



ULSU Guidance on Political Activity

Introduction

University of Lincoln Student's Union (ULSU) is a charitable organisation that exists to advance the education of students, including representing the interests of students and helping to ensure that they benefit from a broad and rich educational experience. ULSU will actively seek to promote and secure positive change in the policies and practices of the University, local and central government, as well as corporations and businesses, wherever they affect the experience of students as students. ULSU encourage active participation by students in a variety of activities and areas of interest, including in social, political, economic and cultural debates.

In representing the interests of students, ULSU also occasionally liaise with politicians, legislatures, public authorities and other external agencies. ULSU may also seek to raise issues which affect the interests of students in the public consciousness to achieve public support; this kind of activity may at times be deemed to be political in nature.

The political activities of Students' Unions (SU's) are regulated by Law. Relevant statutes include:

- Charities Act 2011 (in England and Wales)
- Education (No. 2) Act 1986 (relevant sections apply across the whole of the UK)
- Education Act 1994 (in England, Wales and Scotland)
- Representation of the People Act 1983 (across the whole of the UK)
- Political Parties, Elections and Referendums Act 2000 (across the whole of the UK)
- Transparency of Lobbying, Non-party, Campaigning and Trade Union Administration Act 2014 (across the whole of the UK)

Some of these Laws give powers to regulate the activities of SU's to certain bodies, for example:

- The governing bodies of Colleges and Universities
- The Charity Commission (in England and Wales), the Office of the Scottish Charity Regulator (in Scotland) and the Charity Commission for Northern Ireland (in Northern Ireland)
- The Electoral Commission

In addition, the Courts have a general role in interpreting and applying the Law.

Finally, all the bodies will consider relevant case Law, some of which is very important in establishing what SU's can and cannot do in relation to political activities.

The purpose of this document is to clarify it and establish clear guidelines that ULSU must follow.

This document is in two parts: the first part outlines the main guidelines affecting SU campaigning and the second addresses a series of points that add more detail to the basic position.

Part One: guidelines for SU campaigning

By Law, SU's are required to be registered Charities, with the Charity Commission, as determined by the Education Act 1994.



ULSU Guidance on Political Activity

The rules regarding the political activities of Charities are well established and can be categorised under three main guidelines.

First Guideline – ULSU cannot use their resources to campaign on an issue that does not affect “students as students”.

SU's can campaign on issues that directly affect current and future students within their University's area because of their student status or their position as a student in the community. This could include national issues which affect those students or future students. SU's cannot act outside their charitable objectives, which is also known as 'ultra vires' (ie: 'outside the powers').

Crucially, this principle only relates to campaign action - it does not mean that ULSU cannot facilitate debates on wider issues which do not directly affect students as students. As an SU this debating role is considered central to the union's core purpose. As such even where an issue does not meet the test of directly affecting students as students, ULSU can Lawfully do any of the following things:

- Host a fair and balanced debate involving students and/or guest speakers on any issue
- Provide fair and balanced information to its members on any issue
- Adopt resolutions on any issue through its formal democratic structures
- Communicate any resolutions decided on by those bodies to its members
- Represent positions taken to the University

If the issue involved does not affect 'students as students', it is important to ensure that the process of debating the issue does not cross the line into campaigning. Under no circumstances can ULSU advocate a position on an issue that does not meet the 'students as students' test.

Second Guideline – ULSU must maintain neutrality when it comes to political parties

ULSU has to be neutral when it comes to party politics and therefore ULSU cannot support or oppose any political party or candidate.

Nothing prevents members of ULSU, including its elected officers, from personally supporting or opposing political parties or candidates. It is also permissible for individual members to organise themselves in groups outside of ULSU's structures to support or oppose parties or candidates, as long as such groups raise their own funds to do so and do not represent themselves as being affiliated in any way with ULSU (including on social media).

Third Guideline – ULSU must not fund or provide resources to other organisations to act on their behalf

ULSU cannot donate or allow its funds to be used to support campaigning on an issue that would be outside of its charitable objects, or for party political purposes, nor can it establish or fund a student society to do so.

Part Two: Specific Issues

Clubs and Societies

ULSU Guidance on Political Activity

- ULSU should ensure that it is possible for different societies to advocate all sides of a controversial issue; ULSU does not have to proactively set up new societies to 'balance the debate', but it must not block the formation of societies in such a way as to create bias, or the appearance of bias.
- ULSU should also ensure that funds allocated to clubs and societies are fairly distributed. ULSU clubs and societies are technically part of ULSU - they are not autonomous from the Union regardless of whether they have their own constitutions. ULSU must ensure that any clubs and societies advocating positions which do not meet the 'students as students' test, are established outside of the structures of ULSU and that none of the members of their respective committees are also holders of elected officer positions within ULSU itself. These rules are not strict legal requirements but help to ensure that ULSU demonstrates that it is not acting through a student society as a 'front' to advocate a view that it cannot promote itself.
- Party political clubs and societies may be formed, and such a society is permitted to support the political party it relates to. Where political societies receive funds from ULSU, they should not use that funding to support political parties directly.
- Political Societies are able to self-raise funds to support political parties or candidates, or make direct donations to them, but this process should not be facilitated or assisted by ULSU.

Student Media

ULSU's Trustees are ultimately responsible for ensuring material published by the Union does not cause a breach of Charity Law. At the time of writing, ULSU did not have any active Student Media Societies publishing material as part of or under the name of ULSU.

'No Platform'

In accordance with ULSU's External Speaker's Policy, the SU may not approve guests to speak where it believes that would not be in the best interests of its student members or that speaker. This policy outlines the process for requesting and approving the attendance of External Speakers at ULSU events.

Boycotts

ULSU may choose not to purchase goods and services from certain suppliers and/or groups in the interests of students. ULSU should avoid boycotting individuals or groups of people, other than a policy of barring those who represent a threat to member safety, such as by virtue of defamatory or discriminatory views.