

Undeb Bangor Guidance on Political Activity

Bangor University Students Union (Undeb Bangor) is a charitable membership organisation that exists to advance the education of students, including by representing the interests of students and helping to ensure that they benefit from a broad and rich educational experience. The Charity Commission has issued [guidance on campaigning and political activity](#) by charities.

Students' Unions get involved in campaigning and in some cases in 'political activity'. But there are laws governing what they can and can't do. There are two key pieces of legislation that are relevant to Students' Unions; the Education Act 1994 and Charity Law. Undeb Bangor also has to comply with other laws that apply to organisations and individuals when organising any activity, including campaigning.

'Students' Union' is defined in section 20 of the Education Act 1994. It includes a body representing or promoting the general interests of students at a university or at a college or hall of a university. Bangor University Students' Union (Undeb Bangor) is a Students' Union in this definition. As a charity, any campaigning or political activity by Undeb Bangor can only take place in the context of supporting the delivery of its charitable objectives. Undeb Bangor must remain independent and ensure that any involvement it has with political parties is balanced. It will not support or fund a political party or candidate.

The basic rules on the political activities of Undeb Bangor as a charity include:

- It is generally accepted that students' unions can and should campaign on issues that directly affect students because of their student status or their position as a student in the community.
- Students' Unions should maintain neutrality when it comes to political parties.
- Students' Unions should not give money to other organisations to do things that they are not allowed to do themselves.

All Undeb Bangor activity must follow also follow these Bangor University procedures:

- [Bangor University Policy on Electoral Campaigning on University Premises](#)
- [Bangor University Code of Practice on Freedom of Speech](#)

This is a complex area, and some explanation is given below, mainly in the form of questions and answers, also attached as appendices are specific guidance for Political Campaigning Societies and Student Media, but if you have any further questions please get in touch with us on undeb@undebangor.com.

Below are some frequently asked questions and answers:

Can Undeb Bangor get involved in campaigning?

Yes

A charity must be established for a charitable purpose, and as a general principle, charities may undertake campaigning and political activity as a positive way of furthering or supporting their purposes. Charities such as the Undeb Bangor have considerable freedom to do so, subject to the law and the terms of their governing documents.

What types of campaigns can Undeb Bangor get involved in?

Things that further its charitable purpose

The main rule is that any campaigning must further or support Undeb Bangor's charitable purpose. Campaigns could include providing information to students or raising awareness - such as how to register to vote or providing health information. They can also be focused on the operation of the University, such as campaigning for better assessment feedback or longer library opening hours. So long as the issues affect students, in their position as students (rather than general citizens), campaigns can be about local or national issues - such as better street lighting near campus, or student fees and loans. There are specific rules on political campaigning, explained further below.

What methods can Undeb Bangor use to campaign?

Any that are legal

So long as it is legal, reasonable in its likelihood to be effective, and reasonable in its Undeb Bangor can use a wide variety of methods to effectively campaign on an issue. A charity can campaign using emotive or controversial material where it is lawful and justifiable in the context of the campaign. Charities need to consider whether the method of campaigning on any particular issue is likely to damage their credibility with, or support from, the public and other stakeholders for both the specific campaign but also in the wider context.

Can Undeb Bangor organise, or take part in demonstrations?

Yes, Undeb Bangor may, in principle, organise different kinds of direct action in support of charitable campaign activity

Such events might include participation in marches, rallies, or peaceful picketing. Such participation might offer significant opportunities for publicising Undeb Bangor's position on an issue, and further its purposes, or show the extent of public support for the issue. However, it is important to assess the likelihood and scale of any risk of damaging public support for the charity. Events such as demonstrations and rallies can also present real problems of control for a charity, because of the complexities of public order legislation. The nature of public demonstrations means that there is a greater risk of an offence being committed by representatives of the charity, or others taking part, compared with other campaigning activities. For this reason, Undeb Bangor has to consider carefully what steps it can take to minimise or mitigate the risk of these offences occurring, for example through careful preparation and good liaison with the police or other authorities.

Can Undeb Bangor spend its money on these campaigns, and use other resources such as its building?

Yes, but there are limits

The circumstances in which funds and facilities can be used for campaigning (either on local or national issues) are limited. The main rule is that the issue must affect present and future members of Undeb Bangor as students, and not just as citizens. Examples of local issues which might fulfil this requirement would be better street lighting near the campus, more public transport at night to student accommodation areas, or the provision of nursery places for the children of students. An example of a national issue would be student loans or fees.

What can't Undeb Bangor spend money on?

Anything that falls outside its purpose and objectives

The list may well be endless, but Undeb Bangor funds cannot be used to promote or support campaigns on matters which may be of general interest or concern, but which do not affect members of Undeb Bangor as students. Even where the issue is one that does affect students as such, the connection must be sufficiently close to justify any expenditure, and the amount spent needs to be reasonable in relation to both any benefit to students and the financial resources of Undeb Bangor and its other commitments.

I've heard of 'ultra vires' – is that to do with spending money on political activity?

