



UNIVERSITY OF
CAMBRIDGE

NOTES FOR THE GUIDANCE OF

**UNIVERSITY
CLUBS & SOCIETIES**

Issued by

THE JUNIOR PROCTOR

November 2017
(REVISED)

Notes of Guidance for the Formation and Running of University Clubs and Societies

The following information is based on the experience of established University clubs and societies, and of the Proctors and other officers associated with the affairs of registered clubs and societies. The notes provide guidance for founding and running a club or society, and for revising the constitution or accounting system of an existing club or society. The information given is exhaustive and if members of clubs or societies, whether formed or in formation, are in any doubt about any aspect of the formation or running of clubs and societies, they should seek further advice, either from the sources identified below or independently.

1. REGISTRATION

Role of the Proctors

Amongst their other duties, the Proctors, (and the various Pro-Proctors and University constables who assist them), are responsible for maintaining discipline and good order within the University (but not the Colleges). These include the upholding of the University's codes of practice with regard to free speech and to public meetings and gatherings.

As part of the disciplinary role, the Proctors are involved in the registration of student Clubs and Societies. The process is managed by the Junior Proctor, through the Proctors' Office. Registration is voluntary, not mandatory. *It is important to note*, however, that the role of the Proctors in this context and under University regulations, is a **disciplinary**– not a **regulatory** or **supervisory** role. Registered clubs and societies remain, essentially, unincorporated members' clubs or associations.

Registration

Any club or society having a majority of current undergraduate or postgraduate students in the University may apply to the Junior Proctor for registration as a University Society. Registration is not mandatory but provides certain benefits which are not available to unregistered clubs or societies. For example, only registered clubs and societies may apply to the Societies Syndicate for financial assistance (see Section 9: Grants from the Societies Syndicate). Registered clubs and societies may also be covered by the University's public liability insurance policy when hiring University premises or facilities (see Section 10: Insurance). Registered clubs and societies are also entitled to space on the University's web-pages (see <http://www.cam.ac.uk/societies/>). Please note that clubs and societies seeking status as an exempt charity MUST register individually (see Section 6: Charitable status).

Applications to register should be sent to the Proctors' Office, via email to junior.proctor@cam.ac.uk. A club or society applying for registration should submit to the Junior Proctor:

- a statement of its current financial position, signed by the Senior Treasurer
- a copy of its constitution (see Appendix 1 for a sample constitution)
- an initial list of officers, including the name of the Senior Treasurer, and details of colleges and e-mail addresses.

The Junior Proctor may refer applications to the Societies Syndicate, and if the Junior Proctor refuses to register a club or society, the club or society may appeal to the Societies Syndicate.

To be registered, a society must normally have a **Senior Treasurer**. He or she provides essential continuity in the society's administration, and signs the annual accounts before they are submitted to the Junior Proctor. A Senior Treasurer is chosen because he or she expresses an interest in the aims and character of the society, and is willing to give sufficient time to its affairs. He or she must be a member of the Regent House, the roll of which is published each Michaelmas Term in *Reporter* or, exceptionally, a person approved by the Junior Proctor.

The University regulations governing the conduct of registered societies as laid down in *Ordinances* are reproduced at the end of this booklet (Appendix 6). However, whether registered or not, all societies must observe regulation 7, which covers **trading** on University premises.

2. NAMING OF CLUBS AND SOCIETIES

Clubs and societies are encouraged to exercise proper care and judgement in the choice of name and to ensure that it is clear that the club or society is a members' society rather than an official body, institution or otherwise formally constituted part of the University. For example, the Junior Proctor may refuse to register a society titled '*The Cambridge University Institute for James Bond Studies*', as it might imply that the society is a University institution or forms part of the University's official educational programme. The Junior Proctor will decline to register a name that is ambiguous or misleading, such that the University's official purposes and activities might be undermined, compromised or misrepresented.

The University shield as shown on the cover of this document may be used by registered societies. However, as these Arms were granted to the University on behalf of the Crown, they may not be amended in any way (including adding elements, changing colours etc), nor may they be used in such a manner as to suggest that the Society is an official part of the university. Hence, the shield should be shown separately from the title of the society, which might choose to have a different distinctive motif. From Easter 2016, the Proctors require all societies to provide examples of their branding – particularly where the University shield is used – to verify that it conforms to these guidelines.

3. CONTINUING REQUIREMENTS

It is not necessary for a club or society to re-register with the Junior Proctor every year. However, to retain registration, a club or society must submit to the Junior Proctor, by **31 December each year**, the following:

- an up-to-date copy of their constitution, with any changes clearly highlighted (however small);
- a complete list of officers; and
- a copy of its annual accounts produced in respect of the previous complete financial year and the year to date (clubs and societies may set their own financial years, but are encouraged to shadow the academic year of 1 October to 30 September).

The documents should have been audited and signed by the Senior Treasurer. Specimen forms for annual accounts are set out in Appendix 3. ***Failure to comply with any of these requirements will result in deregistration of the club or society, and deregistered clubs will not be considered for reregistration until the following Michaelmas Term.***

It is recommended that, particularly in the Long Vacation, proper arrangements are made for the safe custody of equipment and records, and that the Senior Treasurer and other continuing officers and members of the club are fully aware of these arrangements. The Senior Treasurer and the society's bank should be consulted about ensuring continuity of the authority to operate any bank accounts – eg. to sign cheques.

4. CONSTITUTION

A sample constitution can be seen at Appendix 1.

A constitution should set out:

- a. the name of club or society
- b. its aims
- c. the eligibility for membership and voting
- d. the procedure for election of the officers and any other members of the executive committee
- e. the powers and duties of the officers and executive committee
- f. the frequency and method of convening business meetings, e.g. the Annual General Meeting or any Extraordinary General Meeting
- g. the procedure for constitutional amendment
- h. the level of subscriptions (if any)
- i. the arrangements for the management of finances and for audit.
- j. the arrangements for dissolving the club or society and disposing of any assets
- k. disciplinary processes and form of appeal.

A constitution should make clear that a society is open to all interested members of the University, regardless of religion or nationality, and that power is in the hands of its members. It shall be permissible, but not the norm, for particular clubs or societies to impose restrictions on eligibility to join or participate in the activities of the club or society on grounds such as national origins, ethnicity, religion, gender or sexual orientation provided they are judged by the Junior Proctor to be consistent with the purposes and objectives of the club or society, and are reasonable and fairly applied in all the circumstances and are neither contrary to the law nor the University's anti-discrimination provisions.

