

University of Aberdeen

Regulations for the Election and Appointment of the Senior Governor of Court

- 1 The following process and rules for the election of the Senior Governor have been prepared in accordance with the requirements of the Higher Education Governance (Scotland) Act 2016 (HEGSA). HEGSA refers to the position of '*Senior Lay Member of the Governing Body*' which at the University of Aberdeen is the position referred to here as the 'Senior Governor'. The appointment of the Senior Governor is conducted through three stages:
 - (i) Advertisement, application and interview;
 - (ii) Election; and
 - (iii) Appointment.
- 2 The following regulations will be the basis for the drafting of further information and communications regarding the process for appointment of the Senior Governor to students, staff, applicants and candidates.

Eligibility for Appointment

- 3 Independent members of Court are eligible to be appointed as Senior Governor but the role may not be held simultaneously with another role on Court. In keeping with the key requirement for the Senior Governor to be independent and to be perceived to be so, students of the University, the Rector, the Principal and members of staff of the University are not eligible to be Senior Governor. In addition, no former member of staff or student of the University shall be eligible to be appointed until a period of four years have elapsed from the date they ceased to be a student or member of staff.

Period of Office

- 4 Appointment to the position is for a period of three years, and may be extended for a further and final period of three years by agreement of the Court on the recommendation of the Governance and Nominations Committee, without recourse to a further election. If the individual is an existing independent member of Court and where they have already served more than two full periods of appointment (of three years each), their period of appointment as Senior Governor will be limited to one (three year) term of office.
- 5 During consideration of any reappointment the Senior Governor, if a member of the Governance and Nominations Committee, will withdraw from any participation in the decision.
- 6 Any recommendation to re-appoint the Senior Governor will be informed by the following considerations:
 - The length of time the Senior Governor has served on the Court in total, in accordance with rule 4 above;
 - The extent to which the Senior Governor continues to meet the criteria for appointment as Senior Governor; and
 - The extent to which the Senior Governor continues, on the whole, to command the trust and respect of the Court and Senate and the students and members of staff of the University.

Appointment Committee and Relevant Criteria

- 7 Where a vacancy for the position of Senior Governor arises, the Court will establish an Appointment Committee. The Appointment Committee will have responsibility for—
- (a) devising the relevant criteria for appointment to the role of Senior Governor. These should include: the availability, skills, knowledge and experience considered by the Appointment Committee to be necessary or desirable, to discharge the role and to command the trust of the Court, Senate, and the wider staff and students of the University.
 - (b) ensuring the efficiency and fairness of the process for filling the position;
 - (c) promotion and advertisement of the vacancy, in a manner suitable for bringing the vacancy to the attention of a broad range of persons; and
 - (d) the publication of anonymised data on the number of applicants, and, so far as consent to disclosure has been received from the applicants, the characteristics listed in S149(7) of the Equality Act 2010 in relation to applicants, those invited to attend interview, and the candidates considered entitled to stand in the election thereafter.
- 7.1 The Court may choose, to assign some or all of the above functions to another Committee, such as the Governance and Nominations Committee, if considered expedient for the timely progression of the process, provided that its composition meets the requirements of HEGSA.
- 8 As required by HEGSA, any advert for the position must include:
- the functions exercisable by the Senior Governor,
 - a summary of the relevant criteria with respect to the position and states how more information about the relevant criteria can be obtained, and
 - an explanation of-
 - (i) the process for filling the position;
 - (ii) how the application form in relation to the position can be obtained;
 - (iii) that reimbursement is offered of expenses incurred in connection with attending an interview and campaigning in an election for the position;
 - (iv) that remuneration and allowances are available in connection with the holding of the position.
- (d) Where an application appears to the Appointment Committee to show that the applicant meets the relevant criteria with respect to the position, then in accordance with HEGSA the applicant will be invited to an interview conducted by the Appointment Committee or a sub-committee thereof. If the

applicant satisfies the committee at such an interview that the applicant meets the relevant criteria, the applicant is entitled to stand as a candidate in an election for the position.

