

MEMORANDUM OF UNDERSTANDING

Between

Union of Brunel Students

And

Brunel University London

On

Joint Collaborative Activities

Preamble

The Union of Brunel Students is a registered charity and has been since August 2011. Prior to its independent registration it was deemed to be a charity (and enjoyed charitable status) because the University, its parent body, is a charity.

This Memorandum of Understanding is drawn up in accordance with the requirements of the Education Act 1994 and should be read in conjunction with Appendix A:- ***Union of Brunel Students, Education Act Code of Practice, Academic Year 2016/17.***

In particular attention is drawn to:-

- The constitution of the Union
- The right of each student not to be a member of the Union
- Election of major Union Officers
- Financial affairs
- External organisations
- Complaints procedure
- Charitable restrictions
- Data Protection Act 1998

1. Date

- i. This agreement takes effect from 1st January 2017 and will be reviewed no later than 31st December 2019.
- ii. ~~This period may be extended, or indeed, terminated by written consent of both parties.~~
- iii. In any case of discontinuation, the parties will honour agreed commitments either via the accepted arrangements or suitable alternatives negotiated at that point.

2. Introduction

- i. This agreement is intended to create a positive working Agreement between Brunel University London and the Union of Brunel Students.
- ii. The University recognises that students develop through study, play and work. It further recognises the important part that an effective students Union plays in such work.
- iii. The Union and the University have a shared sense of purpose in respect of students who will be developed as individuals and global citizens.
- iv. Nothing in this Agreement shall be construed as creating a legal relationship between the Parties.
- v. Each body must be accountable for its actions, so each must have unambiguous and well-defined responsibilities
- vi. Information exchange will help each body to discharge its responsibilities as efficiently and effectively as possible.

3. Objectives

- i. Brunel University London supports and encourages students to participate in their Students Union and views the Union of Brunel Students as an integral element of the University community.
- ii. The University recognises the important role that the Union of Brunel Students plays in the advancement and delivery of a positive student experience for all Brunel Students.
- iii. The University is committed to a close working relationship and effective communication on matters affecting both the Union of Brunel Students and the student community.

4. University Obligations

A. Financial Matters

- i. The Vice-Chancellor and President is the Chief Executive Officer of the University and, through Council and the Finance Committee, must retain overall responsibility over the use of University funds.
- ii. In carrying out this responsibility the Vice-Chancellor and President must be mindful of the requirements of both the 1994 Education Act, and the Charities Commission.
- iii. The Union of Brunel Students budget/accounts shall be presented annually to the Finance Committee to note.
- iv. The Vice-Chancellor and President has ultimate responsibility to ensure:
 - a. Compliance with the law, and his/her responsibilities to Council/Senate
 - b. Fulfilment of conditions spelled out in specific agreements between Union of Brunel Students and the Vice-Chancellor and President
 - c. Overall soundness of budgetary and programmatic decisions

- v. The University will ensure that the Union is suitably resourced (both financially and in terms of the physical facilities provided) so as to be able to carry out its agreed duties and responsibilities.
- vi. The University will review the Union of Brunel Students budget annually in its Planning Round. Based on this scrutiny in the context of the University's annual budget, the University will allocate funds to Union of Brunel Students by means of a grant. This will take account of the Union's responsibilities, mutually agreed objectives and related costs, and its trading activities and earnings capability. Whilst it is expected that these trading activities shall be operated efficiently and profitably, profit motives should not be pursued to the detriment of the interests of the student customers and the University will support the Union in making appropriate financial provision for its long term development.
- vii. The University accepts that the Students' Union may at times be critical of its decisions or actions. Constructive comment is welcomed, but should not in itself be harmful to the long term reputation of the University.

B. Elections

In accordance with the requirements of the Education Act 1994, the University shall satisfy itself that Students' Union elections are fairly and properly conducted.

C. Complaints

As required by the 1994 Act, the University will make available a complaints procedure for students who are dissatisfied with their dealings with the Students' Union or who believe themselves to be disadvantaged by having exercised their right not to be a member of the Students' Union. For this purpose the University's Complaints Procedure for Students shall apply.

D. University Committee Membership

The Unions representatives will be invited members of key university committees. These are as outlined in The University Ordinances. In addition elected officers and senior union staff may be invited to join other committees or working groups as is deemed appropriate.

E. Premises

The Students' Union will be provided with certain premises fit for the general purpose of furthering the social, recreational, cultural, welfare and sporting activities of Brunel students together with other areas in the University where the Union may carry out agreed trading activities.

F. Local Community

The University and the Union are committed to developing and maintaining positive links with the local community.

G. Information Services

The Union will be provided with the same degree of service as other University departments in relation to information technology support at no extra cost.

H. Health & Safety

As separate employers, the University and the Union have equivalent statutory duties under the Health and Safety at Work Act 1974 and dependent legislation. As such, each organisation is required to ensure compliance and prepare their respective health and safety policies and procedures. Furthermore, the University and the Union are required to co-operate and co-ordinate their respective activities to ensure that all their health and safety obligations are met and difficulties avoided.

I. General

- i. The main channel of communication between the University and the Union is via the elected student officers and the senior managers of the Union, who will meet regularly for this purpose. Students' Union employees and student officers may access members of the administration direct on any issue. The Vice Chancellor will meet with student officers of the Students' Union on a regular basis or as necessary.
- ii. The Union Officers and staff will be given free access to training and development opportunities provided by the University's Staff Development Unit.
- iii. The University will ensure that the Union is fully engaged in the development, implementation and monitoring of the University's Strategic Plan (and supporting plans).
- iv. Where practicable the Union will consult with the University prior to performing or undertaking any activities that overlap with or may be in conflict with a University provision or service.

