

EMMANUEL COLLEGE: GUIDANCE FOR COLLEGE CLUBS & SOCIETIES



A. WHAT IS A COLLEGE CLUB OR SOCIETY?

1. Very simply, a club or society is a group of like-minded people who gather together for a shared interest and want to recognise formally in some way that the group exists. In some cases, this is formalised through having a written set of rules to manage the society, and to manage any monies that the people collectively decide to accrue and spend.
2. A College student society (whether or not they use the name of the College in their title) is independent of the College. While the College may want to support or assist it in a number of ways, the society is a legally independent organisation. Most College societies will be an “unincorporated member’s association”, which means that its members are jointly responsible –legally and financially – for the activities of the society. Often, a society’s rules (or “constitution”) places more responsibility or accountability on its principal “officers” (e.g. Chair, Secretary, Treasurer).
3. Consequently, a College society may wish to have clear rules about how it operates and who is a member. Depending on its activities, it may also need to consider issues concerning the protection of personal data, health and safety, finance and tax, and insurance and liability. This document provides general advice on these and other matters.

B. LEGAL STATUS

1. Most College societies will be an “unincorporated member’s association”, which means that its members are jointly responsible – legally and financially – for the activities of the society. All members are jointly liable for any debts, complaints or legal claims brought against the society.
2. Consequently, any College society may wish to consider having a formal constitution. The constitution might outline how the society takes steps to safeguard or mitigate its officers and
3. Most College societies will be an “unincorporated member’s association”, which means that its members against liability and risk (and particularly for the person responsible for managing any finances – usually called the Treasurer). For example, the constitution might state that the Treasurer shall not be personally liable for any debt or other obligation of the society, except where they have personally authorised expenditure or another financial commitment in writing.
4. Where the risks are considered high (e.g. if the society has large amounts of money, expenditure or assets), you might want to consider taking out insurance for the officers and members of the society to protect them against possible financial and legal claims.

C. SOCIETY RULES (CONSTITUTION)

1. You may wish to consider having a formal constitution for your society.
2. If you are setting up a new society, you might ask another College society for a copy of their constitution to provide a model.

3. A constitution might include the following headings:

a. The name of the society

b. Purposes, aims and objectives:

i. Care needs to be taken to ensure that the aims and objectives do not unfairly discriminate against a range of protected characteristics (outlined in the Equality Act), including: national origins; ethnicity; religion; gender or gender identity; sexual orientation.

c. Procedure for constitutional amendment:

i. Any constitution should include a clear mechanism for its officers or members to propose, consider and approve changes to the constitution. You will need to consider how many members/officers need to support a proposal in order for it to be discussed and considered and, when agreeing a formal change, who gets to vote, and how many votes must be cast in order to make the decision valid.

d. How often the society will meet formally to discuss business:

i. It is standard practice for a society to meet at least annually to discuss the formal business of the society (often referred to as an annual general meeting), and at which formal elections are conducted/announced (see g) below) and at which financial accounts are presented or reviewed (see i) below).

e. Eligibility for membership:

i. You need to consider who will be allowed to be a member of the society (and possibly who will be allowed to serve as an officer), taking into consideration the anti-discrimination points noted above.

f. Powers and duties of the officers and/or an executive committee:

i. Depending on the size and nature of the society, you may appoint only one or two people to act on behalf of the society (e.g. Chair, Secretary, Treasurer) or, more widely and formally, appoint an executive committee of other officers to act on its behalf. You will need to outline the titles and roles of any appointment, and what delegated authority they have to act on behalf of all members.

g. Procedure for election of the officers and/or members of the executive committee:

i. You should make sure it is clear who gets to vote, how many votes must be cast in order to make the decision valid (a quoracy), and the method by which votes can be cast.

h. Procedure for voting on other issues by members:

i. Similarly, procedures for voting on other issues should be outlined.

i. Arrangements for the management of finances and for audit:

i. The constitution may set out financial rules about how the accounts will be presented, and what levels of expenditure can be authorised by one or more officers on the club's behalf. It should also outline who will audit the accounts of the society.



j. Level of subscriptions (if any):

i. Where you collect membership fees or subscriptions, it is prudent to include a written procedure for how the level of subscriptions is determined (i.e. at an AGM or by an executive committee).

k. Arrangements for dissolving the club or society and disposing of any assets:

i. You should set out a formal procedure for ending the society should that become necessary.

l. Disciplinary process for members:

i. You may wish to include procedures for how you would manage the behaviour (or rather misbehaviour) of a member of the society and the range of sanctions or actions you might take in response to this (up to and including rescinding their membership).

m. Complaints procedure:

i. You might include a transparent procedure on how the society will consider complaints about any failure of the society to abide by its own rules and constitution.



