



EDINBURGH NAPIER UNIVERSITY

ELECTION REGULATIONS

The following regulations make provision for the appointment by election to positions on the Court of Edinburgh Napier University and the Academic Board of Edinburgh Napier University.

The regulations are arranged in three sections:

Section A: Election of Chair of Court (Senior Lay Member)

Section B: Elections to the University Court

Section C: Elections to the Academic Board

Section D: Role and Powers of Returning Officer

In the case of doubt, the appropriate provisions of the Higher Education Governance (Scotland) Act 2016, the University's Order of Council and Court's Standing Orders take precedence over these regulations.

The Returning Officer will be responsible for administering the elections covered by these regulations. The role and powers of the Returning Officer are set out in section D.

Section A

Election of Chair of Court (Senior Lay Member)

Background and Eligibility to Stand

1. The constitution of the Court of Edinburgh Napier University is designated in the Edinburgh Napier University Amendment Order of Council 2018 and incorporates the position of senior lay member (referred to as Chair of Court) as required under section 1 of the Higher Education Governance (Scotland) Act 2016 (the 2016 Act).
2. When an election requires to be arranged in accordance with the provisions for the appointment of the position of senior lay member as prescribed under the 2016 Act (i.e. when two or more applicants, having applied to the advertised position of senior lay member (Chair of Court), have satisfied the Nominations Committee at interview that they meet the advertised criteria devised by the Nominations Committee and have confirmed their intention to stand), the following regulations shall apply.

Eligibility to Vote

3. The following are eligible to vote in an election for the position of senior lay member (Chair of Court):
 - I. All members of the Court of Edinburgh Napier University
 - II. All staff of Edinburgh Napier University holding contracts of employment
 - III. All currently matriculated Edinburgh Napier University students
 - IV. Any full time sabbatical officer of the Edinburgh Napier Students' Association.

Campaigning

4. Candidates for the position of senior lay member (Chair of Court) will be invited to provide a campaign statement in support of their candidacy by a specified date which the University will publicise in equal measure by appropriate means to the eligible voters detailed above during the period of the election. The expense of the provision of this campaign publicity will be met by the University and will constitute the limit of candidates' campaign expenses payable by the governing body (Court).

Election Process and result

5. Following the expiry of the deadline set for the submission of campaign statements, the election ballot will be open for a period of seven calendar days.
6. No individual is entitled to cast more than one vote in the election.
7. Each vote cast in the election carries equal weight.
8. The election is won by the candidate who secures a simple majority of the votes cast.
9. In the event of a tie between two or more candidates for the highest number of votes cast, the Returning Officer will decide the result by Lot.
10. The winning candidate is deemed appointed to the position of senior lay member (Chair of Court) by the governing body (Court).
11. Rules regarding the period of appointment are prescribed in Court's Standing Orders. The appointment will commence at the first Court meeting following the appointment.
12. As prescribed by the 2016 Act, if the number of candidates in the election falls below two after the process has begun, the election will be postponed until it can be held again with more than one candidate standing. The remaining candidate continues to be entitled to stand.

Section B

Elections to the University Court

Background

1. The Constitution of University Court is designated in the Edinburgh Napier University Amendment Order of Council 2018.
2. There is provision for three elected staff members as follows:
 - One member elected by the Academic Board from the members of the academic staff of the University who are members of that Board

- Two persons appointed by being elected by the staff of the University from among their own number. Court has determined that these shall comprise:
 - One member elected by and from the academic staff of the University;
 - One member elected by and from the non-academic staff of the University.
3. Persons elected to these positions will serve an initial term of four years; at the end of which a further election shall be held. The incumbent shall be eligible to stand for re-election and may serve as a member for a maximum of two four-year terms in total.
 4. In the event that vacancies occur, elections shall be held as early as practicable.

Eligibility to participate

5. 'Participation' is defined as: to stand as a candidate; to propose or second a candidate; to vote in any election.
6. To be eligible to participate in elections, staff must be in post during the period of the election; and be employed under contracts that are either full time or part time, and be considered permanent or fixed term.
7. Staff holding academic contracts or research contracts can participate only in elections for the academic position; and staff holding non-academic contracts can participate only in elections for the non-academic position.
8. Only members of Academic Board, who are members of academic staff may stand as a candidate in the election for the Academic Board position. All members of Academic Board are eligible to propose, second and to vote in the election.