Members should elect officers and other members of the executive committee, and be responsible for amending the constitution. The powers and duties of the officers should be laid down, as should the timing and frequency of management meetings and the method of convening them. It is also helpful to include details of arrangements for dissolving the society in the event of it folding, including the disposal of any residual assets, which would normally revert to the Societies' Syndicate to benefit other societies.

The executive committee must have a majority of members who are current CU undergraduate or postgraduate students or are members of the Regent House, and the majority of principal officers, e.g. President, Secretary and Junior Treasurer must be current students.

Records of members (annual and life) should be kept. If kept on computer, this data may be subject to be entered onto the *Information Assets Register for GDPR (2018)*. The University's entries on the Information Asset Register do not cover University clubs and societies. If data is held on computer the club/society becomes a Data User and may need to register with the General Data Protection Registrar. Advice on this and registration can be obtained from the University Data Protection Officer, (tel: (3)32306). See also paragraph 17.

Complaints procedures; Codes of practice

Clubs and societies should ensure that they have in place – preferably as part of their constitution – an appropriate complaints or grievance procedure that is published and readily accessible to members and other parties who are dissatisfied with the conduct of the club or society, or of any of its individual officers or members. It may be appropriate to provide for the Senior Treasurer, or some other senior member, to adjudicate in complaint matters.

Clubs and societies whose activities include publishing or the production of newspapers and other publications or media, or who are engaged in journalistic activities, are urged to adopt, explicitly, any relevant industry-standard codes of conduct or of best practice – for example, those engaged in student journalism should consider the adoption of the *PCC Editors' Code of Practice* (see: <http://www.pcc.org.uk/cop/practice.html>).

The Junior Proctor encourages all registered Clubs and Societies to publish their Constitutions (as approved by the Junior Proctor) on the Club or Society's webpage.

5. LEGAL STATUS

Clubs and societies, whether or not they use the name of the University in their title, and whether or not they carry on their business on University premises, are bodies independent of the University. *The University does not accept liability or responsibility for any debts they may incur.*

Most clubs and societies are **unincorporated members' clubs** and, as such, cannot be sued. Any claim against a club can be brought only against its officers or its members.

It is important for a club or society to take reasonable steps to safeguard its officers, and in particular the Senior Treasurer, against liability. It is therefore desirable that the constitution of a club or society should expressly provide that the Senior Treasurer shall not be liable for any debt or other obligation of the club or society, except where they have personally authorised it in writing.

Officers of a club or society should not authorise any transaction involving financial liability, whether by signing a cheque or by authorising the making of a contract or agreement, *unless they are sure it is within their authority to do so and that sufficient funds are available*. If there are doubts, the transaction should not go ahead without all the executive members of the society agreeing to it in advance and undertaking liability for it. Funds should only be used for purposes consistent with the constitution of the club or society.

6. CHARITABLE STATUS

Some clubs and societies may have or seek charitable status and may qualify as an exempt charity on the grounds of their association with the University, which is itself an exempt charity. Whilst charitable clubs and societies may consider structuring themselves so as to meet the requirements for individual registration with the Charity Commission, it is the University's strong preference that charitable clubs and societies applying for registration with the Junior Proctor, especially those who bear the University's name, arrange their affairs and constitutions in order to qualify as exempt charities.

Information about exempt charities is widely available but some helpful sources are:

1. Sch.3 Charities Act 2011:
<http://www.legislation.gov.uk/ukpga/2011/25/contents/enacted>
2. Charity Commission Operational Guidance OG717-02:
<http://ogs.charitycommission.gov.uk/g717a002.aspx>

3. HEFCE: Review of Linked Charities, Sept. 2010/ref: Circular Letter 23/2010 (esp. Annex A): <http://www.hefce.ac.uk/pubs/year/2010/cl,232010/>

Registration with the Junior Proctor does not guarantee that charitable clubs and societies will benefit from exempt status. The University has however developed a set of criteria which it believes are persuasive indicators of exempt “linked” status and appropriate requirements of the University for clubs and societies which wish to benefit from the University’s own exempt status. These criteria are under continuous review but currently include the following:

- (a) The club or society must be a charity (i.e. have exclusively charitable objects and not allow for the private distribution of assets);
- (b) The club’s or society’s objects must fall within the broad educational objects of the University;
- (c) There must be adequate student representation on the governing body of the club or society;
- (d) There must be a Senior Treasurer, being a member of the Regent House;
- (e) The University must be kept adequately informed of the club’s or society’s activities and be able to participate in governance of the club or society through representation at an appropriate level;
- (f) The University must be entitled to approve amendments to the club’s or society’s constitution;
- (g) The University must be entitled to grant permission for use of its name and to refuse or remove such permission.

Each club or society that considers it may be a charity or is considering becoming a charity must ensure that its constitution complies with these criteria and notify the Junior Proctor of its intention to seek exempt charitable status. If members of the club or society are in any doubt about the club’s or society’s status, they must take independent legal advice. The University is not able to confirm charitable status, exempt or otherwise.

7. ACCOUNTING

NOTE:

- The following notes represent illustrative, outline guidance on basic accounting practices for clubs and societies. Although it assumes the use of a manual system of accounting, the principles and practice involved are also valid where an electronic accounting system (e.g. spreadsheet application or package) is used. Accounts for major societies should conform to UK Generally Accepted Accounting Practice (New UK GAAP – Jan 2015).

Accounts for a small club or society may be kept in a columnar Receipt and Payments Book, and a columnar Petty Cash Book (see Appendix 2 Recording each type of expenditure) – e.g. printing, stationery, postage, hire charges, travel expenses, etc. Entries for the current year may sometimes include receipts or payments due from a previous year and records of invoices [‘Invoice’: bill or document prepared by a seller of goods or services and submitted to the purchaser; the invoice lists all items bought, together with amounts owed.] for the current year which at the end of the current financial year have not yet been paid. When the accounts are prepared for audit these special items should be adjusted and a separate list should be prepared for the auditor detailing those items which do not properly belong to receipts and payments for the current financial year.

7.1 Essential procedure

- a. The bank account should be in the full name of the club or society.

- b. Cheques and cash must be safeguarded and banked promptly
- c. Specimen signatures of responsible officers must be supplied to the bank. At least two signatures should be required before a withdrawal can be made from a deposit or investment account.

