

Bye-Law 4: Elections



Document Control		
Review Date	Changes	Version
19/05/2019	Initial Approval	V1.0
5/12/2023	Removed the Union chair from being elected by cross campus ballot.	V1.1

Bye Law 4: Elections

1. General

- a. This bye-law sets out processes and procedures for the election, appointment, resignation and dismissal of office bearers.
- b. This bye-law details the election of elected officers, including sabbatical officers as defined in Article 20 of the Union Articles of Association (the Articles).

2. Elected Positions

- a. The following positions will be elected through cross-campus ballot of all members:
 - i. **The Sabbatical Officers**
 - 1. President
 - 2. VP Education
 - 3. VP Student Development
 - 4. VP Welfare & Wellbeing
 - ii. **NUS Conference Delegates**
- b. The following positions will be elected by cross-campus elections but with restrictions as to those able to vote;
 - i. **School Officers** (elected by members of each school only)
- c. The Remits for each position are listed within bye-law 3.

3. Candidates for elected student officer positions

- a. **General Rules**
 - i. All candidates in elections must be Student Members of the Union as defined in the Articles
 - ii. All elections will be conducted by secret ballot, using the Transferable Vote System in accordance with the principles outlined by the electoral reform society.
 - iii. As stated within the Education Act 1994 no candidate may be in a paid elected role (including Sabbatical Officer) for more than two years in total, or stand in any election which would allow this to be so.
 - iv. Re-Open Nominations will be a candidate in all elections.
- b. **Terms of Office**
 - i. The Sabbatical Officers will remain in office for a term of one year commencing from the 1st July of each year. Sabbatical officers can serve a maximum of two terms. Terms can be consecutive or non-consecutive.
 - ii. Non Sabbatical Elected officer terms will begin on the 1st July of each year and conclude on the 30th June the following year

- iii. Any student officer who ceases to be a Student Member of the Union whilst in their term of office will automatically be deemed to have resigned.

c. Multiple Candidacies

- i. In General, no person should hold more than one Union position at any one time.
- ii. No candidate may stand for more than one Sabbatical Officer Position at any one time.
- iii. No person may hold the post of Sabbatical Officer and Union Chair at the same time.
- iv. For the avoidance of doubt, conference delegations are not classified as officer positions.

4. Returning Officer

- i. The Returning Officer for the Students' Union shall be an individual appointed by the National Union of Students, Scotland until otherwise determined in line with the Articles.
- ii. The Deputy Returning Officer shall be the Chief Executive of the Students' Union. The Chief Executive has the authority to delegate this position to other staff of the Students' Union as required and appropriate. In the absence of a Chief Executive, an appropriate Students' Union manager will act as Deputy Returning Officer.
- iii. The Returning Officer will certify the results of the elections after the count has taken place.

5. Administration of elections

- i. Timetables for all elections will be published on the Students' Union website including all key dates at least seven clear days prior to the opening of nominations for each election.
- ii. Candidate packs will be prepared for all positions which will include Role Descriptions for the post, expectations on candidates and office-bearers, remuneration (if applicable) and a copy of the current Election Regulations relating to the particular election.
- iii. The nomination process shall be conducted using the Union's website.
- iv. The Nomination Period for any sabbatical election shall not be less than twelve clear days and for any other election, not less than seven clear days.

6. Campaigning and Complaints

- a. All candidates and candidate supporters are subject to the Election Regulations in place for the specific election.
- b. Complaints regarding the conduct of any candidate, campaign or any other issue relating to the conduct of the election should be made using the

Elections Complaint Form provided for such complaints on the Students' Union website.

