

NORTHUMBRIA STUDENTS' UNION BYE-LAW ELECTION REGULATIONS

(FOR SABBATICAL OFFICER POSITIONS, STUDENT COUNCIL, NUS CONFERENCE DELEGATION AND REFERENDUM)

Approved by the Board of Trustees – June 2020

GENERAL REGULATIONS AND COMPLAINTS

1. The Trustee Board shall have overall responsibility for all elections and shall be empowered to rule on any matter relating to the conduct of the elections.
2. The Trustees may delegate responsibilities for the running of the elections (sections 5 to 69 below) to Senior Leadership Team, comprising as follows;
 - a. The Sabbatical Team,
 - b. The Chief Executive,
 - c. The Director of Membership Services,
 - d. The Director of Commercial Services,
 - e. The Finance Manager.
3. The Director of Membership Services shall be Deputy Returning Officer unless Trustees determine otherwise and appoint one of the other three senior staff.
4. Director of Membership Services will form an elections operations sub-committee to oversee the elections comprised of Sabbaticals not rerunning, Representation and Democracy Manager, Marketing Manager and any other staff, students and Officers as required.
5. Trustee Board shall delegate responsibilities to hearing appeals to decisions made by the Returning Officer to an Elections Appeals Committee comprised of:
 - a. 1 Student Trustee – to be decided between themselves informally by the end of October in each year at the latest

- b. Up to 2 Sabbatical Officers not running in an election that year.
 - c. 1 Student Councillor - to be elected from amongst the members of Student Council at the second meeting of Student Council in each academic year.
 - d. 4 students who are volunteers within the Students' Union.
 - At least one student should be a postgraduate student
 - Appointment to be by application as agreed by the Trustees annually to aim to reflect the diversity of students at Northumbria.
 - e. Elections Appeals Committee will elect its own Chair from amongst its membership or can invite an Officer to chair if Officer is not running in any election overseen by Appeals Committee. A means to directly contact the Chair will be made public to all students.
 - f. A member of Union staff shall be appointed to act as clerk to the Elections Committee.
 - g. The Chief Executive of the Students' Union shall attend to support the Committee but shall not have voting rights.
 - h. Trustees will approve a terms of reference for the Appeals Committee at the start of each year covering how it should meet and make decision.
6. The elections shall be conducted by a Returning Officer who shall be appointed by the Trustee Board for each election or bye-election as it falls due in accordance with the Memorandum and Articles of Association of the Students' Union.

DECISIONS ON RULES AND APPEALS

7. The Returning Officer shall be empowered to rule on the validity of any complaints arising from the conduct of candidates during the election and on any other matters arising from these regulations.
8. The Returning Office may empower the Deputy Returning Officer to rule on the validity of any complaints as appropriate, provided the Deputy Returning Officer immediately informs the Returning Officer of those decisions.

9. All complaints about the conduct of the elections, other than the counting process should be made prior to the commencement of the count. The start of the count may be delayed in order for outstanding complaints to be addressed by the Returning Officer.
10. All complaints about the conduct of candidates or their supporters should be addressed to the Returning Officer in a form of writing agreed by the Trustees, citing the regulation that has allegedly been broken. The Returning Officer will consider all such complaints and if s/he feels it appropriate suspend the election process at whatever point it has reached pending further investigation prior to taking action in accordance with these regulations. Following further investigation, the Returning Officer shall take one or more of the following actions;
 - i. Dismiss the complaint and take no further action
 - ii. Dismiss the complaint but warn the candidate(s) in question over future conduct.
 - iii. Halt the elections for specified post(s).
 - iv. Require the elections to be re-run in accordance with such directions as s/he shall consider to be appropriate.
 - v. Uphold the complaint and if s/he believes one or more candidates have gained an electoral advantage through a breach of the regulations, or if found to have engaged in corrupt practices as outlined in 11 below, take appropriate actions including disqualification of the guilty candidate(s), restriction of campaigning privileges and other actions, subject to appeal to Elections Appeals Committee.
11. Corrupt practices shall be defined as
 - i. Giving money or making any gift in excess of a value pre-determined by the rules to or for any voter in order to procure the vote of that voter.
 - ii. Giving, providing, or paying, wholly or in part, for any

food, drink or entertainment in excess of a value pre-determined by the rules for any voter in order to procure the vote of that voter.