7.2 Recommended

- a. All cash and cheques received by the club or society should be paid into the bank account, recorded in a Receipts and Payments Book, and receipts issued from a numbered counterfoil receipt book. No cash disbursement should be made directly from cash received.
- b. Where payments received are numerous (e.g. subscriptions), a separate Receipts Book may be maintained, in which subscriptions can be listed as life or annual. Such a book should be ruled off and the totals brought to account in the Receipts and Payments Book each time the money is paid into the bank.
- c. The Petty Cash Book should only be used for minor disbursements and run on an Imprest system (i.e. the cashier is started with a fixed cash sum and at each balancing period is given cash for the exact amount of the disbursements, bringing the balance back up to the starting amount (see Appendix 2)).
- d. Major disbursements should be made by cheque or bank transfer. Payment should only be made on the evidence of individual invoices. Where frequent purchases are made from a supplier, it is advisable to check the statement (the monthly or periodic summary of invoices, issued by a company or other supplier) to ensure that all invoices have been received for payment. When submitting the cheque in payment or making the transfer it is advisable to quote the numbers of all the invoices for which payment is being made.
- e. All payments made by cheque should be recorded in the Receipts and Payments Book. The last three numbers of the cheque should be recorded against the date. (The same record of cheque numbers should be made in the Petty Cash Book.)
- f. All receipts and payments recorded in the Receipts and Payments Book should be specifically analysed according to the needs of the club or society (e.g. postage, room hire, subscriptions etc). At the end of the financial year the Receipts and Payments Book should be ruled off, added up and balanced. The bank statements should be reconciled (i.e. checked so that you can confirm that what is in your accounts actually matches what came in and went out of the bank account) with the balance shown in the Receipts and Payments Book.
- g. All vouchers and invoices supporting payments should be filed in the order of payment recorded in the Receipts and Payments Book.
- h. If the club or society authorises a member to incur expenditure, he/she should sign each invoice to authorise its payment before submitting it to the Junior Treasurer. An application for a refund in respect of minor cash payments should be supported by payment slips, proofs of purchase or other vouchers, etc. If the sale of tickets is involved, these tickets should be numbered. The Treasurer should be given the cash for tickets sold, any unsold tickets, and a reconciliation.

- i. Proper records of any assets held by the society should be kept. Purchase of a major piece of equipment may be recorded as a payment in its year of purchase (e.g. £100) or a portion of its purchase price may be spread over time – ie recorded as an expense (£20) and the remainder as an asset (of £80). In the next year a further £20 may be entered as an expense and a corresponding £60 would appear in assets, and so each year until the entire sum has been recorded in payments. If, however, the society were asked by the Societies Syndicate to list its assets, the full purchase price (£100) should be shown and an estimate given, when relevant, of the current replacement cost.
- j. It is recommended that the Senior Treasurer should be one of the signatories to the bank account in order to provide continuity when junior members go out of residence.

8. PREPARATION OF FINAL ACCOUNTS FOR AUDIT

At the end of the society's financial year the Junior Treasurer should prepare the accounts for audit and approval by the AGM. To do this he/she should:

- a. rule off the Receipts and Payments Book and reconcile this with the bank statement
- b. rule off the Petty Cash Book and check that the cash in hand agrees with the balance shown
- c. rule off and check any other books which may be kept by the club or society
- d. prepare a list of any receipts and payments which do not belong to the current financial year.

From the above records the club or society should prepare its annual accounts for presentation to its members and to the Junior Proctor in as simple a form as possible (see Appendix 3). If the Society has had accounts professionally prepared and audited, these may be provided in place of the suggested format. The record books themselves or photocopies of bank statements are not sufficient as valid accounts.

The Junior Proctor encourages all registered Clubs and Societies to publish their accounts (as approved by the Junior Proctor) on the Club or Society's webpage.

It may be helpful for theatre companies (and similar societies) to prepare a summary of income and expenditure for individual productions during the year, especially where production costs fall into two financial years (see Appendix 4).

The Junior Treasurer should make available to the appointed auditor (usually the Senior Treasurer) all books, invoices and other records, including minutes of meetings.

If the audit is carried out by members of the club or society, two auditors should be appointed. (See Appendix 5: Notes for guidance of auditors).

9. GRANTS FROM THE SOCIETIES' SYNDICATE

Full notes of advice for societies applying to the Societies' Syndicate, together with application forms, are available from the Syndicate's website:

<http://www.ucs.cam.ac.uk/socinfo/jpo/grants>

Applications should be forwarded, preferably by email, to the Secretary of the Societies Syndicate, SocietiesSyndicate@admin.cam.ac.uk. All applications to the Syndicate for

assistance should be accompanied by a copy of the society's accounts, correctly audited, and countersigned by its Senior Treasurer, together with information about the current year (including estimates where necessary). When a grant is requested for equipment, the Syndicate will need a list of relevant current assets, their cost and replacement value.

10. INSURANCE

Public liability insurance for clubs and societies

The University's Public Liability insurance extends to clubs and societies registered with the Junior Proctor. To obtain a letter confirming public liability insurance to external providers of conference facilities, concert halls, sports facilities etc., please contact the Insurance Section (<http://www.admin.cam.ac.uk/offices/insurance/>) with information about the activity. Clubs and societies should be prepared to provide evidence of appropriate risk management and will be directed to relevant University risk managers for assistance.

Liabilities

Registered clubs and societies must ensure that adequate insurance is in place to cover their activities and to reduce the exposure of officers and members. The University's insurance is limited and does not provide comprehensive cover against all the liabilities and risks to which a club or society might be exposed. (The limitations on cover arise necessarily because registered clubs and societies, as unincorporated members' associations, are not regulated by the University or otherwise subject to its control.)

For details of the University's insurance provision please consult the Insurance Section of the Finance Division (Greenwich House, Madingley Road, Cambridge CB3 0TX; Tel: (3)32216/(3)39659). The Section's website (<http://www.admin.cam.ac.uk/offices/insurance/>) includes this (as published in the *Reporter*) together with other guidance on exclusions and policy excesses.