Not specifically, but it often can be

'Ultra vires' is a Latin phrase meaning 'beyond the powers'. It is often used to describe activity that is beyond the power, remit or legal ability of the Students' Union. It is not exclusively to do with campaigning or political activity, it relates to any activity. Any charity cannot use its resources (e.g. money, staff time, facilities) for things that are not within its objectives as a charity. Both the Charity Commission and the Education Act guidance is very specific that not only can Students' Unions not spend money on things that don't benefit their members as students; but also any use of resources that is allowed must still be reasonable or proportionate to the possibility of benefit, and the available resources.

Can Undeb Bangor get involved in political campaigns?

Yes, but the law is complex as to exactly how

Charities, such as the Undeb Bangor, can also carry out political activity, such as trying to change a law or government policy, until its goal has been met, but political activity cannot become the only activity of a charity indefinitely; it should be a means to an end, rather than the end itself. Political activity might include raising public support for a change in the law, or seeking to influence political parties or independent candidates, decision-makers, politicians or public servants to accept the charity's position. It may also be responding to consultations carried out by political parties.

Can Undeb Bangor support a political party?

No

Undeb Bangor must not give its support to any one political party. It may express support for particular policies which will contribute to the delivery of its own charitable purposes, so long as its independence is maintained, and perceptions of its independence are not adversely affected.

So, can Undeb Bangor engage at all with a political party?

Yes, but only in certain ways, and circumstances

Yes, but only to the extent that the engagement furthers Undeb Bangor's own purposes. It must remain politically neutral and consider working with all/other parties to further its purposes. There are various ways the Students' Union can engage with political parties; for example, it can lobby parties or individual MPs, provide information and briefings and take part in public debates.

But don't we have party political societies – how is this allowed then?

These are allowed for educational purposes; the use of Undeb Bangor funds is very restricted, but also even handed

These societies exist for the discussion and expression of views, they can organise events that do the same. As individuals' students can, of course, campaign; however, they cannot use Undeb Bangor funds for political purposes, and can only affiliate to particular campaigns and/or organisations for the purposes of obtaining educational material or information to assist in the discussion or expression of views.

Can Undeb Bangor campaign for a change in the law, or against a change in the law?

Yes, but only if it the campaign supports our charitable purpose.

What about legislation that may be going through Parliament like student fees?

Yes, we can campaign on that, so long as it's relevant to our purpose

A charity can support or oppose the passage of a Parliamentary Bill, if this can reasonably be expected to support the delivery of its charitable purposes. A charity may provide and publish comments on possible or proposed changes in the law or government policy, whether contained in a Green or White Paper, draft Parliamentary Bill or elsewhere. A charity may also supply to Members of either House relevant information or briefing about the implications of a Parliamentary Bill, for use in debate.

Can Undeb Bangor promote new legislation?

Yes, so long as it's relevant to our purpose

On the same basis a charity can also promote the need for a particular piece of legislation, subject to their purposes, charities may be able to persuade government departments to introduce or adopt legislation.

What are acceptable methods to politically campaign?

Most things, so long as they are legal

Undeb Bangor can do what any other body or person trying to change that law can do. For example, it can write to or meet the relevant government minister explaining its concerns, brief MPs, and ask its supporters to help. It is, of course, subject to the same restrictions. For instance, it must not defame people or incite people to violence. It must obey the civil and criminal law and any relevant regulations. A charity can campaign using emotive or controversial material where it is lawful and justifiable in the context of the campaign.

What about working with others on joint events?

We can work with others but need to take care

All charities taking part in events involving a number of organisations should consider and manage the risks of participating alongside organisations who do not share the aims of the charity itself. A charity should also seek to ensure that any event is fully under the control of the organiser (whether or not this is the charity itself) and peaceful.

Appendix 1

Guidance on Political Activity for Political Campaigning Societies

As a charity, any campaigning or political activity by the Students' Union can only take place in the context of supporting the delivery of its charitable objectives. The Students' Union will remain independent and ensure that any involvement it has with political parties is balanced. It will not support or fund a political party or candidate.

Political and Campaigning Societies

- Students' union clubs and societies are technically part of the students' union - they are not autonomous from the union regardless of whether or not they have their own constitutions.
- Party political clubs and societies may be formed, and such a society is generally permitted to support the political party it relates to. These societies exist for the discussion and expression of views, they can organise events that do the same.
- Where political societies receive funds from the students' union, they should not use that funding to support political parties directly; so that even though they are allowed to promote partisan views within the student community (contributing to the educational experience of the students involved), they are still not allowed to use students' union funds to campaign (e.g. by hiring a minibus to take people out on canvassing trips, or by printing literature to canvass the general public). Under no circumstances should students' union clubs and societies donate funds received from a students' union to a political party or candidate.
- Nothing prevents the individuals who are the members of a political club or society from raising and pooling funds personally and informally to support political parties or candidates, or make direct donations to them, but this process should not be facilitated or assisted by the union.
- The [Bangor University Code of Practice on Freedom of Speech](#) applies to all Bangor Students' Union clubs and societies and activities, including any political societies. This code works to encourage free, balanced, respectful and open debate and to create an environment, which encourages mutual respect of other cultures, religion, political beliefs and lifestyle choices with clear boundaries as to what is not acceptable behaviour.
- Associate Membership may be granted for all Undeb Bangor Student Opportunities Groups to non-Bangor University current students if the individual qualifies through the Undeb

Bangor Associate Membership criteria. All Associate Members must follow the Associate Membership Policy and the guidelines in this document.