- iii. Giving, providing, or paying, wholly or in part, any form of alcohol in any value for any voter in order to procure the vote of that voter.
- iv. Directly, or indirectly, by her/himself, or by any other person on her/his behalf, making use of or threatening to make use of any force, violence, or restraint towards any other candidates in order to induce or compel that person to vote or refrain from campaigning.
- v. Directly, or indirectly, by her/himself, or by any other person on her/his behalf, interfering with an individual vote and/or casting it on behalf of a student in favour of one or more candidates
- vi. Directly, or indirectly, by her/himself, or by any other person on her/his behalf, making statements about candidates which run counter to the Union's equality and diversity and inclusion policies.
- vii. Falsification of any document or information that constitutes a requirement of the election procedures.
- viii. Any other serious misconduct or behaviour that undermines the conduct of the elections as determined by the Returning Officer

12. All appeals to a decision by the Returning Officer or Deputy Returning Officer should be made to the Chair of the Elections Appeals Committee. All such complaints must be shared immediately with members of that Elections Appeals Committee by e-mail and to be investigated. It is for the Elections Appeals Committee to make a decision on the appeal using their powers in 5.

13. If a member of the Elections Appeals Committee has a conflict of interest, or believes their relationship to one or more of the parties in the appeal would

give the appearance of a conflict of interest, they must state this to the other Elections Appeals Committee members and take no further part in the discussion of that appeal. If this is the Chair, they shall nominate another member of the Elections Appeals Committee to act in their stead.

14. If this reduces the number of Elections Appeals Committee able to make a decision to less than 3, that appeal must be referred to the Trustees who will act as the Elections Appeals Committee.
15. In the event of the Elections Appeals Committee finding misconduct by the Returning Officer they shall report to the Trustees making recommendations as to the action that they consider necessary to rectify the situation.
16. In the event of the Chair of Elections Appeals Committee being dissatisfied with the action of Elections Appeals Committee, they shall report to the Trustees making recommendations as to the action that they consider necessary to rectify the situation.
17. In the event of any Full Member of the Union seeking to overturn a ruling or order of the Returning Officer, they may appeal in writing to the Chair of Elections Appeals Committee before the commencement of the count

PROCEDURES

18. All elections shall be conducted in accordance with the regulations voting systems as detailed below.

TIMETABLES AND PROCEDURE

Timing of Elections

19. Senior Leadership Team will provide Trustees with an annual election timetable no later than October in term one, and in draft the end of the previous academic year.
 20. This will determine the timings of elections for all positions and others as determined by Trustees to be held by cross campus ballot in that academic year
 21. All elections will be completed by the end of the Easter Term.
 22. Elections for the NUS Conference delegation positions will be held in time to ensure the proper training of the delegation.

BYE ELECTIONS

23. Should the need arise, bye elections for elected Union positions will be held by cross campus ballot in accordance with a timetable determined by Senior Leadership Team
24. Bye-elections must be completed within 20 working days of the opening of nominations, subject to the provision for insufficient nominations outlined in section 34 below.

PROCEDURES

25. Notice of each stage of the timetable shall be given in official publicity. The above timetables shall apply save where circumstances beyond the control of the Returning Officer shall prevent their application. In such circumstances the Returning Officer shall consult with the President as Chair of Trustees (or their nominated replacement) and make alternative arrangements. All procedures shall always be conducted in term time.

ELIGIBILITY AND NOMINATIONS

Eligibility for Standing as a Candidate

26. All candidates for election shall be Full Members of the Students' Union.
27. No Full Member shall seek election for more than one post as set out in the relevant guidance document, in any set of elections. The only exception is NUS Conference Delegate which any Member can seek election to in addition to seeking election for a post.
28. Candidates for all other posts whose term of office is the following academic year to the election shall not be eligible to stand, or able to take office even if elected, unless they are reasonably expected to be eligible to enter the next year of their course or to begin a new course at Northumbria University.
29. No Full Member shall seek election to one of the sabbatical officer positions

if they have previously served two terms of office in total in any of those posts which are designated as sabbatical for the time being. See 21.3 of the Articles of Association.

30. Candidates must comply with the nomination's procedure agree by trustees. Failure to comply is grounds for disqualifying a candidate. See 31.

NOMINATIONS PROCEDURE

31. Any eligible student may nominate themselves through a process agreed by the Senior Leadership Team and reported to the trustees. Descriptions of the duties of the office to which election is sought shall be made freely available before nominations open.
32. All candidates must confirm they have read the rules prior to opening of voting.
33. For posts that are designated as sabbatical for the time being must complete and sign a copy of the Trustees' Declaration Form.
34. The elections timetable shall make provision in advance for re-opening of nominations within the election cycle should no candidates be nominated for any position to be elected. Should no candidate come forward, timetable for a by election shall be drawn by the Senior Leadership Team and reported to Trustees as soon as practically possible.
35. For each of the following activities, in addition to the requirements set out below, Senior Management Team shall be responsible for producing more detailed rules and regulations to be agreed by Trustees annually.

