

# **ELECTION RULES**

## **June 2021**

### **Scope**

These Rules govern the nomination, candidacy and election of eligible candidates to the Senate, to the Council and to their sub-committees (where they have elected positions according to Regulation or in their specific terms of reference) including but not limited to those listed as follows:

- Council Members in Class (4) elected by and from the Senate;
- The Council Member in Class (5) elected by and from the Professional Staff in Grades 1 to 7;
- Senate members in the Academic, Teaching, and Research Staff of the University in Grades 7 and above elected by and from that population in each of the Faculties (including extra-Faculty staff);
- Senate members in the Professional Services staff in Grades 7 and above elected by and from the Professional Services staff of the University.

The Senate and Council are statutory bodies.

### **Eligibility to be nominated for candidacy**

The eligibility to stand/be nominated and to vote in a given election will be clearly stated in the request for nominations.

For elections in which eligibility may be determined by staff category or grade, the electorate itself is comprised of those who were eligible to stand in the election. Therefore, to be eligible to stand or vote the candidate must be in post in the constituency at the appropriate grade as at the closing date for receipt of nominations.

For elections which are sub-divided into constituencies, Senate colleagues who hold fractional posts across more than one department or faculty, will be eligible to stand and vote in their primary department, as determined by HR records. If the candidate holds a 50-50 joint appointment or are otherwise unsure of their primary department, they should contact the University Secretary's Office before the deadline for receipt of nominations in order to clarify the position and arrange to make any necessary changes to their staff record.

### **Nominations**

The nominee must agree to be nominated and the nomination should be certified by another member of the constituency eligible to stand or vote in the election. The verification process conducted by the University Secretary's Office once a nomination is received includes checking that the nominee meets the criteria for candidacy.

Eligibility by grade and Faculty/role is determined by an individual's status on the HR record as at the closing date for receipt of nominations.

The Returning Officer may at their absolute discretion agree to amend the constituency in which a candidate may stand, e.g. due to error in the HR record as at the closing date for receipt of nominations. In the event that an elected member of Senate subsequently

transfers to a different constituency (e.g. from one Faculty to another or from a professional to academic-related role), they will remain a member of the Senate for the duration of their term of office in the constituency to which they were originally elected.

A nomination will be invalid if, for example but not limited to, the eligibility criteria are not met, it does not arrive in time at the specified email or postal address by the closing date for nominations, the name of a person certifying the candidate is missing, in the Returning Officer's view there are material inaccuracies in the particulars of the candidate or the person nominating the candidate, or there is a valid objection to a nomination which has been upheld by the Returning Officer.

If a nomination is thought to be invalid this will be referred to the Returning Officer whose decision is final. When a Returning Officer decides that a nomination is invalid they shall write by post or email to the candidate explaining the reason for the decision. When the Returning Officer holds that a nomination is invalid, the candidate's nomination will be immediately withdrawn from the election.

It is the nominee's responsibility to return their nomination form, not the certifying colleague or others.

Nominations should be sent to the University Secretary, as Returning Officer, at the email or postal address specified in the announcement.

**Important (for colleagues accessing emails via a MacBook):** In some cases elections and invitations for nominations are sent via "announce", which is a 'do not reply' email address. This may not be apparent to users of MacBooks and you should ensure that any email correspondence is sent to the contact details specified in the announcement.

### **Process for withdrawal of a nomination**

A nominee can withdraw from an election by submitting a notice of withdrawal. This must be delivered in writing to the Returning Officer at the same address as for the delivery of nomination forms. Any withdrawals must be received before the ballot opens for voting. If a nominee withdraws the election will proceed with the remaining candidates.

### **Announcing the Candidates**

The Returning Officer will circulate to the electorate a statement of persons nominated for each election before the opening of the ballot. Any member of the electorate may challenge the validity of a nomination, or the electoral category, within 2 days following the publication of nominations, on the grounds that it does not comply with the rules or with composition of Senate or Council. The Returning Officer shall rule on the challenge and their decision shall be final.

### **Information about the Candidates**

Colleagues are invited to vote based on the statements provided by candidates on their nomination form (as above), which is included as part of the online ballot. The University will provide equal support for candidates in terms of coverage in University communications including online communication channels. Details of how to vote, candidate information and the closing date of the election will be circulated by the University Secretary's Office to all

members of staff eligible to stand and vote in advance of the election. The University will provide through the voting system a copy of the candidates' supporting statements to every member eligible to vote along with their ballot.