D. FUNDRAISING

1. You must not approach alumni or external people for funding or donations without first discussing the matter with the Bursar and the Development Director. Approaches to alumni or external people have a potential impact on the reputation of the College and need to be considered very carefully.

2. ECSU distributes Amalgamated Clubs monies (provided by the College) each year. College clubs and societies can apply for funding from ECSU and you should consult ECSU at the start of each year to establish the application deadline that will apply.

E. SPONSORSHIP

1. Sponsorship involves securing the support of a corporate or commercial organisation, where they would usually provide you with funds and other support in return for publicity or some form of ongoing relationship. You must consult the Bursar and the Development Director before discussing any proposed sponsorship arrangement with any external organisation.

F. FINANCIAL MATTERS: ACCOUNTS

1. It is most likely that the society's financial systems are simple enough for its officers to operate a manual accounting system, recording income and expenditure on a simple spreadsheet. More complex societies should seek advice from the Bursar.

2. The following guidelines should be followed when considering financial matters:

i. Society funds must only be used for purposes consistent with the society's purposes, aims and objectives as outlined in its constitution.

ii. Any bank accounts must be in the (full) name of the society, as noted in its constitution.

iii. Cash and chequebooks (or online banking apparatus) must be held securely.

iv. Cash and cheques received must be banked promptly.

v. The society must designate authorised persons to manage the bank accounts (in its constitution), and provide signatures to the bank. It must keep these up to date.

vi. Annual accounts should be prepared as specified by the society constitution. This means a review of all income and expenditure, with a reconciliation of all purchases against the aims and objectives of the society.

vii. You might ask a senior member of the College to act as a signatory to the bank account(s), to provide continuity between society officers and handovers, and over the vacations.



3. VALUE ADDED TAX (VAT)

i. As the society is a separate legal entity to the College, for VAT purposes, they are not covered by the College's VAT registration. The society is treated as a separate business for VAT purposes.

ii. VAT becomes important if the society provides goods or services as a trade (some potential examples are: selling tickets for events such as a play, concert or May Ball; providing a service for money or fundraising). It only becomes relevant if your turnover exceeds a threshold value set annually by the HMRC. The threshold for 2017-18 is £85,000.

iii. If your society is likely to exceed this threshold income, you will need to register with the HMRC for tax purposes.

4. CORPORATION TAX

i. Corporation tax is paid on profits if an entity is trading with a view to profit. This is unlikely to apply to College clubs and societies.

ii. All clubs and societies must pay corporation tax on interest or investment income. HMRC departmental policy, however, is not to request tax returns where the tax liability is less than £100.

iii. Corporation tax, therefore is highly unlikely to apply to a club or society, unless the club is either very large or has substantial assets.

G. HEALTH AND SAFETY: INSURANCE AND LIABILITY

1. As a separate legal entity, you are responsible for ensuring the health and safety of members/officers of the society when they are engaged in the normal activities of the society. This should include the creation and regular review of appropriate risk assessments, the number and extent of which will depend on the nature of the society's activities.

2. The College's public liability insurance will extend to standard College club and society meetings and events held in College public rooms. If a College club or society plans any non-standard event (eg an activity based event, or an event involving equipment not supplied by the College) they must consult the College Accountant about insurance arrangements. Similarly, events held outside of the College, or events involving travel, may not be covered by College insurance and the club or society may need to arrange separate cover. In so far as a Fellow takes on the role of Senior Treasurer to a College club or society, the College's insurance will extend to cover the Fellow's direct fiduciary responsibilities.



3. The Head Porter can advise you on the appropriateness of risk assessments. Examples of activities which may benefit from risk assessments include:

- i. physical activities, particularly if there is a risk of injury;
- ii. any activities involving working at height;
- iii. activities that may engage or impact on non-members of the society;
- iv. use of electrical equipment (which should anyway be checked annually for safety);
- v. lone activities under the auspices of the society.