The University's insurance does not currently cover the following areas (*NB*: these are examples only, and the list is not exhaustive), and clubs and societies must make their own arrangements:

- Personal accident
- Personal possessions
- Motor vehicle insurance
- Hire vehicles
- Travel insurance
- Private medical insurance
- Life insurance
- Employers liability insurance
- Insurance for officers and trustees

Club/Society Equipment

Club property stored on University premises with the permission of the Head of institution concerned may in some circumstances be covered under the University's property policy. Exclusions and excesses will apply. (Please note this does not extend to College premises.) Transit insurance for equipment, and insurance for the equipment off-site, will not normally be covered by the University's insurance unless the department concerned has made special arrangements with the Insurance Section of the Finance Division.

11. HEALTH AND SAFETY

Clubs and societies are responsible for ensuring the health and safety of their members when engaged in the normal activities of the society. Officers must comply with relevant legislation and must undertake appropriate risk assessments. Guidance and information is available from the University's Occupational Health and Safety Service (16 Mill Lane, Cambridge CB2 1SB; Tel: 33301; Email: safety@admin.cam.ac.uk).

Clubs and societies should ensure that any electrical equipment which they own is checked each year by someone who is suitably qualified ('PAT testing'). The Manager of the ADC Theatre is willing to assist in checking specialist theatre equipment, including lighting.

The Director of Physical Education (Tel: (3)36580) can advise clubs engaged in potentially hazardous sports on procedures and safety measures, many of which will be in national body regulations for that sport. Clubs and societies should be aware that they may owe a duty of care to anybody who may be affected by their operations and should therefore exercise "due care". As a minimum requirement, societies should have a written **code of practice** to which they are committed, and which is regularly reviewed and circulated to members. It is a condition of funding from the Societies Syndicate that the safety procedures of such clubs are approved by the Director of Physical Education.

12. DISABILITY

Clubs and societies are reminded that their membership, constitutional arrangements and activities are subject to the provisions of equalities legislation, in particular the provisions of the Equality Act 2010 and associated legislation. Membership should be open to all members of the University and clubs and societies have a responsibility to take reasonable steps to ensure that disabled people have access to activities or events organised by the club or society.

Information and guidance on both legislative and disability matters is available from the Disability Resource Centre, Keynes House, 24a Trumpington Street, Cambridge CB2 1QA, Tel. 01223 332301, Text phone: 01223 764085, E-mail: disability@admin.cam.ac.uk; <http://www.disability.admin.cam.ac.uk/>. Clubs and societies are also referred to the information and resources produced by the National Disability Team and TechDis, in particular the guide 'Accessible Events: a good practice guide for staff organising events in higher education': http://www.staffs.ac.uk/assets/TechDis%20Accessible%20events%20HE_tcm44-28432.pdf

13. CHILDREN AND VULNERABLE ADULTS

Clubs and Societies should be aware that their activities are subject to the provisions of the Protection of Children Act 1999, the Protection of Vulnerable Adults Act 2002 and the Safeguarding Vulnerable Groups Act 2006. Clubs and Societies must determine and meet their obligations under the Acts in respect of

- (i) when their membership includes either children (under 18, and especially under 16) or vulnerable adults (e.g. people with disabilities or with special educational needs), or
- (ii) when their activities involve children or vulnerable adults, whether these are regular activities involving members only, or whether they are special activities, such as community projects, involving children or vulnerable adults outside the membership.

If the activities of a club or society frequently or intensively bring members into contact with children or with vulnerable adults it may be necessary for The Disclosure and Barring Service (DBS) checks to be carried out on individual members and for information disclosed under this procedure to be acted upon. Clubs and Societies are advised to consult as appropriate (<https://www.gov.uk/government/organisations/disclosure-and-barring-service>), and determine for themselves whether checks are desirable or necessary.

Clubs and Societies are also advised to consult and to follow the University's Child and Vulnerable Adult Protection Policy, which is maintained by and is available from the Personnel Division (website: <http://www.hr.admin.cam.ac.uk/policies-procedures/children-and-vulnerable-adults-safeguarding-policy>). Clubs and societies engaged in sporting activities are also referred, for information, to the child protection policy of the Sports Committee.

14. LEGAL RESTRICTIONS

Officers of clubs and societies should in appropriate cases acquaint themselves with the legal restrictions or controls placed on music, dancing and public performances, gaming, trading, and the supply of alcoholic liquor.

14.1 Freedom of Speech

The University has a long tradition of seeking to safeguard freedom of speech within the provisions of the Counter-Terrorism and Security Act 2015. It will assist University Societies, and the Proctors, in meeting their obligations under the University's Code of Practice on Freedom of Speech (see Appendix 7), if societies send a copy of their programme (and the names of their officers if they do not appear on it) to the Proctors before the beginning of each full term.

14.2 Public Meetings

The Officers of any University society who are organising any public meeting within the Precincts of the University (otherwise than in a College) are requested to consult the Proctors at an early stage in their preparations.

The University authorities intend to safeguard freedom of speech and lawful assembly; the Proctors wish to ensure that public meetings and assemblies within the Precincts of the University are peaceful and orderly both in intent and fact. Full co-operation from all members of the University is expected.

Organisers of meetings are responsible for ensuring that fire regulations and other conditions attached to the use of the meeting place are fully applied.

14.3 Public Performances Theatres Act 1968

University societies are reminded that, by law, no play may be performed or other entertainment provided in PUBLIC, either indoors or in the open air except under certain conditions described below, without a licence having been granted by the City Council.

It is generally accepted that if attendance at a play or entertainment, as defined below, is restricted to members of the Club putting on the performance, to members of the College concerned and their *bona fide* guests, or to resident members of the University and their *bona fide* guests, this would not constitute a 'public' performance or 'public' entertainment. Where restricting attendance to such persons cannot be guaranteed, all reasonable steps should be taken to exclude members of the public.

If any play or entertainment takes place without a necessary licence, or without complying with the conditions of a licence, the organisers of the entertainment as well as those making the place available could be liable for a fine of up to £1,000. A licence either may relate to particular entertainments to be held on one or more occasions, or may cover all entertainments to be held on the premises concerned for a period of up to one year. Further details are given in Appendix 8.

Organisers are reminded that, even if an entertainment or performance does not require a licence, they may be held responsible if inadequate precautions are taken to ensure the safety of the performers and the audience.

University societies are advised that where they are arranging a performance of a play or entertainment for which a licence is required, they should not advertise the event until they have obtained the licence. They are also advised that owners' permission must always be obtained before advertisements are displayed on any site; it is an offence at law to affix advertising matter of any kind to buildings, hoardings, trees, etc., without permission.

For events which are to take place on College premises, advice should be sought beforehand from the College authorities. For events which are to take place elsewhere, advice may be obtained from the Proctors.

