



# Queen Margaret University

EDINBURGH

## **Regulations for the Election and Appointment of the Chair of the University Court**

### **Chair of the University Court**

- 1 The regulations set out in this document relate to the election and appointment of the Chair of the University Court, as provided for in the Queen Margaret University, Edinburgh (Scotland) Amendment Order of Council 2019.
- 2 The Chair is to be appointed in accordance with sections 3 to 8 of the Higher Education Governance (Scotland) Act 2016, and through an appointment process prescribed by the University Court. These regulations are supplementary to the provisions for appointment set out in Section 11 of the Standing Orders of the University Court, and approved by the University Court on 26 June 2019.
- 3 The appointment of the Chair is conducted in three stages:
  - 1 Open advertisement and application.
  - 2 Shortlisting and Interview.
  - 3 Election.
- 4 The regulations set out below provide the basis for communication to students, staff, Court members, applicants and candidates of the appointment process.

### **Notice of a Vacancy and appointment of an appointing Committee**

- 5 Where a vacancy arises in the position of Chair of the University Court, the Court shall establish an appointing committee in the form of the University Nominations Committee. The appointing committee shall fill the position of Chair of Court under the following arrangements, as agreed by the University Court and set out in the Standing Orders of the Court at Section 11.
- 6 The Nominations Committee shall be constituted as set out in its terms of reference, such membership to include three lay members of the Court, the Principal, one staff member and one student member. Only persons who have declared that they are not seeking candidacy for the vacancy may be in membership of the appointing committee. The Court shall ensure that there is an appropriate balance of membership of the committee in terms of accepted equality and diversity principles.
- 7 The appointing committee shall normally be chaired by the Vice-Chair of Court, unless that person seeks to be considered for the role of Chair, in which case, the Court shall decide who, from among its lay members and from those who do not wish to be considered for the role, shall chair the committee.
- 8 The sitting Chair of Court shall take no part in the selection process for the new Chair, and shall absent him or herself from any discussion.

## **Role of the appointing committee**

- 9 The appointing committee established shall have responsibility for:
- a) Devising the relevant criteria with respect to the position of Chair of Court, which must include the availability, skills and knowledge that the appointing committee considers necessary or desirable to exercise the functions of Chair of Court, and to command the trust and respect of other members of the Court, of the members of the Senate and of the staff and students of the University.
  - b) Ensuring the efficiency and fairness of the process for filling the position of Chair of Court.
  - c) Publishing anonymised data relating to the protected characteristics, as listed in section 149(7) of the Equality Act of 2010, of the applicants, the applicants invited to interview and the applicants entitled to stand as candidates in an election for the position following such interview.
  - d) Advertising the vacancy widely in a manner suitable for bringing the vacancy to the attention of a broad range of persons, and in accordance with the requirements set out in section 4 of the Higher Education Governance (Scotland) Act 2016.
  - e) Interviewing those applicants who appear to the committee to meet the relevant criteria for the position.
  - f) Declaring whether those applicants who have been so interviewed have satisfactorily demonstrated that they meet the relevant criteria.
- 10 Members of the Committee may not endorse candidates in the election.

## **Period of Office**

- 11 The candidate who wins the election shall be appointed as Chair for a period of three years.
- 12 This period may be extended by the University Court for up to a further 3 years on the recommendation of the Nominations Committee, such committee to be chaired by the Vice-Chair. Such re-appointment shall be without recourse to further election. During consideration of any re-appointment, the Chair, if in membership of the Nominations Committee, shall not participate in any decision.

## **Eligibility for Appointment to the Chair**

- 13 Existing lay members of Court shall be eligible to apply to be appointed as Chair.
- 14 Students or members of staff of the University shall be ineligible to be appointed as Chair, and no former member of staff or student shall be eligible to be appointed as Chair until 5 years have elapsed from the point at which that person ceased to be a member of staff or a student at the University.
- 15 Members of Court are charity trustees. Applicants seeking appointment to the role of Chair must not be disqualified from serving as a charity trustee under the Charities and Trustee Investments Act (Scotland) 2005, and will be asked to make a formal declaration of this.
- 16 The Chair of Court must not have any unspent criminal convictions that may have an impact on her/his ability to fulfil the requirements of the role. This includes any unspent conviction for an offence involving dishonesty or an offence under the Charities and Trustee Investment (Scotland) Act 2005.
- 17 Applicants must declare any current or previous involvement in activities, organisations and/or financial affairs (including personal/professional bankruptcy proceedings) which may have had, or be deemed to have the potential to have, an adverse impact upon the University's reputation.

- 18 The Chair may hold membership of a political party or organisation, but may not hold an elected political office during the term of appointment and may not hold a senior position with any other higher education institution.
- 19 The person appointed will be required to disclose their interests on a publicly available register of interests.

### **Shortlisting and Interview**

- 20 Applicants who are invited to interview shall also be invited to meet with the Principal and members of senior management, with staff and with students. Each of these groups shall provide comments to the appointing committee such as to enable the committee to determine whether an applicant has satisfactorily demonstrated that they meet the relevant criteria for the position.

### **Candidates for Election**

- 21 Applicants who have satisfactorily demonstrated to the appointing committee that they meet the relevant criteria shall be entitled to stand as candidates in an election for the position of Chair of Court.
- 22 An election shall take place only in the event that there are two or more candidates that have confirmed an intention to stand as a candidate in the election.
- 23 In the event that there is only one candidate, the election shall be postponed until a new appointment process can be commenced. Such election shall be commenced by the same appointing committee. If there remains a candidate, they shall be entitled to stand as a candidate for election without further interview.