Information provided by the candidate for election will be provided to those who are eligible to vote by the University Secretary's Office. Staff who are eligible to vote will usually receive the ballot by email, with the exception of colleagues in roles without routine access to or use of email, for whom alternative arrangements will be made by the University Secretary's Office. Those eligible to vote will be sent a reminder closer to the deadline and information on the election and the candidates will be provided via the staff website. In fairness to the other candidates, no voter should be contacted by the candidates themselves, or third-parties acting on their behalf, to highlight their candidacy, promote their supporting statement or to canvass for votes.

### **Conduct of Candidates during the Election**

Candidates themselves do not directly or indirectly promote their candidacy, solicit votes or campaign themselves or through third-parties (including using sites like Facebook, Twitter, Instagram, LinkedIn, YouTube and TikTok or sending emails to encourage people to vote for them). To avoid unfair advantage over other candidates no third party, either external to the University or any internally organised network or fora, is permitted to promote, endorse or campaign for candidates. Third parties and colleagues should not notify or remind staff about the ballot. If candidates already hold a role in the Senate or Council they cannot use this platform to promote their candidacy or to ask for support. Indirect campaigning could include, for example, candidates putting across views on a particular issue in a way which could reasonably be interpreted as electioneering.

The Returning Officer may require whatever action they deem necessary to prevent the publication or broadcast of any item that conflicts with this requirement.

This is to maintain impartiality and out of fairness for each of the candidates, given that those elected will be expected to act independently in the best interests of the University within the remit of the body to which they are elected, rather than to specifically represent the interests of a particular constituency or mandate.

All votes are expected to be cast based on the information provided in the ballot. The same rules and procedures, and the same principle of independence, apply whether an election is being held in respect of membership of the Council, Senate or any of their sub-committees.

### **Supporting Statements**

Supporting statements must not exceed 150 words. The statements will be checked upon receipt. As part of our commitment to equality and diversity the University Secretary's Office will review submitted statements and biographical information for obvious errors (spelling mistakes etc.) for reference back to the candidate for agreement prior to circulation. Statements are published at the Returning Officer's discretion, and the Returning Officer will not publish any statement, or part of a statement, which they know to contain inaccurate or untruthful information; which they believe to be potentially libellous; or which they believe could subject the University to any form of legal action or regulatory intervention.

If the text exceeds the word limit, the candidate will be asked to delete or change a sufficient number of words, or a sentence, to put the statement within the required word limit before the statement is filed. In the absence of a revised statement only the first 150 words will be used to avoid unfair advantage. Potential voters will be able to view the supporting statement to help them make their decision.

## **Voting**

Those who meet the eligibility criteria for the specific election will be contacted and invited to vote.

Those eligible to participate are invited to vote based on the information provided by candidates in their supporting statement, which is included as part of the online ballot.

All votes are expected to be cast based solely on the information provided in the ballot. The same rules and procedures, and the same principle of independence applies whether an election is being held in respect of membership of the Council, Senate or any of their sub-committees.

Staff who are eligible to vote will receive the ballot by email from the University Secretary's Office, having earlier received the invitation for nominations. Those eligible to vote will be sent a reminder closer to the deadline and information will be provided via the staff website. Alternative arrangements will be sought for those without routine access to a computer.

If a person receives an invitation to vote or casts a vote, and reasonable cause exists to believe that the person is not entitled to vote the Returning Officer may, at their discretion, not count an ineligible vote.

Candidates may use their own vote to vote for themselves.

## **Uncontested Elections**

If insufficient nominations have been received to fill all vacancies at the close of nominations, a decision will be made by the Returning Officer either to extend the period for nominations if there are reasonable grounds to believe that further nominations are likely or to appoint members from those nominated as elected if unopposed.

If an election is uncontested (i.e. the number of candidates is equal to or fewer than the number of vacancies) the candidates' details will be circulated to the relevant constituency. The candidates shall be declared elected unopposed no more than seven days later (provided no objections have been lodged and upheld by the Returning Officer).

In the event that vacancies exist in the same constituency but the positions have a different length of tenure, and the election is otherwise uncontested, the tenure will be allocated by the drawing of lots as set out below regarding tied elections.

## **The Count**

Two counting officers will be nominated to check the results of the ballot after the closing date has passed, and report the outcome of the vote to the Returning Officer. Where a

number of places exist candidates will be elected in order of the number of votes they receive until the places in their constituency are filled.

If the election is contested, the candidate, or candidates, with the highest number of votes following the count will be declared elected.

In the event of a tie between two or more candidates for one vacancy, the Returning Officer will arrange for lots to be drawn by the counting officers to break the tie. The affected candidates will be notified in advance and given the opportunity to observe the drawing of lots or to nominate a representative to observe on their behalf.