15. EMPLOYMENT OF STAFF

Where staff are employed by the club, all steps must be taken to comply with statutory regulations regarding Tax and National Insurance. Even if payment of the salary or wage is made on behalf of the club by a College or the University, the club should be clear whether the employee is technically an employee of the club. All statutory regulations should be observed (e.g. Contract of Employment). In addition the club or society should inform the appropriate paying authority of changes in pay (e.g. sickness, holiday advance, increase including cost of living).

16. VALUE ADDED TAX

For VAT purposes, clubs and societies are considered as individual entities; they are not part of, or covered by, the University's VAT registration. Each club or society is thus treated as a separate business.

A club or society engaging in trade (including the sale of tickets for a play, concert or dance) may have to register for VAT if the annual turnover is likely to exceed the prevailing threshold. If there is any doubt as to a possible VAT liability in respect of a society, the Senior Treasurer should consult the Finance Division Tel: (3)39661. Further information may be obtained from the local HM Revenue & Customs. The matter of registration for VAT should be dealt with in timely fashion; HM Revenue & Customs impose financial penalties for late registration. For 2015/16, the VAT threshold is £82,000.

17. DATA PROTECTION

The General Data Protection Register 2018 sets out important rules about the ways in which *personal data* (i.e. information about living individuals, in both electronic and many paper forms) must be handled. It also outlines an individual's rights to inspect and challenge any data that an organisation might hold about them. Each club and society registered with the

Proctors is responsible for the handling of its own data. You will therefore need to think about the kinds of personal information held about the club's members (and perhaps others, such as those who are on mailing-lists but who are not official members) and how this information is used. For example, if you photocopy your handwritten membership register and give out members' name-and-address details to external sponsors, or even to other clubs when you are arranging joint events, you may be breaking the law.

The key features of the Data Protection Act are:

- personal data usually should not be held without the consent of the individual data subject, and must be used in a fair and lawful way: *so it is fine for you to keep members' names on a written or electronic register and use this for the purposes of administering the club (collecting subscriptions, sending out termcards, organising elections, keeping a record of who is eligible to drive minibuses under the Minibus Hire Scheme, etc) provided individual members agree to this;*
- personal data must be obtained for one or more lawful purposes and must not be further processed in any manner incompatible with the purpose(s); *so it is not acceptable for you to use the membership register to generate mailing-lists for use by external parties (e.g. sponsors or other clubs) unless individual members specifically agree to this;*
- personal data must be adequate and not excessive for the purpose(s) for which they are processed; so if you are asking members to provide details of home addresses, their subject and year of study, etc. you need to consider whether such data are necessary for the purposes of the club's activities;
- personal data must be accurate and where necessary kept up to date;
- personal data must not be kept for longer than necessary for the purpose(s) originally collected; so you need to be careful about retaining details of members who have ceased to be members of the society – the club might want them for its historical records, but must not use such information as the basis of mailshots (e.g. for fund-raising) unless the individuals consented to that when the data were originally collected;
- personal data must be processed in accordance with subjects' rights under the Act: these include the subject's right to inspect the data held about him or her (but not data about other people); to prevent the processing of data; to correct, block or erase data; to sue for damage caused; *so you need to bear in mind that the club collectively, or individual officers, could be prosecuted for breaches of the Act;*
- appropriate technical and organisational measures must be taken to prevent unauthorised/unlawful processing of personal data and against accidental loss, destruction, damage; *so if the club is holding its data on computer, you need to be careful about who is able to access and process the data, and even if your records are solely paper-based, they must be kept secure;*
- personal data must not be transferred, without the subject's consent, outside the European Economic Area unless the country concerned ensures an adequate level of protection for the rights and freedoms of data subjects¹; *this needs to be borne in*

¹ The European Commission has decided that certain countries have an adequate level of protection for personal data. Currently, only the following countries are considered as having adequate protection.

Andorra	Guernsey	New Zealand
Argentina	Isle of Man	Switzerland
Canada	Israel	Uruguay
Faroe Islands	Jersey	USA (under Safe Haven)

mind by clubs with an international focus which may collaborate with organisations and individuals overseas and/or by clubs whose officers may be taking club records out of the UK (e.g. on a laptop or other mobile device) when returning home during the vacation.

When people become club members, or renew their subscriptions, it is very important to make clear to them what personal data will be held and what use the club wants to make of this. But please bear in mind that data-subjects can withdraw their consent for particular uses at any time; and the club will need to keep under review what personal data are held; where and how securely held; and what the data is being used for.

Full details of the legislation are available on the Information Commissioner's website at: <http://www.ico.org.uk/>. Further information can be found on the University's information compliance website at: <https://www.information-compliance.admin.cam.ac.uk/data-protection/guidance/societies>

18. SPONSORSHIP

A number of student societies have succeeded in obtaining sponsorship from employers interested in recruiting from Cambridge. Those societies do not necessarily have any direct connection with employers or recruitment. The Careers Service is happy to offer societies help and information about potential sponsors. It is suggested that societies make use of this free service before responding to approaches from any agencies which offer to obtain such sponsorship in return for payment. The Careers Service can also offer advice if societies are planning any employer-related events.

Societies have also been approached by recruitment and internet agencies of various sorts hoping to raise their profile and to harvest membership contact details in return for sponsorship or payment. Before entering into any agreement or creating links with these agencies, societies are again encouraged to contact the Careers Service for advice on the possible implications of such links with recruitment agencies and so safeguard the interests of the societies' members (see also Section 17 above on Data Protection).

Please note that sponsorship from recruiters is likely to be relatively small and would not be an appropriate way of seeking very large sums of the sort needed e.g. for major sporting events which are likely to come from corporate relations budgets rather than recruitment budgets.

19. DISSOLUTION

Unless contrary provision is made in the constitution (as in the case of clubs or societies that are charities), any surplus assets of a club or society after payment of debts belong upon dissolution to all the members equally. The model constitution provides that clubs assets remaining after dissolution and the discharge of commercial liabilities to be paid over to the Societies' Syndicate or to another registered CU club or society. The Societies' Syndicate may require a society to return to the Syndicate, on dissolution, any grants – or assets purchased with grants - from the Syndicate.

SAMPLE CONSTITUTION

**THE {INSERT THE NAME OF YOUR SOCIETY HERE}
SOCIETY**

CONSTITUTION

1. NAME:

The name of the Society shall be “*The {INSERT THE NAME OF YOUR SOCIETY HERE}*” Society” hereafter referred to as “the Society”.