Nomination Process

9. The Returning Officer shall issue a 'call for nominations', setting a period of at least 10 working days for valid nominations to be submitted.
10. Prospective candidates must return the prescribed nomination form within the given timescale. Nominations shall only be valid where they contain the signatures of the candidate, the proposer and the seconder.
11. Prospective candidates are requested to provide a statement in support of their candidacy, either with their nomination form, or by the close of nominations. This will be publicised to the electorate in the event of an election contest. Guidance for candidate supporting statements is available on the [Governance Intranet Site](#).
12. No candidate may propose or second themselves. No proposer may also second the same candidate.
13. No person may propose or second more than one candidate.

14. If no valid nominations are received for any vacancy, a further election will be held at an appropriate time.

Election Process and result

15. Where there is only one eligible candidate for a vacant position that individual will be deemed to be elected.
16. Should there be more than one eligible candidate for any vacant position; an election contest shall be held. Details will be made available to all eligible voters to facilitate their participation.
17. Ballots will normally be conducted under the 'Instant Run-off' method of preferential voting.
18. The election ballot will be open for a period of seven calendar days.
19. Only eligible staff (as defined in Sections 6 – 8) may vote.
20. Candidates shall be informed of the outcome as soon as is practicable.
21. The outcome will be publicised at the earliest opportunity after the ballot closes.
22. The successful candidate in the Election shall assume membership of the University Court from 1st August, or at the first meeting of Court following their election if a vacancy has arisen mid-year.

Section C

Elections to the Academic Board

Background

1. The Constitution of Academic Board makes provision for elected members, currently as follows:
 - Two members of academic staff elected by and from each School (12)
 - Two members elected by and from the Professoriate (2)
 - Two members elected by and from the School Academic Leads for Learning & Teaching (2)
 - Two members elected by and from the School Academic Leads for Research (2)
 - Two members elected by and from the School Academic Leads for Quality Enhancement (2)
2. Persons elected to these positions are eligible to serve on Academic Board for a period not exceeding four years; at which time a further election shall be held. The incumbent shall be eligible to stand for re-election.

3. In the event that vacancies occur, elections shall be held at the earliest practicable point.

Eligibility to participate

4. 'Participation' is defined as: to stand as a candidate; to propose or second a candidate; to vote in any election.
5. To be eligible to participate in elections, staff must: be in post during the period of the election; be employed under permanent or fixed-term academic or research contracts, either full time or part time.
6. Staff may participate in elections for any and all of the relevant position(s) in their School, or any other category for which they are eligible.¹
7. *Ex-officio* members of the Academic Board are not eligible to participate in elections for any category of elected membership.

Nomination Process

8. The Returning Officer shall issue a 'call for nominations', setting a period of at least 10 working days for valid nominations to be submitted.
9. Prospective candidates must return the prescribed nomination form within the given timescale. Nominations shall only be valid where they contain the signatures of the candidate, the proposer and the seconder.
10. A nomination form is not required for candidates in the School Academic Lead category who may also self-nominate.
11. With the exception of 10 above, no candidate may propose or second themselves. No proposer may also second the same candidate.
12. No person may propose or second more than one candidate.
13. If no valid nominations are received for any vacancy, a further election will be held at an appropriate time.

Election Process and result

14. Where there is only one eligible candidate for a vacant position that individual will be deemed to be elected
15. Should there be more candidates than vacant positions an election contest will be held. Details will be sent to all eligible voters to facilitate their participation.

¹ E.g. whilst only professors may stand or vote in any election for the member drawn from the Professoriate, a professor may participate in a contest in a particular school of which s/he is a member of academic staff.

16. Candidates in an election contest are requested to provide a statement in support of their candidacy. This will be publicised to the electorate along with the invitation to vote in the election contest. Guidance for candidate supporting statements is available on the [Governance Intranet Site](#).
17. Ballots will normally be conducted online under the 'Instant Run-off' method of preferential voting.
18. The election ballot will be open for a period of seven calendar days.
19. Staff may only vote for the relevant position(s) in their school, or any other category for which they are eligible.
20. Candidates shall be informed of the outcome as soon as is practicable.
21. The outcome will be publicised at the earliest opportunity after the ballot closes.
22. The successful candidate shall assume membership of the Academic Board at its next meeting following their election.

Section D

Role and Powers of Returning Officer

1. The Returning Officer, who shall be responsible for administering elections under these regulations, shall be the Secretary to Court or their nominee.
2. The Returning Officer shall have the power to determine on, and where necessary correct, procedural errors that arise in connection with the election process and to remedy actions which breach the regulations.
3. The Returning Officer shall have the power to refuse publication of election statements which may be considered discriminatory, harassing, defamatory, misleading, deceptive or otherwise unlawful.
4. In serious cases where election regulations have been breached and the potential remedy may include decisions such as the disqualification of a candidate or the voiding and re-running of an election, the Returning Officer will take such decisions in consultation with the Vice-Chair of Court.

**Approved by University Court
18 June 2018**