Once the count has been conducted those elected will be informed.

All candidates will be notified of the results as soon as possible after the count has concluded.

### **Announcement of Results**

The Returning Officer is responsible for announcing the results of an election.

If an election is uncontested (i.e. the number of candidates is equal to or fewer than the number of vacancies) a statement of the candidates will be circulated to the relevant constituency as soon as practicable after the close of nominations, and the candidates shall be declared elected unopposed no more than seven days after the close of nominations (provided no objections have been lodged and upheld by the Returning Officer).

The announcement of election results may include the total number of votes cast, including by constituency, but not the numbers of votes cast for individual candidates. Once elected, each member of the Senate, Council or their sub-committees has equal status with all other members of the body to which they are elected and shares collective responsibility for carrying out its functions.

### **Membership of the Senate and Council and their sub-committees**

Members of Senate and Council are expected to act independently in the best interests of the University within the remit of the body to which they are elected, rather than to specifically represent the interests of a particular constituency, in accordance with the expectations of members of Council and Senate. For example, the Council Roles and Responsibilities document is clear as to the corporate nature of Council members' roles and the need to not be 'representative', notably:

*Members elected or appointed by particular constituencies may not act as if delegated by the group they represent, and may not be bound in any way by mandates given to them by others.*

Furthermore, Senate has approved a series of principles arising from the Senate Effectiveness Review, which included the principle that:

*Members of Senate must exercise independence in taking decisions on behalf of the University as a whole, rather than act as representatives of a particular constituency.*

Consequently, although members are appointed through particular constituencies democratically, members elected or appointed by particular constituencies (Faculty and Professional Services) may not act as if they are delegates, and may not be bound in any way by mandates given to them by others.

For further information about declaring and managing actual or perceived conflicts of interest, please refer to the Conflicts of Interest in Decision Making Procedure and the Standing Orders of the Council and the Senate.

### **Terms of Office**

Successful candidates will usually be elected in accordance with the applicable University Statutes and Regulations.

### **Making a Complaint**

Any complaints about the conduct of the Election or the conduct of candidates during the Election should be made to the Returning Officer. Any complaints regarding the conduct of the Election should be submitted in writing to the Returning Officer at the same address as for the delivery of nomination forms on or before the closing date for voting.

The Returning Officer shall acknowledge receipt of a complaint, conduct a preliminary review, where appropriate put the matter to a candidate for a response, decide on any complaint, notify the complainant of the outcome, and report the outcome to the Senate and/or the Council.

### **Remedy for Breach of the Election Rules**

Any complaints about the conduct of the Election or the conduct of candidates during the Election should be made to the Returning Officer, who can exclude candidates in respect of any breach of these election guidelines or suspend, postpone or nullify the election or its result in respect of any irregularity.

If any nomination is deemed to be invalid, in accordance with the composition of Senate or Council, the Returning Officer shall inform the person nominated. Any member of the electorate may challenge the validity of a nomination, within 2 days following the publication of nominations, on the grounds that it does not comply with the composition of Senate or Council. The Returning Officer shall rule on the challenge and their decision shall be final.

Candidates themselves do not canvass for votes or campaign directly or through third-parties. Third parties, either external to the University or any internally organised networks or fora, are not permitted to promote, endorse or campaign for candidates. The Returning Officer may require whatever action they deem necessary to prevent the publication or broadcast of any item that conflicts with this requirement and may determine that a failure by a candidate or associated third party to adhere to the election guidelines is sufficiently serious to harm the fair conduct of the election and parity of candidates such that the

candidate may be excluded from standing in the election or the election may be suspended, postponed or nullified.

### **The Returning Officer**

The University Secretary is the University's Returning Officer for elections to Council, Senate and their respective sub-committees and all communications related to elections and associated administration is conducted through the University's Secretary's Office.

The University Secretary, as the Returning Officer, ensures that the Election runs fairly and democratically and is responsible for upholding the rules of the Election.

The Returning Officer has specific responsibility for:

- Maintaining the Election Rules;
- Publishing the notice of the election;
- The nomination process for candidates;
- Preparing election paperwork;
- Overseeing and distribution of the ballot papers;
- Nominating counting officers and/or selecting the appropriate software or technology to receive and count the votes;
- Declaring the results;
- Ensuring the election process is as efficient and effective as possible and complies with the Statute and Regulations;
- Logging all complaints received and ensuring that they are managed in a clear, transparent and timely way;
- Making decisions about any complaints that arise during the Election.