2. OBJECTS:

(1) The Society’s aims shall be to promote (*you fill in this part*);

(2) In pursuance of its aims the Society (*again you fill in this part or delete all together*).

3. MEMBERSHIP:

(1) Membership of the Society shall be open to all members of the University and any others that have an interest in the (*fill in again*);

(2) There shall be an annual fee for membership which shall be determined by the Society from time to time. (*This can be taken out if you are not charging fees*);

(3) The Society may offer Life Membership and Honorary Membership on such terms as it may decide;

(4) The Executive Committee may expel any member whose conduct seems likely to bring the Society into disrepute. Such expulsion shall be undertaken in accordance with Section 8, and is subject to confirmation at the next General Meeting of the Society. Any person expelled shall have the right of appeal to the Senior Treasurer.

4. THE EXECUTIVE COMMITTEE:

(1) The day-to-day management of the Society’s affairs shall be in the hands of the Executive Committee, which shall normally be elected at the Annual General Meeting (AGM);

(2) The Executive Committee shall consist of a President, Vice-President, Secretary, and Junior Treasurer, who shall be elected by the members as in 4(1). In addition there shall be a Senior Treasurer, who shall be a member of the Regent House, or other person approved by the Junior Proctor. The Senior Treasurer shall be appointed by the elected members of the Executive Committee and shall be *ex officio* a member of the Executive Committee;

(3) A majority of the elected members of the Executive Committee shall be full-time undergraduate or postgraduate students of the University;

(4) Meetings of the Executive Committee shall be chaired by the President or in his or her absence the Vice-President. If neither the President nor Vice-President is present, the remaining members shall elect a chairperson for that meeting. The quorum for a meeting of the Executive Committee shall be three members and a written record of each meeting shall be kept.

5. GENERAL MEETINGS:

(1) The Society shall hold an Annual General Meeting (AGM) during each Academical year. The AGM shall be held in Cambridge during *Easter Full Term*. All Members, other than Honorary Members, shall be entitled to attend and vote at any General Meeting. At least fourteen days written notice shall be given to members before the AGM;

(2) The AGM shall approve Minutes of the last General Meeting and the Society's Accounts for the preceding year, elect the Executive Committee for the year ahead and conduct such other business as is necessary;

(3) Candidates for election to office shall be proposed and seconded by two other members. Every motion at a General Meeting shall be proposed and seconded by two members. Voting shall be by secret ballot and if there are more than two candidates for a post or more than two options on a motion, voting shall be by Single Transferable Vote;

(4) An Extraordinary General Meeting (EGM) may be held at any time during Full Term. It shall be held in Cambridge and may be called by the Executive Committee or at the written request of at least ten members. Twenty-one days written notice shall be given to members before an EGM is held. An EGM shall have the same powers as an AGM;

(5) The President or in his or her absence the Vice-President shall take the Chair at any General Meeting. In the absence of the President and Vice-President the meeting shall elect a Chairperson for that meeting. The quorum for a General Meeting shall be five members and a written record of every General Meeting shall be kept.

6. FINANCIAL MATTERS:

(1) The Society shall maintain a banking account with a suitable Bank or Building Society to hold the Society's funds;

(2) It shall be the responsibility of the Junior Treasurer to ensure that monies received are properly accounted for, and that the Society's financial records are kept in good order. In particular, the Junior Treasurer shall ensure continuity of Cambridge resident signatories for any bank accounts held by the Society;

(3) The Senior Treasurer shall make arrangements for the Society's Accounts to be properly audited, either by himself or herself, or by some other person approved under University Ordinances;

(4) The Senior Treasurer shall not be liable for any financial debt or other obligation of the Society unless he or she has personally authorised such a debt in writing;

(5) For so long as the Society shall be Registered with the Junior Proctor, it shall be the duty of the Executive Committee to ensure that the Society complies with the requirements for Registration as a University Society.

7. CHANGES TO THE CONSTITUTION:

The Constitution may be amended at a General Meeting, with approval of at least two thirds of those present. No amendment to this Constitution intended to remove the position of Senior Treasurer, to alter its prerogatives and duties, or to change the criteria and procedure for the appointment of a Senior Treasurer can be put to a vote without the prior written agreement of the Junior Proctor of the University of Cambridge.

8. DISCIPLINARY PROCESSES:

The Society's only disciplinary sanctions are to expel or to suspend a member whose actions are felt to be such as to bring the Society into disrepute, or to adversely affect the smooth running of the Society in a major way. Such expulsion or suspension can only be effected by a majority vote of all Executive Committee members, excluding the Senior Treasurer. In the event of an expulsion, the excluded member is required to return all equipment, documents and finances belonging to the Society within 7 days. He/she will not be entitled to any full or partial refund of annual subscriptions;

If the excluded or suspended member wishes to appeal the decision, that appeal should be made to the Senior Treasurer, who will consider all the facts, and whose decision will be final. An appeal as to the process of exclusion, but not a further investigation into the facts, may be lodged with the Junior Proctor.

9. DISSOLUTION:

(1) The Society may be dissolved at a General Meeting provided that at least Twenty-one days written notice of the intention to dissolve the Society has been given to the members. At least two thirds of those present and voting at the General Meeting must vote in favour of the motion for Dissolution for it to be effective;

(2) Any motion for Dissolution of the Society shall provide that assets remaining after all liabilities have been met shall be transferred either to another Registered University Society, or to the Societies' Syndicate.

PETTY CASH BOOK - IMPREST SYSTEM

This system is started with a fixed sum of cash. This amount (here shown as £10) should be no larger than is necessary to meet the needs of the club or society. At each balancing period cash is withdrawn from the society's current account for the exact amount of disbursements shown in the Petty Cash Book for that period. Each cheque for petty cash should also be recorded in the Receipts and Payments Book. Such periodic reimbursement will bring the Petty Cash Book back to its starting balance (£10). If details of expenditure for which each cheque is drawn are recorded in the Receipts and Payments Book, this master book will always record the total expenditure of the club or society for the period and the fixed sum in the Petty Cash Book will always be represented by cash in hand together with disbursements made since the last balancing period. Vouchers should be made out and signed when persons other than the Junior Treasurer use petty cash.