5. Union of Brunel Students Responsibilities

Preamble

The Union will ensure that it considers the aims and objectives of the University in the development of its Strategic Plan.

A. Membership

- i. All students registered as Students of Brunel University London are automatically members of the Union; however they have the right to opt out of membership.
- ii. Any student who wishes to opt out of membership shall, at the time of annual registration or within 2 weeks of that date, notify their intention in writing to the University Secretary to Council who shall inform the president of the Union.
- iii. The Secretary to Council shall notify any student seeking to opt out of membership of Union of Brunel Students of the consequences of such an act.
- iv. A student who has opted out from membership of Union of Brunel Students may (re)join the union during the registration period the following year.

B. Financial Matters

- i. Union of Brunel Students will exercise its fiscal authority consistent with legislation in force at the time ensuring that it shall have the authority to develop and administer budgetary policy for all its student services.
- ii. The Union of Brunel Students budget/accounts shall be presented to the Finance Committee for note.
- iii. A Financial Report of the Union will be published annually and made available to students and the University Council. The Report will be Lodged with and available to view on the Charities Commission website.
- iv. The Union will not incur expenditure or take any action which is inconsistent with the law relating to charities. In general, expenditure is proper if it can be said to be appropriate for the purpose of representing and furthering the interests of students at the University in such a way as to assist the educational aims of the University.
- v. The Union will keep proper accounts and accounting records and maintain a sound system of internal financial management and control.
- vi. External Auditors, appointed by the Union, will audit the accounts of the Union on an annual basis and the audited accounts presented to Council. They will be available for inspection by students
- vii. The Union may operate legitimate trading activities in the University consistent with its aspirations and purpose and with the constitution.
- viii. The Union may use any surpluses received from its trading activities to fund its aims.
- ix. The Union will maintain adequate insurance cover, which reflects the scope of its operations.

C. Constitution

- i. The Union is a Registered Charity
- ii. The Union shall have a written constitution which shall be subject to the approval of Council and shall be reviewed by the Council at least once every five years. Amendments to the constitution may be proposed to Council at any time.
- iii. The Union shall conduct and manage its own affairs in accordance with a constitution approved by the membership.

D. Elections

- i. The conduct of annual elections to Student Officers, including the appointment of the Returning Officer, shall be the responsibility of the Students' Union in accordance with any guidelines laid down in the constitution of the Students' Union and by the National Union of Students.

- ii. Any complaints about the electoral procedures shall be made in the first instance to the Returning Officer.

E. Employment / Staff

- i. The Students' Union shall ensure that all its employees and student officers of the Students' Union are employed and treated by the Students' Union in accordance with employment legislation in force at the time.
- ii. The Students' Union shall ensure that all its employees and student officers have contracts of employment which comply with employment legislation and regulations and the requirements of the University's Policy on Freedom of Speech.
- iii. The Students' Union shall have staff disciplinary, staff grievance, equal opportunities, harassment, data protection and public interest disclosure policies in place and shall ensure that these are enforced.
- iv. The University will be invited to take part in the recruitment and selection process of the Chief Executive Officer of the Union, although the final decision will always lie with the elected officers.
- v. The University will be consulted prior to any disciplinary action being taken against the Chief Executive Officer of the Union.

F. Complaints

The Students' Union shall maintain its own procedure for considering complaints regarding its services. Such procedure shall ensure that complaints are dealt with in an impartial, effective and timely manner.

G. Freedom of Speech/Freedom of Expression

The Students' Union shall comply with the requirements of the Education (No 2) Act 1986 in relation to ensuring freedom of speech and to this end shall comply with the University's Policy on Freedom of Speech/Freedom of Expression. This shall include and not be limited to the content of posters, notices, temporary signs and literature distributed on Union premises and where clubs and societies are using other University space.

H. UNION Media/ Publications

All features, articles, letters and advertisements published in any Students' Union publication are subject to decision of the Editor in liaison with the appropriate committee, staff and student officers. As such they are independent of the University and no responsibility will be accepted by the University for anything so published. The Students' Union shall ensure that no material which is unlawful is published either in 'Le Nurb' or any other publication of the Students' Union.

I. Premises

- i. The Students' Union shall occupy premises designated by the University. The University shall make no charge for the occupation of the designated premises.

- ii. Bars and entertainment operated on the premises shall be operated responsibly and with consideration for the occupiers of neighbouring premises and in accordance with current Licensing Laws.
- iii. The Students' Union and its clubs and societies will be permitted use of other areas in the University, free of charge, by agreement and subject to availability, for social, recreational, educational, cultural and sporting activities, such areas remaining the management responsibility of the University.

J. Representation

The Union is the Sole representative body for all Brunel students.

K. Affiliation to External Organisations

Where the Union is affiliated to any external organisation it shall publish at least annually:

- i. A list of the external organisations to which the Union is affiliated
- ii. Details of Subscriptions and fees
- iii. Such affiliations to be agreed at the Annual General Meeting

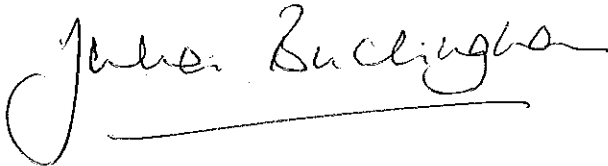
Details of any such subscription or similar fees shall be published and made available to Council in the Unions Annual Report. Any such affiliations must fall within the guidance of the Charities Commission

L. Local Community

The University and the Union are committed to developing and maintaining positive links with the local community.

Signed for on behalf of
BRUNEL UNIVERSITY LONDON

Signed for on behalf of
UNION OF BRUNEL STUDENTS



Professor Julia Buckingham
Vice-Chancellor and President

Dated: 30-11-16



Ali Milani
President

Dated: 29.11.2016

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