

This document aims to give a brief overview and some further clarification to the term 'conflict of interest' whilst running for election. In the elections rules, it states:

Any endorsement that may lead to a conflict of interest when in post as an Officer.

What does it mean?

Generally, this could be any financial or other personal interest that an individual may have in any relationship or proposed relationship between the Students' Union or any of its subsidiary bodies and an external body, or between individuals or groups within the Students' Union.

So, what does this mean for you?

- As you'll already be aware, Beds SU is a registered charity, separate to the University of Bedfordshire that exists under the Education Act 1994 to represent all its members (any UoB student that hasn't opted out of the Union).
- If elected you will become a trustee of the charity.
- Beds SU has commercial partnerships with external organisations, such as local venues.
- The Executive Officers are the public figureheads of Beds SU.

Therefore, no candidate should risk a conflict of interest that may arise once in post, these are not limited to but could include some of the following examples:

- Asking for an endorsement from a lecturer, any UoB staff, Beds SU staff or local community organisations (such as, religious organisations, commercial venues or local political groups).
- Receiving or gaining any resources (such as poster designs, banners, t-shirts or time) from any UoB or Beds SU staff. Not only could this effect your standing in the election but it is likely that the staff member will face disciplinary action by their employers.
- Campaign at an external venue that students regularly use with the permission of the venue owner, with the expectation that you will be able to promote/endorse their venue at any time. Or that if you are elected it could lead to a commercial partnership with Beds SU. Such a deal is likely to be in breach of charity law.

If at point you are unsure that your actions may cause a conflict of interest, please email elections@beds.ac.uk for further advice, no candidate will ever be penalised for seeking advice before an action is carried out.

Conflicts of interest, if elected, are outlined in the Beds SU Memorandum and Articles of Association. Article 47 has been included in this document purely to highlight their importance, you will only be subject to Article 47 if elected.

47. Conflicts of interest

Declaration of interests

47.1 Unless Article 47.2 applies, a Trustee must declare the nature and extent of:

47.1.1 any direct or indirect interest which they have in a proposed transaction or arrangement with the Union; and

47.1.2 any duty or any direct or indirect interest which they have which conflicts or may conflict with the interests of the Union or their duties to the Union.

47.2 There is no need to declare any interest or duty of which the other Trustees are, or ought reasonably to be, already aware.

Participation in decision-making

47.3 If a Trustee's interest or duty cannot reasonably be regarded as likely to give rise to a conflict of interest or a conflict of duties with or in respect of the Union, they are entitled to participate in the decision-making process, to be counted in the quorum and to vote in relation to the matter. Any uncertainty about whether a Trustee's interest or duty is likely to give rise to a conflict shall be determined by a majority decision of the other Trustees taking part in the decision-making process.

47.4 If a Trustee's interest or duty gives rise (or could reasonably be regarded as likely to give rise) to a conflict of interest or a conflict of duties with or in respect of the Union, they may participate in the decision-making process and may be counted in the quorum and vote unless:

47.4.1 the decision could result in the Trustee or any person who is Connected with the Trustee receiving a benefit other than:

(a) any benefit received in their capacity as a beneficiary of the Union (as permitted under Article 6.4.1) and which is available generally to the beneficiaries of the Union;

(b) the payment of premiums in respect of indemnity insurance effected in accordance with Article 5.33;

- (c) payment under the indemnity set out at Article 57; and
- (d) reimbursement of expenses in accordance with Article 6.4.2; or

47.4.2 a majority of the other Trustees participating in the decision-making process decide to the contrary;

in which case the Trustee must comply with Article 47.5.

47.5 If a Trustee with a conflict of interest or conflict of duties is required to comply with this Article 47.5, they must:

47.5.1 take part in the decision-making process only to such extent as in the view of the other Trustees is necessary to inform the debate;

47.5.2 not be counted in the quorum for that part of the process; and

47.5.3 withdraw during the vote and have no vote on the matter.

Continuing duties to the Union

47.6 Where a Trustee or a person who is Connected with them has a conflict of interest or conflict of duties and the Trustee has complied with their obligations under these Articles in respect of that conflict:

47.6.1 the Trustee shall not be in breach of their duties to the Union by withholding confidential information from the Union if to disclose it would result in a breach of any other duty or obligation of confidence owed by them; and

47.6.2 the Trustee shall not be accountable to the Union for any benefit expressly permitted under these Articles which they or any person who is Connected with them derives from any matter or from any office, employment or position.

48. Register of Trustees' interests

The Trustees must cause a register of Trustees' interests to be kept.