Key to terms:

b/d **brought down:** the remaining unspent cash (£3) is brought down and entered in receipts column. This is then made up to the original sum (£10) by withdrawing cash for the exact sum of that periods' expenditure (£7).

c/d **Carried down:** the remaining unspent cash (£3) is carried down, that is, entered, for purposes of checking, in the payments column and added to the (£7) cash spent. The sum is then compared to the original starting sum (£10).

_____ **Ruled off:** totals will be below the ruled mark.

_____ **Double Ruled:** complete balancing of entries will be above this double ruling.

PETTY CASH BOOK

RECEIPTS

PAYMENTS

	Date	Details	Voucher No. (large clubs only)	Total	Stationery	Postage	Hire of Premises.
£ 10.00	1 Jan	Cash from Bank					
	2 Jan	Postage Stamps	1	2.00		2.00	
	4 Jan	Paper and envelopes	2	3.00	3.00		
	7 Jan	Hire of Room	3	2.00			2.00
		Balance c/d		7.00	3.00	2.00	2.00
10.00				3.00			
3.00		Balance b/d		10.00			
7.00	8 Jan	Cash from Bank					
10.00							

GENERAL NOTES FOR GUIDANCE OF AUDITORS

These are not comprehensive notes applicable to all audits. In all cases the auditor must have complete freedom to investigate.

Nevertheless there are a number of basic checks which should be made. The auditor should ensure that the Junior Treasurer has:

- a. reconciled the bank statement with the Receipts and Payments Book balance,
- b. checked that the Imprest Account balance agrees with the amount of cash in hand,
- c. properly balanced and cross costed the Receipts and Payments Book,
- d. checked that all members have paid their subscriptions,
- e. issued a receipt for each member's subscription,
- f. updated any record of equipment and other assets belonging to the club and verified the continuing existence of the items contained therein,
- g. made sure that all paid invoices have been properly signed to authorise payment.

The auditor should establish by reference to the Receipts and Payments Book and bank statements that:

- a. all receipts have been promptly paid into the bank,
- b. the level of cash held on the current account is no more than necessary to meet normal requirements and that any excessive amount has been placed on deposit,
- c. proper security exists for cash and club assets.

The auditor should also:

- a. establish that proper account is being taken of the replacement value of equipment and other assets, and that subscriptions are at a level which will enable the accumulated funds of the club to replace them if it should become necessary,
- b. make any recommendation with respect to these matters which he/she thinks desirable.
- c. certify that, as far as he/she can determine, the accounts are accurate, complete and in accordance with accounting standards, and give a fair and accurate record of the Club's financial position.

In addition the auditor should establish whether the club has:

- a. complied with any regulations which may have been laid down by the University,
- b. covered itself adequately in respect of insurance,
- c. complied with statutory regulations regarding the employment of staff,
- d. entered into any transaction of a trading nature without prior approval of the University.

Extract from *Statutes and Ordinances*, 2017 p.197

CLUBS AND SOCIETIES

1. Any club or society consisting wholly or partly of members of the University in statu pupillari may apply to the Junior Proctor for registration as a University society. A club or society applying for registration shall submit to the Junior Proctor a statement of its current financial position and a copy of its constitution. The Junior Proctor may refer such an application to the Societies Syndicate. If the Junior Proctor refuses to register a club or society the club or society may appeal to the Societies Syndicate, who may if they think fit register the club or society.
2. All registered clubs or societies shall deposit any changes in their constitution with the Junior Proctor, and shall notify him or her of any change of officers.
3. Every registered club or society shall deposit by 31 December each year with the Junior Proctor a copy of its accounts for the previous academical year audited either professionally or by a resident member of the Senate or by a person approved for this purpose by the Junior Proctor.
4. A club or society whose constitution requires it to have a Senior Treasurer shall not amend its constitution so as to remove this requirement without obtaining the prior approval of the Junior Proctor and submitting to the Junior Proctor a statement of its current financial position.
5. Any club or society sanctioned by the Proctors before these regulations take effect shall be deemed to have been registered in accordance with these regulations.
6. Any registration granted or deemed to have been granted under these regulations may be withdrawn at the discretion of the Junior Proctor, subject to a right of appeal by the club or society to the Societies Syndicate.
7. No club or society consisting wholly or partly of members of the University in statu pupillari, whether registered under the provisions of these regulations or not, shall, while occupying University premises, engage in trade without the permission of the Finance Committee of the Council. The Finance Committee may make such permission conditional on the submission to them of annual audited accounts or subject to such other conditions (including the condition that the club or society shall be registered as a limited liability company) as the Finance Committee may deem desirable in the interests of the University or of its members. For the purpose of this regulation
 - (a) the term 'trade' shall include the buying or selling of goods or services, whether for profit or otherwise, but shall not include the sale of tickets for admission to a public performance given by a club or society, or the sale of any paper, magazine, or journal published by a club or society or of advertising space in such a publication;
 - (b) the term 'occupying' shall not include the occasional hiring of University premises.
8. These regulations shall not apply to sports clubs.

Extract from *Statutes and Ordinances*, 2017 p.197-198

Meetings and Public Gatherings on University Premises

Code of practice issued under section 43 of the Education (No 2) Act 1986

Section 43 of the Education (No 2) Act 1986, referring to freedom of speech⁴ in universities, polytechnics, and colleges, requires the Council to issue and keep up to date a code of practice to be followed by members, students, and employees of the University for the organization of meetings and other events, which are to be held on University premises, and for the conduct required of members, students, and employees of the University in connection with such meetings, etc. This Code of Practice therefore applies to all members, students, and employees of the University, in respect of all University premises, which for the purposes of this Code includes Cambridge University Students' Union and the Graduate Union. Outdoor, as well as indoor, meetings and events on University premises are included.

Members of the University are reminded that alleged breaches of the general regulations for discipline and other alleged offences against the discipline of the University may be brought by the University Advocate before the University Tribunal, the Discipline Committee, or the Discipline Board, as appropriate.

Authority and approval processes for meetings and events on University premises

Authority is required for meetings and events to be held on University premises, whether indoors or out of doors. In the case of accommodation assigned to a single Faculty or Department, the permission of the relevant Faculty or Departmental authorities is required. In the case of accommodation not so assigned, permission must be obtained from the central University authority responsible for the accommodation concerned and, if a room is to be reserved, a booking must be made through that authority at least fourteen working days in advance of the proposed event.

It is anticipated that, in the vast majority of cases, the authority in question will straightforwardly consider the request as part of normal business.