ANNUAL ELECTION TIMETABLE

The timetable shall, as a minimum cover the following areas:

CANDIDATES' MEETING

36. In accordance with the timetables agreed by Trustees, the Returning Officer or the Deputy will organise a meeting for all election candidates

following the close of nominations.

37. The Returning Officer or the Deputy will brief the candidates on the election regulations and outline the conduct s/he expects of the candidates throughout the election in order to comply with the regulations.

CAMPAIGNING

38. No campaigning may begin until after the candidates' meeting has taken place following the close of nominations or as set out in the elections timetable.

HUSTINGS

39. Hustings shall be arranged for Sabbatical Officer elections and any other elections to the Trustee Board in accordance with the format and timetable agreed by Trustees annually.

VOTING

Voting Times

40. Voting shall be organised for all elections in accordance with the timetable agreed by Trustees annually.
41. The Returning Officer shall confirm voting times proposed by Trustees.

BALLOT PAPERS

42. Each ballot paper shall carry the title of the post for which the election is being held.
43. Names of the candidates shall appear randomised on the electronic voting paper.

VOTING PROCEDURES

44. Detailed rules and regulations will be determined by Senior Leadership Team and agreed by Trustees annually.

POSTAL VOTING

45. Detailed rules and regulations will be determined by Senior Leadership Team and agreed by Trustees annually.

VOTING METHODS

46. Single vacancy elections shall be conducted under the Alternative Voting System, and counted according to the process outlined in 49-54 below by use of electronic voting and counting methods.
47. Multi vacancy elections shall be conducted under the Single Transferable Voting System and counted in accordance with rules laid down by the Electoral Reform Society.

COUNTING

48. Counting shall take place as soon after the close of voting as is practicable and the result declared at the end of the count.
49. The Returning Officer shall appoint counting staff as appropriate.
50. The Returning Officer is responsible for the conduct of the count.
51. Complaints about the conduct of the count should be made to Returning Officer who may order the process to be suspended whilst the complaint is considered. The Returning Officer shall follow the process outlined in paragraph 7 and onwards above in considering complaints relating to the count.
52. In the event of a dispute concerning the conduct of the count the Returning Officer may alternatively order an independent body suitably qualified to conduct the count.
53. "Re-Open Nominations" shall be considered as a candidate for

counting purposes. No other candidate will be elected unless s/he obtains a vote higher than "Re-Open Nominations".

POSTING OF RESULTS

54. The election results shall be posted within the Union and on its website directly after the election and as soon as possible thereafter.
55. In the case of single seat elections the final number of votes accorded to each candidate before elimination or election shall be posted.
56. In the case of multi-seat elections the number of the stage at which each candidate was elected for winning candidates shall be posted.

TERMS OF OFFICE

57. Sabbatical Officers shall take up office on the first Monday in July and serve for a period of 52 weeks until the last Friday in June the following year. This date can be amended by Trustees through a resolution of the Board provided that the term of office is always 52 weeks.
58. Those elected to the delegation to the National Conference of the National Union of Students of the United Kingdom shall take office on the day following the declaration of the results and relinquish office on the day following the end of the conference to which they are elected.
59. The election for the post of President shall include delegate status to N.U.S. Annual Conference for the year of Office of that President. No other Sabbatical or Trustee Board position shall hold ex-officio delegate status.
60. If held concurrently candidates standing for the post of President shall be eligible to enter the general ballot for the remaining N.U.S. Conference delegation places to be filled that year.
61. Those elected to any post designated as trustee shall be required to sign and complete a document detailing the full terms of office as

approved by the Trustee Board.

62. The Returning Officer shall be empowered to countersign the terms of office document of the candidates declared elected for each sabbatical post on behalf of the Union. The document shall be subordinate to and be deemed to incorporate all the relevant provisions of the Ordinance & Regulations.
63. Notwithstanding the normal period of office any officer or member of a delegation shall be deemed to have relinquished office if s/he:
 - a. Submits a resignation in writing to the President.
 - b. Fails to attend more than two consecutive meetings of any committee of which s/he is a member without written apologies acceptable to the meeting.
 - c. Ceases to be a Full Member of the Union or an enrolled student of Northumbria University.
 - d. Is the subject of a motion of no confidence passed in accordance within the relevant bye-law.
64. In the case of a Trustee or delegation member relinquishing office, the President shall organise a Bye Election in accordance with the timetable set out in sections 23-24 above.