- c. Complaints will be received by the Depute Returning Officer and will be considered by the Elections Committee, who may ask for further information or evidence from the complainant before making a ruling.
- d. If a ruling by the Elections Committee results in an updating of the Election Regulations, all candidates will be informed by email of the change at the earliest opportunity.
- e. If a complainant or a Candidate is not content with the ruling of the Elections Committee they may appeal directly to the Returning Officer in writing, detailing the nature of the appeal. Contact details for the Returning Officer will be provided in all correspondence to complainants or affected candidates.
- f. In considering any appeal, the Returning Officer may require further information from the Complainant, Candidates and witnesses.
- g. The ruling of the Returning Officer on any matter is final and binding on all parties.
- h. If a candidate still feels that they have been treated unfairly in the elections process, they may refer to the University's code of practice for information on further redress.
- i. **Organising the Elections**
 - i. The Election of all the above positions shall take place in the second term.
 - ii. The Returning Officer will circulate guidance on the elections process when nominations open to all student members.
- j. **Promotion of Elections**
 - i. The Returning Officer should allocate publicity resources to each candidate within an election equally.
 - ii. The Returning Officer shall organise opportunities for candidates to be questioned on their manifestos by the student body.
- k. **Publicity & Campaigning**
 - i. No Candidates may use their own materials or finance to forward their campaign
 - ii. The use of Union facilities, offices or other rooms apart from those allocated for campaigning purposes is forbidden.
 - iii. Union & University staff will remain neutral throughout election periods.
 - iv. A Candidate is responsible for the actions of their campaign team.

7. Elections Committee

- a. The Returning Officer or their nominee is responsible for convening the Elections Committee

- b. Elections Committee will consist of four students, selected at random from the list of Student Reps at the University, none of whom should have any connection to any Candidate. Different students may be involved in hearing different complaints in the same election.
- c. Any complaints to the elections committee must be received before the count if it is to do with a candidates conduct. A complaint may only be raised after the count if it is regarding the count process itself.
- d. The remit of Elections Committee is to hear election complaints and make rulings on such complaints. They will take advice from the Depute Returning Officer.
- e. The Elections Committee has the power to apply sanctions to candidates for breaches of Bye Laws, the Articles of Association or of Election Regulations.
- f. Sanctions available to the Committee include, but are not limited to, recall of election materials, suspension of campaigning for a period of time or disqualification from the election.
- g. For sanctions short of disqualification, the ruling of the Elections Committee will be communicated to the candidate (and the complainant where possible and appropriate), as soon as possible. This communication will include information on lodging an appeal.
- h. If the recommendation of the Elections Committee is that a candidate or candidates are to be disqualified from the election, this will automatically trigger an appeal to the Returning Officer. A Candidate may waive their right to an appeal, in writing to the Returning Officer. A Candidate (or Candidates) campaigns may be suspended until the appeal can be heard by the Returning Officer but this will only be where it is deemed necessary by the Elections Committee.

8. Elected Officers Leaving Office

- a. **Sabbatical Officers can leave office if:**
 - i. They resign or die
 - ii. They are removed from office as a sabbatical officer as per Article 26.2 of the constitution
 - iii. The Board of Trustees of the Union dismisses the officer for breach of their contract of employment.
 - iv. For the avoidance of any doubt, in the event that the officer that leaves is the President or the Second Court Representative, the Board will ensure that appropriate arrangements are put in place to cover their ex-officio appointments on University committees, including their seat on the University Court, with the approval from UWS's Court Office.

b. Union Chair

- i. The Union chair can leave office if they:
- ii. Resign or die
- iii. Are removed from office as Union Chair by
 1. A motion of no confidence in the Union Chair, passed by a simple majority of the student members voting in a referendum, provided that at least 3% of the student members cast a vote in the referendum. Such a motion shall only be triggered by:
 - a. A Secure Petition signed or agreed to be at least 150 members; or
 - b. A motion of no confidence in the Union Chair passed by a two thirds majority vote of the Student Council;

9. Dealing with officer vacancies

a. Officer Vacancies

- i. If an officer leaves office during their term, the Board of Trustees shall take appropriate action to ensure that the duties of the officer are covered, either by:
 1. Allowing the runner up candidate to take over the position without a new election.
 2. The Board instructs the Returning Officer to conduct a by-election for the vacant position.
 3. Designating the responsibilities of the officer who left to one or more of the other elected officers.

Approving Body	Student Council/Board of Trustees
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