Guidance on Use of University Assets for Non-Charitable Purposes

1. The University of Birmingham is an exempt charity by virtue of the Charities Act 1993 Schedule 1. This means that it is not required to register with the Charity Commission, but it is subject to general charitable law and principles. By virtue of the Charities Act 2006 the Higher Education Funding Council for England has been charged as the principal regulator for English Higher Education Institutions. This means that from 2010 HEFCE will, as part of its regulatory function, consider the extent to which each individual University is complying with charitable law.

2. The charitable object of the University is the advancement of education which includes teaching, learning and original research. Such research must however be disseminated in order to qualify for the public benefit test, which has been strengthened under the Charities Act 2006.

3. Charities are under a general duty to ensure that they preserve and maximise the use of their assets for the benefit of the charity. Charitable assets must not be used other than for the purpose of the University, unless the full cost of the use is reimbursed to the University.

4. This is highlighted for example in the conditions of employment on outside activities (Appendix 7) by academic staff which confirms that the cost of such use by an academic of any University assets (eg equipment, staff or resources), must be reimbursed to the University on a full economic cost basis. This applies to the use of technical equipment and facilities, the staff who operate those facilities along with for example the University’s email accounts, photocopiers or secretarial support. None of them should be used for purposes other than University activities without reimbursement.

5. If a member of staff wishes to use the University’s facilities or assets for non-University purposes he or she should seek the prior written approval of the Head of College or Senior Officer. This includes use of University facilities by academics during their authorised outside activity including consultancy work, or in respect of any other external role or responsibility. Members of staff are reminded that under the General Conditions of Use of Computing and Network Facilities “all use of computing and/or network resources shall be made on the understanding that the use is for University purposes. Inappropriate use made by or authorised by staff or students of computing and/or network resources may constitute a disciplinary offence and may render the user or authoriser liable for reimbursement of charges incurred.”

6. Staff must remit to the University a sum appropriate to the cost of using University facilities. Advice on the costs of use can be obtained from the College Accountant.

7. Under the Data Protection Act the University is the data controller of data stored on University systems. Therefore data which does not relate to University business should not be stored on University computing equipment. Where it is so stored it may, where appropriate, be released by the University under the Data Protection Act and/or the Freedom of Information Act.

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