However, in the exceptional circumstances that the authority in question considers that the holding of the event might reasonably be refused solely because of the duty to prevent people from being drawn into terrorism, there is a process of escalation to a Referral Group to be followed before permission may be refused. Only the Referral Group may refuse permission on this basis. The request should be forwarded to the Referral Group with a statement of the concerns. This referral should be made at least seven working days in advance of the proposed event. Members of the University who are concerned that a particular forthcoming event should be escalated to the Referral Group may do so directly. The Referral Group will, in consultation as necessary, determine whether the event can go ahead as originally planned, or in alternative premises, at a later date or in a different format. Only in exceptional circumstances and when the Referral Group considers that there are risks which cannot be mitigated or the event organizer refuses to meet any conditions imposed, will permission be withheld. An organizer who is unhappy with the Referral Group's decision has the right of appeal to the Vice-Chancellor or to his or her appointed deputy for these purposes.

Any decision by the Referral Group that an event proposed to be held in the University is not to take place, or may only take place subject to conditions, is binding and takes precedence over any other permission which may have been given by any other body or officer in the University.

Organization and management of meetings and events on University premises

Once approved, the organizers of meetings and events must comply with any conditions set by the University authorities concerned for the organization of the meeting or other activity and the arrangements to be made. Such conditions may include the requirement that tickets should be issued for public meetings, that an adequate number of stewards should be available, that the police should be consulted and their advice taken about the arrangements, and that the time and place of the meeting should be changed. The cost of meeting the requirements, and the responsibility for fulfilling them, rests with the organizers.

Notification of Proctors

In addition to seeking the permission referred to above, the organizers of all meetings and events to be held on University premises which are to be addressed or attended by persons who are not resident members of the University (except for academic meetings organized by the authority of a Faculty or Department, or for any meetings or classes of meetings approved for the purpose by the Senior Proctor as being commonly or customarily held on University premises) are required to give notice to the Senior Proctor. This notice may be given on the form used to book University premises, a copy of which will be sent by the University authority concerned to the Senior Proctor. The organizers may also, if they wish, communicate directly with the Proctors to give further details. Information is required at least seven working days in advance (although the Senior Proctor may, at his or her discretion, agree to receive information closer to the time of the meeting than this). The information needed is the date and time of the meeting, the place, the names, addresses, and Colleges (if any) of the organizers, the name of the organization making the arrangements, and the name of any expected speaker, whether or not a member of the University.

The organizers of any meeting must comply with instructions given by a Proctor, by any other University officer, or by any other person authorized to act on behalf of the University, in the proper discharge of his or her duties. The attention of members of the University is drawn to Regulations 9 and 10 of the general regulations for discipline.

Colleges

The provisions of section 43 of the Education (No 2) Act 1986 apply also to the Colleges in respect of their own members, students, and employees, and in respect of visiting speakers. Colleges are also subject to the duties under section 26 of the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism, as described in the University's Statement on Freedom of Speech⁹. Each College is requested by the University to name a senior member who will be responsible for enforcing the provisions of both the above Acts in that College and will co-operate as necessary with the Proctors. Members of the University are reminded that University disciplinary regulations apply on College premises as elsewhere in the Precincts of the University. A College may invite the Proctors to enter its premises.

The attention of organizers of public meetings and assemblies is drawn to sections 11 and 14 of the Public Order Act 1986, concerning processions and assemblies. Other legal requirements may affect the conduct of meetings, etc. A speaker, for example, who incites an audience to violence or to a breach of the peace or to racial hatred is breaking the law. Equally, assemblies of persons, even if directed to lawful purposes, cease to be lawful if they cause serious public disorder or breaches of the peace. Attention is also drawn to the provisions of the Licensing Acts, which apply to certain University premises, including the University Centre. These Acts require the licensee to maintain good order on licensed premises, and give the licensee the power to expel persons from the premises if he or she considers it necessary.

The application of this Code

Any person who is in any doubt about the application of this Code of Practice to any meeting or public gathering in the University is under an obligation to consult the Senior Proctor, who, in consultation with the officers of the Registry's Office, will determine whether the provisions of the Code apply.

Guidelines for Public Performances

If a public performance takes place on premises where a *premises licence* is in force, fourteen days' written notice of the performance must be given in accordance with the special conditions attached to the licence. *In all other cases* application for an occasional licence must be made, as a statutory requirement, at least thirty days in advance of the performance.

Applications for **Public Entertainment Licences** should be made to: Licensing Environmental Services, Mandela House, 4 Regent Street, Cambridge, CB2 1BY. Normal office hours are 9.00am – 5.00pm Monday to Thursday and 9.00am – 4.30pm on Fridays. Website: <https://www.cambridge.gov.uk/licences-and-permits>

Play means (a) any dramatic piece, whether involving improvisation or not, which is given wholly or in part by one or more persons actually present and performing and in which the whole or a major proportion of what is done by the person or persons performing, whether by way of speech, singing or action, involves the playing of a role; (b) any ballet given wholly or in part by one or more persons actually present and performing, whether or not it falls within (a) of this definition.

Other entertainment means 'Public dancing or music or any other public entertainment of a like kind', or 'any entertainment which consists of, or includes any public contest, exhibition or display of boxing, wrestling, judo, karate or similar sport'.

Premises include any place whether indoors or out of doors. However, a licence would not be required for an entertainment which takes place wholly or mainly in the open air, unless it is held on private land (i.e. where the public has access, whether on payment or otherwise, only with the occupier's permission) and involves music as a substantial ingredient. Nor would a licence be required for music performed in a place of public religious worship (or performed elsewhere as an incident of a religious meeting or service).

Public Performance includes any performance in a public place within the meaning of the Public Order Act (1986) and any performance which the public or any section thereof are permitted to attend, whether on payment or otherwise.

The Theatres Act 1968 places considerable responsibility on organisations and individuals who present 'plays', whether or not the presentation constitutes a 'public' performance. In their own interest presenters and producers of plays should read this Act. A copy may be seen at the University Proctors & Marshal's Office at The Old Schools. This is particularly important when a new play, or a new adaptation or presentation of an old play, is to be performed. All those concerned may be liable to prosecution by the Civil Authority if the words and action of a play constitute a criminal offence (e.g. obscenity, incitement to racial hatred, or provocation likely to lead to a breach of the peace). They may also be liable to a civil action for defamation.