H. COLLEGE POLICIES RELATING TO CONDUCT AND BEHAVIOUR

1. It is likely that most, if not all, of a society's activities will take place on College premises, or otherwise use College facilities. You should familiarise yourself with relevant College policies which include: THE COLLEGE POLICY ON FREEDOM OF SPEECH, and THE COLLEGE POLICY ON EXTERNAL EVENTS AND EXTERNAL SPEAKERS.

2. During their membership of clubs and society, and in organising and attending club and society events, students are subject to College and university discipline and must observe COLLEGE and UNIVERSITY POLICIES relating to behaviour.

3. Good conduct must be maintained during all club or society events and in all communications and publications (be they in hard copy, online or via social media). Clubs and societies must maintain the reputation of the College and not bring the College into disrepute. Anti-social behaviour or behaviour which is disrespectful to, or harmful to the dignity of, others, during club and society events or otherwise during the interaction of club and society members, is unacceptable. Bullying, harassment or sexual misconduct can have no part in College clubs and societies.

4. At events organised by clubs and societies account must be taken of the College's alcohol policy which is contained within the STUDENT HEALTH AND SAFETY BOOKLET. All food and drink served in College public rooms must be purchased from the Catering Department. If alcoholic drinks are served at a club or society event which have been purchased from the Catering Department on a 'take away' basis, the person organising the event, and those serving drinks, must have completed the College's training on the licensing conditions affecting the sale or supply of alcohol (details can be obtained from the Bursar).

I. DISABILITY: REASONABLE ADJUSTMENTS

1. In addition to ensuring that the society guards against improper discrimination, there might be additional responsibilities on a society to make “reasonable adjustments” to enable members (and others) with specific disabilities or needs to engage fully with the society’s activities. Information and guidance is available from the [UNIVERSITY’S DISABILITY RESOURCE CENTRE](#).



J. PUBLIC PERFORMANCES

1. There are a number of constraints around public performances: by law, no performance can be conducted without a licence having been granted by the City Council. For a range of performances, the key public rooms in the College are covered by an appropriate premises licence.

2. If a performance is constrained to members of a society, or to members and their invited guests, then it would not constitute a “public performance”: attendance at such events must be seen demonstrably to exclude members of the public and may be compromised by open advertisements, including those on social media sites. Advice on any performance should be sought from the Bursar.

K. SAFEGUARDING: INTERACTING WITH CHILDREN OR ADULTS AT RISK OF ABUSE OR NEGLECT

1. There are strict and extensive legal guidelines where a society may interact with children or adults at risk. If your society does intend to have any contact of that nature, it must discuss its intention with the Bursar, who will be able to explain the College’s own safeguarding policies and guidance, and provide further information. The society may, for example, need to carry out Disclosure and Barring Service (DBS) checks on individual members.

L. DATA PROTECTION AND INFORMATION SECURITY

1. Legislation sets out important principles and rules about the ways in which personal data must be handled. It also outlines an individual’s rights to inspect and correct any data that an organisation might hold about them, as well as other rights on what the organisation is permitted to do with the data. College societies are not exempt from data protection legislation and are expected to comply with the law.

2. All data relating to former members should be deleted when that person leaves the club or society or when he or she leaves the College. Clubs and societies should not approach alumni directly. Any contact with alumni should be via the College Development Office. Clubs and societies should not therefore hold any data relating to alumni.

3. You are responsible for the handling of the personal data of your members. You will need to consider:

- i. what personal data you hold;
- ii. what you hold it for;

- iii. where you store it;
- iv. how long you keep it; and
- v. who you might share it with.



4. Important points to note are:

i. It is likely that you will rely upon the society's legitimate interest as your reason for processing personal data.

ii. You should not share personal data with others. You should not share data with a third party company (eg. to manage tickets sales, mailings etc.) – if you need to do this you should first discuss it with the Bursar.

iii. The society will also need to ensure its officers (and members more widely) understand how to keep personal data secure and private:

a. You should not make contact details of members widely available (or share them with others);

b. You should not use the personal data you hold for any reasons other than to pursue the society's legitimate interest;

c. Officers and members should consider carefully what security is put in place to safeguard data (e.g. when it is sent by email).