Guidance During National or Local Elections

- All Students' Union Clubs Societies and activities must follow the [Bangor University Policy on Electoral Campaigning on University Premises](#) which deals specifically with campaigning on Bangor University premises including its halls of residences, and all buildings occupied by Bangor Students' Union for national and local elections and national referendums; and also with requests to hold meetings and /or hustings in relation to those elections and / or referendums on Bangor University premises.
- Candidates, political parties and their representatives must not distribute or display, in public, any promotional material in relation to their campaign on University premises. Such promotional material includes, but is not restricted to, posters, flyers, notices and brochures. Any such material will be removed by University staff.
- The Bangor University Procedure for Electoral Campaigning on Bangor University Premises for approval of an event shall also apply to Bangor Students' Union, it's clubs' societies and other activities.
- There are specific rules on political hustings during election periods. The starting point is that hustings open only to students' union members are most likely to avoid legal or regulatory issues if all candidates standing in the election are invited, or if there are objective reasons for excluding any candidates.

This is a complex area, therefore if you have any questions and require further detail please get in touch with us on opportunities@undebbangor.com.

Appendix 2

Political Activity Guidance for Student Media

The Students' Union is a registered charity. Student newspapers, magazines and broadcasts are deemed to be publications of the Students' Union itself - and so must adhere to the same charity law guidelines set out for all SU political and campaigning activity.

All Media content –published and broadcast -is deemed to be that of the SU and is therefore covered by the Students' Union Political Activity Guidance.

During an Election this also includes Electoral Commission regulations.

The Election can be covered in student media, but SU: Media coverage must be fair and balanced and not party political; editorial independence does not allow SU: Media to be party political.

Features, debate, comment should be fair and balanced, but news reporting of party-political activity can reflect actual events, but not be partisan.

Below are some related points from the guidance to help understand in more detail what student media is able to do during a General Election:

Reporting & Debates

Student newspapers, magazines, and broadcasts (by whatever technical means, including internet broadcasts and podcasts) count as publications of the union itself and therefore are covered by the provisions of charity law.

- Student media is an important forum for achieving the students' union's role in facilitating debate amongst students. In line with the basic principles of charity law, any issue may be reported and debated in student media (provided material complies with other legal requirements such as defamation law). This can include issues which the Union is not permitted to campaign on (i.e. not just issues which affect 'students as students') - as a way to advance the education of participating students. However, all debates must be facilitated

in a politically neutral manner. This means student media must be edited so that it seeks to present all sides of a debate in a fair and balanced way.

- All sides of an argument should be properly represented in contentious debates - especially debates of a party-political nature.
- Student media can be used as part of a campaign on an issue that affects 'students as students' but it cannot campaign on an issue that does not meet this criterion.
- Where the Students' Union has agreed a 'corporate conclusion' on a matter (i.e. a stance or position on a matter outside of the 'student as students' rule such as a particular policy or motion passed at Student Council), student media can be used to communicate this to members. However, this must be conducted in a standard, consistent and balanced manner which does not stray into 'campaigning'.

Broadcasting

There are also rules around political balance from Ofcom which are relevant to student media broadcasts. The main principle is around ensuring impartiality.

- If an electoral candidate takes part in an item about their constituency / electoral area, then broadcasters must offer the opportunity to take part in such item, to all candidates within the constituency. Broadcasters should make sure that all representing parties with previous significant support, or where there is evidence of significant current support, are invited. This also applies to independent candidates. However, if a candidate refuses or is unable to participate, the item can go ahead.
- Any non-political programmes with appearances from electoral candidates that were scheduled before the election period (election period begins with the dissolution of parliament) may continue but no new appearances can be arranged or broadcast.
- Where an electoral candidate is taking part in a programme on any matter, after the election has been called, they must not be given the opportunity to make constituency points about the electoral area for which they are standing, when no other candidates will be given a similar opportunity.
- Discussion and analysis of election issues must finish when the polls open (opening of actual polling stations).
- Broadcasters may not publish results of any opinion poll on polling day itself until the election polls close.
- Any constituency report or discussion must include a list of all candidates standing, giving first names, surnames and the name of the party they represent, or if standing independently, the fact that they are an independent candidate. This must be conveyed in sound and/or vision.

Student media can raise legal issues in areas other than charity law, such as defamation law. Some guidance on defamation law as it applies to students' unions is available in this guidance on protecting free debate at the following link: <http://beta.nusconnect.org.uk/resources/protecting-free-debate>

This is a complex area, therefore if you have any questions and require further detail please get in touch with us on opportunities@undebbangor.com.