

## **Rules for the Nomination and Election of Academic and Non-Academic Staff Members of Court**

The composition of Court, in accordance with the Higher Education Governance (Scotland) Act 2016, provides for two members elected by the staff of the University. The Court has further agreed, that one such member shall be a member of academic staff and that one such member shall be a member of non-academic staff. As required by S 11 (2) of the Higher Education Governance (Scotland) Act 2016, the Court has agreed that the following process should be observed in the election of both these positions on Court.

### **Election Process**

#### *Returning Officer*

1) The Secretary to the Court, or her/his nominee, shall be the Returning Officer for the election. If for any reason the Secretary is unavailable, the Principal 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. In addition, the Returning Officer will be authorised to take all other decisions necessary for the effective conduct of the nominations and elections process.

#### *Constituency for Academic Staff Member*

2) The constituency for the election of an academic staff member of Court shall be all academic staff members of the University at the electoral census date, defined as 'academic, teaching and research staff'. The member elected as the 'academic staff member' must be a member of the same constituency of 'academic, teaching and research staff'.

#### *Constituency for Non-Academic Staff Member*

3) The constituency for the election of a non-academic staff member of Court shall be all non-academic staff members of the University at the electoral census date, defined as 'professional and support staff'. The member elected as the 'non-academic staff member' must be a member of the same constituency of 'professional and support staff'.

#### *Nominations for Election*

4) The Secretary shall arrange for notification of a vacancy in either position to be issued to each member of the relevant constituency, together with the conditions for the nomination of candidates, the requirements and responsibilities of the role of a member of Court, and the date for return of nominations. The duration of the nominations period shall be a minimum of 21 days. Nominations shall be made on the form of nomination as issued by the Returning Officer. Nominations shall require to be supported by a proposer and a seconder who shall both be members of the relevant electing constituency. To be eligible to stand in the election, a nominee must confirm that they are not disqualified from serving as a charitable trustee under the Charities and Trustee Investment (Scotland) Act 2005 and that they are aware of no other reason, legal or otherwise, that would render them unfit to be a charity trustee or that could bring the Court into disrepute.

5) During the period of 7 days after the close of the nomination period, it shall be in order for a candidate to withdraw their nomination. The Returning Officer, on expiry of the nomination period, shall intimate to each candidate and to each candidate's proposer and seconder the names and

designations of all the candidates nominated, together with the names and designations of their proposers and seconders.

6) Where two or more nominations are received for a vacancy, an election ballot will be issued. Where only one nomination is received for a vacancy, the Returning Officer shall declare such candidate to be duly elected.

#### *Conduct of an Election*

7) When a ballot is required, it will be conducted through electronic voting via a secure online voting system administered by the University or 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 and instructions on how to cast their vote. Where a member of staff is unable to vote electronically, the University will, if requested, be required to make arrangements for such staff to have access to facilities to cast their vote, in a manner and timeframe approved by the Returning Officer.

8) The Returning Officer will set and publish the voting period dates for an election and agree the census date at which those eligible to vote in each constituency shall be determined. The voting period will be for a minimum of 7 days. 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 Returning Officer may extend the said voting periods as she or he considers necessary. Such extension shall be intimated to any nominated candidates and to their proposers and seconders.

9) Each candidate shall be entitled to provide a photograph and election communication of not more than 500 words which will be made available to the electorate by the University. Statements will be approved by the Returning Officer prior to publication to ensure that they do not include defamatory or other content likely to be inimical to the good conduct of the election. Any other campaigning activity will be regulated through the enclosed supplementary regulations (Annex A).

10) 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.

11) At any time before voting closes a candidate may withdraw their candidacy. If in consequence of such withdrawal or in the event of the death of a candidate during the said period results in one candidate for the vacancy remaining, the counting of the votes lodged will not take place and the remaining candidate will be declared to be duly elected.

12) 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 on the application of a candidate (or an individual designated as a candidate's representative) made to the Returning Officer, or 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, disqualifying candidates and/or declaring the election to be invalid.

*Period of Office and Conditions of Appointment*

13) The period of office shall be three years and will normally commence on 1 August of the year of election. If the member elected ceases to be a member of staff of the relevant constituency of the University, she or he shall cease to be a member of the Court. Members will be eligible for nomination for re-election, subject to a limit of three periods of three years whether served continuously or not, and with a restriction preventing returning to serve on Court in another position after that maximum of period of office for a period of three years.

14) In the event of an election to a casual vacancy being required, the member elected shall commence a new period of office. Where this falls at a time other than 1 August, in order to regulate the period of office, it shall be considered to have begun on 1 August preceding the date of the actual election where this is before 1 February and on the 1 August following the date of election where this falls on or after 1 February.

15) 'Alternate members' are not permitted at Court.

16) Members of Court elected by staff shall be subject to the Court's terms and conditions of appointment, and regulate their 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, members are 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 any elected member 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 is in place to address circumstances where a member has materially breached their conditions of appointment.

Ends

As agreed by the University Court on 2 April 2020 (by circulation)



## **Guidance and Rules on the Conduct of Candidates in Elections of Academic and Non-Academic Staff Members of Court**

- 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 500 words which will be made available to the electorate by the University.
- 3) Candidates shall be responsible for their conduct in any campaign activity they undertake and that of anyone associated with their campaign. Candidates should not seek to influence their colleagues by behaviour that may be perceived to be bullying, harassment or intimidation. Endorsements of candidates from non-voters are not allowed, nor are direct criticisms of other candidates or their supporters.
- 4) Candidates or their supporters are not permitted to provide assistance or seek to influence staff in the process of voting.
- 5) Canvassing in the form of poster campaigns is not permitted.
- 6) 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.
- 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