- 9 The Appointment Committee may decide to engage an external recruitment consultancy to assist it in discharging its responsibilities. The Appointment Committee must, however, take all decisions on whether an application received meets the relevant criteria and ensure any consultants engaged in the process operate within a clear remit.
- 10 As required by HEGSA, the membership of the Appointment Committee will include at least one student and one member of staff of the University. The Court will determine the further membership of the Appointment Committee as appropriate subject to it being convened by an independent member of Court. Members of the Appointment Committee shall normally be members of the Court. The incumbent Senior Governor will not be a member of the Appointment Committee or participate in the appointment process. No individual who applies for the position may be a member of the Appointment Committee. Members of the Committee may not endorse candidates in the election. Subject to the foregoing requirements, the Appointment Committee will, as far as possible, have an appropriate balance of members in terms of its gender diversity and other protected characteristics.

Election Rules

- 11 Where more than one applicant is deemed by the Appointment Committee (or a sub-committee thereof) to meet the criteria to stand for election and has confirmed their intention to stand as a candidate an election will be arranged. If only one candidate meets the criteria for election or the number of candidates in the election, either prior or during the process, subsequently falls to below two then in accordance with HEGSA the election will be postponed until the election can be held with more than one candidate standing (and the vacancy will be re-advertised). The remaining candidate will continue to be entitled to stand as a candidate in the subsequent rearranged election without further interview.
- 12 The Secretary to the Court shall be the Returning Officer for the election. If for any reason the Secretary is unavailable, the Court will appoint a Returning Officer. The Returning Officer will be responsible for managing the electoral process, including the arranging of the announcement of candidates and their election statements, arrangements for voting and the electoral roll, the application of the election rules herein, including with regard to the content of election statements, considering complaints raised in relation to the conduct of campaigning and the election itself, imposing sanctions as appropriate.
- 13 The University will make available on its website to all electors the names of the candidates, and should candidates wish, their photograph and an election statement which will be limited to 1000 words. Statements will be approved by the Returning Officer prior to publication. Open meetings for candidates to address students and staff/members of Court will be organised by the University. Any other campaigning activity and reimbursable expenses will be regulated through rules agreed by the Appointment Committee (**Enclosed at Annex A**).

- 14 In accordance with HEGSA, the following persons are entitled to vote in an election:
- (a) the members of the Court,
 - (b) the students of the University, defined as students fully matriculated on the date at which the electoral roll is closed. Students given temporary registration will not be eligible to vote.
 - (c) the staff of the University, defined as any individual who has a salaried contract of employment with the University at the date the electoral roll is closed. Any individuals engaged on temporary services, zero hours and honorary contracts are not entitled to vote.
- 15 No individual is entitled to cast more than one vote in the election. Each vote cast in the election carries equal weight.
- 16 The election will be conducted through electronic voting via a secure online voting system administered by election management professionals appointed by the University. Each member of the relevant constituency shall be issued by e-mail with a notice of the ballot, a link to the election statements of the candidates and instructions on how to cast their vote. Names on the ballot will include only their first/given name (or name known by) and surname/family name. Where a member of the electorate is unable to vote electronically, the University will, if requested, be required to make reasonable arrangements for the elector to have access to facilities to cast their vote, in a manner and timeframe approved by the Returning Officer.
- 17 The Appointment Committee will determine the dates of the election period but which will be during recognised term times and outwith examination periods. Where a change of circumstances occurs which in the opinion of the Returning Officer renders the voting period insufficient to enable a representative vote to be obtained under the special conditions ruling at the time, the Appointment Committee may agree to extend the said voting periods as they consider necessary.
- 18 The candidate who secures a simple majority of the total number of votes cast shall be declared the winner. Where there is a tie, the winner shall be determined by lot under the supervision of the Returning Officer. Candidates will be invited to attend the declaration of the result or, in their absence, to send a person as their representative.
- 19 The validity of any election shall not be affected by any defect in the procedure in carrying out such an election or infringement of these Election Rules unless:-,
- (i) on the application of a candidate or an individual designated as a candidate's representative made to the Returning Officer, or
 - (ii) at the instigation of the Returning Officer where she/he becomes aware of such a potential defect in the procedure or any potential infringement of these Election Rules, and after due enquiry, considers that a defect or infringement has had or may have an adverse impact on a fair and free election.

