out in the Constitution, be requisitioned on presentation of a petition signed by Full Members constituting not less than two per cent of the full membership of the MCR. The referendum shall be conducted by a secret ballot in which all Full Members of the MCR are entitled to vote.

8. Complaints

- 8.1. The MCR's formal complaints procedure is set out in Article 46 of the Constitution and is available to all students, whether or not members of the MCR, who are dissatisfied in their dealings with the MCR (including MCR Officers) or claim to be unfairly disadvantaged by reason of their having exercised the right to opt out of membership of the MCR. The MCR's complaints procedure may be used by students individually or in groups.
- 8.2. If having exhausted the MCR's complaints procedure, or being otherwise unhappy to use the internal complaints procedure, the complainant is still not satisfied, they have the right to appeal in writing to the Dean, who will raise the issue with the Governing Body. The Governing Body may appoint an independent person to investigate and report on the complaints. In that event, the investigating officer shall report to the Governing Body.
- 8.3. The decision given by or on behalf of the Governing Body shall be final.

- 8.4. The MCR shall cooperate in implementing promptly any remedial action recommended by the Governing Body.
- 8.5. The President and the Dean will liaise to ensure that complaints relating to the MCR are dealt with promptly and fairly.

9. Information

- 9.1. The College will draw at least once a year the attention of all students to:
 - 9.1.1. this Code;
 - 9.1.2. the restrictions imposed on the activities of the MCR by its constitution;
 - 9.1.3. the College's Policy on Freedom of Speech as amended from time to time, in relation to the activities and conduct of the MCR;
 - 9.1.4. the right of every student not to be a member of the MCR; and
 - 9.1.5. the arrangements it has made for services of a kind which the MCR provides for its members to be provided for students who are not members.
- 9.2. This information will be published on the College's website.

10. Review

- 10.1. The Principal (or their delegate) will advise the Governing Body if, in the light of the operation of this Code, any revision of the Code appears necessary.
- 10.2. The Governing Body will conduct a formal review of this Code at least every five years.