

Byelaw A: Elections

1. Purpose

This Byelaw has been established to ensure the conduct of free and fair elections, under Article 6 of the Constitution. It applies to all elections that may be conducted across the Union.

It sets out key principles and major requirements, but it also gives Board and the Returning Officer the power to develop local rules and regulations as they deem appropriate.

2. The Returning Officer & Deputy Returning Officer

The Returning Officer and Deputy Returning Officer are outlined in Article 6 of the Constitution.

For the purpose of this byelaw, reference to the Returning Officer may also include the Deputy Returning Officer, where duties have been delegated.

3. General Regulations

The Board will publish a set of election rules on an annual basis. The Elections Rules will set out:

- i. The names of the Returning Officer and Deputy Returning Officer for all elections
- ii. Eligibility to stand and vote
- iii. Process for nomination
- iv. Standards of behaviour expected by candidates and campaigners
- v. The process for casting a vote
- vi. The way that the vote will be counted
- vii. The way that the result will be declared

4. Eligibility and Nominations

The Returning Officer will publish a process for nominations to be received before each round of elections. The Returning Officer will confirm that candidates for Full-time Officer Trustee positions understand that they will also be charity trustees, and are eligible to serve, before accepting the nomination.

The Returning Officer will identify which student members are able to vote and stand in each round of elections.

All student members will be eligible to stand and vote in elections for Full-time Officer Trustees, and National Union of Student Conference delegates. Any election which has a defined electorate will be identified in the Elections Rules.

5. Campaigning

This byelaw does not create specific rules for the conduct of candidates and their campaign teams, as the Union wishes to support innovative campaigning, and does not wish to attempt to create a list which could prove limiting in future.

The Union does expect all candidates and campaign teams to behave in a way that upholds the Union's good reputation, reflects our values, and champions our equality and diversity policies.

The Elections Rules will make clear any specific requirements that arise from time to time, and the Returning Officer has the power to enforce these through the Elections Complaints Procedure.

Full-time Officer Trustees will be required to use annual leave to campaign when the ballot is open in any election in which they are a candidate.

6. Voting

All cross campus elections will use a transferrable voting system; single position elections such as Full-time Officer Trustees will use the Alternative Vote (AV), and multiple position elections such as NUS delegates will use the Single Transferrable Vote (STV). All elections will include an option to vote for the reopening of nominations (RON).

7. Vacant positions

The Returning Officer will decide the most suitable process to fill a vacant position which may arise from one of the following circumstances:

- Re-open nominations is successfully elected
- An online election fails to fill a position
- A position is unexpectedly made vacant.

The options available will be to:

- Run a by-election (online)
- Run a by-election (by a physical ballot)
- Use co-option
- Hold the position vacant until the next appropriate opportunity.

Where a sabbatical officer position becomes vacant the President and Chief Executive will consider the best opportunity to fill the vacancy and have the discretion to hold positions vacant until the next regular opportunity.

8. Election Complaints

The Returning Officer will publish an Elections Complaints Procedure, which should make clear how:

- i. Students will submit complaints
- ii. The complaint will be investigated
- iii. A sanction, if appropriate, will be determined
- iv. Appeals may be submitted
- v. Appeals will be heard

The Returning Officer has power to determine that:

- i. There has been no breach of the Elections Rules
- ii. The election should be paused, until such time as the Returning Officer is satisfied that it may continue
- iii. A candidate or group of candidates may be removed from the election entirely
- iv. A specific election may have its result set aside
- v. The election in its entirety is null and void, before any result has been declared

The Returning Officer also has the power to implement other sanctions, but these must clearly be set out in the rules and regulations approved by the Board.

After the appeal process has concluded, there is no further opportunity to contest a decision of the Returning Officer. The main Statutory Complaints Procedure (Byelaw K) will only be appropriate if there is probable cause to investigate a complaint that no confidence can be placed in the entire elections process.

9. Removal from elected office

Where an elected post-holder falls short of the standards expected of them (either through their conduct or their performance) they may be fairly removed from their position via one of the following mechanisms:

- i. A vote of no confidence
- ii. The outcome of a relevant investigation and disciplinary procedure

Members should seek guidance from the Students' Union regarding which course of action may be most appropriate for the circumstances.

- i. Vote of no confidence

As set out in article 7 of the constitution, a Sabbatical Officer or another Trustee may be removed from office via a vote of no confidence which requires a quorum of 5% of registered student members to vote, and must pass with a two thirds majority including abstentions under the First Past the Post system.

An elected committee member of a student group or a convenor of a student collective may be removed via a vote of no confidence, in which all student members of the group can vote. The requirement to call for a vote of no confidence is a simple majority of the group's committee or collective convenors, and it must pass with a two thirds majority including abstentions under the First Past the Post system.

An elected academic representative may be removed via a vote of no confidence, in which all members of the electorate which they represent can vote. The requirement to call for a vote of no confidence is a verifiable petition signed by at least 10% of the relevant electorate. It must pass with a two thirds majority including abstentions under the First Past the Post system.

- ii. Complaints and disciplinary procedures

The Union has two byelaws in place which may be used to investigate and address concerns relating to the conduct of individuals or groups of members: Byelaw K (Statutory Complaints Procedure) and Byelaw L (Members' Disciplinary Procedure).

The Board will also publish an additional Code of Conduct and associated Disciplinary Procedure for all Trustees of the Union, which will be made publicly available.

- iii. Decision by the Board of Trustees

In accordance with article 4 of the constitution, the Board of Trustees (including through chair's action) may suspend or terminate any or all rights of any member on reasonable grounds, in accordance with the code of conduct and disciplinary procedure set out in the byelaws. For the avoidance of doubt, this includes the right to stand and vote in election, and to hold elected office. The rights of student members are subject to the regulations of the College and may not be interpreted so as to conflict with them. The statutory duties of officers and committees of the Union, and any requirements of the College's Code of Practice relating to Students' Unions, shall take precedence over the rights of all members.