In those circumstances the Returning Officer will make such arrangements and/or apply such sanctions as the Returning Officer considers reasonable and proportionate to

remedy and/or to provide redress for the harm caused by the procedural defect or infringement of these Election Rules. Such arrangements and sanctions may include but are not limited to, permitting all or some candidates to provide additional materials to the electorate, pausing or suspending the election, extending the election period, rescheduling the election, rejecting campaign expense claims, disqualifying candidates and/or declaring the election to be invalid.

- 20 Any appeals against the decision of the Returning Officer will be considered in the first instance by the Convener of the Appointment Committee appointed by the Court to oversee the election process who may rule on the appeal or choose to refer the matter for decision by the Appointing Committee. Such appeals must be submitted in writing to the Clerk to the Appointment Committee within 48 hours of the decision having been made. Appeals will only be considered on the grounds of procedure or prejudice. The decision of the Appointment Committee will be final and there is no further route of appeal.

Arrangements in the Event of a Delay in the Process

- 21 If for any reason there is a substantive delay in an election taking place due to there being only one candidate or due to an election having to be re-run, and where this results in the period of office of the incumbent Senior Governor ceasing before a successor is appointed, the Senior Independent Member of Court (or if he or she is a candidate in the election another independent member appointed by Court) will undertake the role of Senior Governor until a successor is appointed. This will also apply even if the incumbent Senior Governor is a candidate in the election.

Remuneration and Terms of Appointment

- 22 In accordance with HEGSA, the person appointed may request remuneration and allowances in respect of their service as Senior Governor. It is the responsibility of the Remuneration Committee to agree the level of remuneration to be provided.
- 23 The person elected shall be subject to the Court's terms and conditions of appointment, and regulate his or her conduct in accordance with the highest standards of governance, as set out in the University Court's Code of Conduct, adherence to which is part of the terms of the appointment of all members of Court. In addition, the person elected is subject to the Charities and Trustee Investment (Scotland) Act 2005 which provides for circumstances under which an individual is disqualified from serving as a charity trustee and the person elected will be required to confirm that they are not so disqualified as part of their terms and conditions of appointment. In accordance with the Higher Education Governance (Scotland) Act 2016 (and the Scottish Code of Good HE Governance) a Policy and Procedure for the Removal of Members Court (including the Senior Governor) is in place to address circumstances where a member has materially breached their conditions of appointment.

Ends

Approved by Court on 6 April 2026

ANNEX A

Guidance and Rules on the Conduct of Candidates in Senior Governor Elections

- 1) Campaigning may only be undertaken during the period specified by the Returning Officer. No campaigning should be undertaken by candidates until they have been notified of that period permitted by the Returning Officer.
- 2) Each candidate shall be entitled to provide a photograph and election communication of not more than 1000 words which will be made available to the electorate by the University.
- 3) Candidates in an election will be invited to attend an 'Open Meeting' before an audience of students and staff/Court members, at which candidates will have the opportunity to address the audience and take questions. These meetings may be combined or held separately for the respective audiences.
- 4) Candidates may have only one website presence for the purpose of any campaign. Candidates may not use pre-existing websites for the promotion of their campaign. Candidates may utilise personal Social Media platforms for the promotion of their campaign but University social media channels may not be used.
- 5) The distribution of any other campaign materials beyond that set out above, whether in electronic or hard-copy format (including poster campaigning), is not permitted.
- 6) Travel expenses incurred by each candidate for attendance at interview or to attend the 'Open Meetings' will be reimbursed subject to being consistent with the University's policy on expenses and will normally be limited to £500 per candidate.
- 7) Use of pre-existing e-mail, phone or mailing group/ lists by candidates for the purpose of promoting their campaign is not permitted. Harvesting of data from any such lists for campaign purposes is also not permitted.
- 8) Candidates may canvass individuals known to them. Unsolicited canvassing of other voters by e-mail, mail or phone using University directories or resources is not permitted. As noted at section (2), the University will ensure that the candidate's statement is made available to voters.
- 9) A breach of these rules may result in the disqualification of a candidate by the Returning Officer. All complaints should be directed to the Returning Officer.

Ends