### **Reimbursement of Expenses**

- 24 The Court shall offer every applicant for the position reimbursement of reasonable expenses that are incurred by the applicant in attending such an interview.
- 25 The Court shall offer every candidate in the election reimbursement of reasonable expenses that are incurred by the candidate in campaigning in the election in line with the University's Travel Expenses policy up to a maximum of £500 per candidate.

### **Returning Officer**

- 26 The University Secretary shall act as the Returning Officer for an election for the Chair of Court.
- 27 If the Secretary is unavailable, or the position of Secretary is vacant, the Court will appoint a Returning Officer. The Returning Officer will be responsible for managing the electoral process, including arranging the announcement of candidates and their election statements, identifying an appropriate qualifying date for the determination of those eligible to vote in the election; arrangements for voting and the electoral roll, the application of the election rules therein, including with regard to the content of election statements, considering complaints raised in relation to the conduct of campaigning and the election itself, and imposing appropriate remedy.

## Voting Arrangements

- 28 The election shall be conducted through electronic voting via a secure online voting system administered by election management experts appointed by the University. Each member of the relevant constituency shall be issued by e-mail a notice of the ballot, a link to the election statements of the candidates and instructions on how to cast their vote. Names on the ballot will include only their first/given name (or name known by) and surname/family name. Where a member of the electorate is unable to vote electronically, the University will, if requested, make reasonable arrangements for the elector to have access to facilities to cast their vote, in a manner and timeframe approved by the Returning Officer.
- 29 The Appointing Committee will determine the dates of the election period, but any such date will be during recognised semester dates, and outwith examination periods. Where a change of circumstances occurs which in the opinion of the Returning Officer renders the voting period insufficient to enable a representative vote to be obtained under the special conditions ruling at the time, the Appointing Committee may agree to extend the said voting periods as it considers necessary.
- 30 The period from announcement of candidates to close of voting will extend to a maximum of 15 working days. A timetable for election will be as follows:
- Day 1: Public Announcement of candidates and circulation of election statements to the electorate
  - Day 6: Open Meeting organised by the University
  - Day 7: 9am – online voting opens
  - Day 13: 5pm – online voting closes
  - Day 14: Declaration of Result
- 31 Each candidate shall be entitled to provide a photograph and election communication of not more than 1000 words which will be made available to the electorate by the University.
- Candidates may attend an Open Meeting organised by the University before an audience of students, staff and members of Court, at which candidates will be expected to address the audience and answer questions. This will be available to view online until voting closes.
- 32 The University will arrange the distribution of election communication and will publicise such communication in equal measure by appropriate means to the eligible voters detailed below. The distribution of any other campaign materials whether in electronic or hard-copy format is not permitted.
- 33 Candidates may have only one website presence for the purpose of any campaign. Candidates may not use pre-existing websites for the promotion of their campaign. Candidates may utilise personal Social Media platforms for the promotion of their campaign, but University social media channels may not be used.
- 34 The Open Meeting will take place in accordance with the timetable set out above and will be overseen by the Returning Officer (or any deputy appointed by the Returning Officer). Every effort will be made to ensure the venue for the Open Meeting is accessible. The University may decide to hold more than one Open Meeting as appropriate.
- 35 Candidates will not have access to the electorate other than via:
1. The election statement distributed by the University on behalf of the candidates; and
  2. The “Open Meeting”.
- 36 Candidates are not permitted access to the email addresses of electors.
- 37 Official endorsements of candidates by any organisation, or by individuals representing or perceived to be representing, any organisation are not permitted. Specifically this includes endorsements by the

University or by any of its constituent parts (whether Schools, Divisions or other units and centres), by any of the recognised campus unions or similar organisations, by the Students' Union or by members of Court.

- 38 Use of pre-existing e-mail, phone or mailing group/ lists by candidates for the purpose of promoting a candidate's campaign is not permitted. Harvesting of data from any such lists for campaign purposes is also not permitted.
- 39 A breach of these rules may result in the disqualification of a candidate by the Returning Officer. All complaints should be directed to the Returning Officer.

### **Eligibility to Vote**

- 40 Those eligible to vote in the election shall be the:
- students of the University;
  - members of the staff of the University;
  - members of the University Court, and
  - Sabbatical Officers of the Student Union.
- 41 "*The students of the University*" will mean any student matriculated as a student of Queen Margaret University, and any person holding sabbatical office in the Students' Union. A matriculated student means any individual who is registered as a student with the University, or studying for an award of University, and reported as such to the Higher Education Statistical Agency (HESA). A student must have current matriculated status at the census date for the election.
- 42 "*The staff of the University*" will mean any person employed on Professional Services, Senior Management, Academic or Professorial terms and conditions of employment, including permanent employees or those on fixed term contracts, either part-time or full-time as at the census date.
- 43 Individuals who fall within the definition of both "*staff of the institution*" and "*student of the institution*" will have one vote only, and their primary association with the University will determine how they are categorised for voting purposes. Where one individual has two staff roles within the University, they will have one vote permitted. Where the primary association is disputed, the Secretary to Court will determine the primary association.
- 44 Members of the Court of the University who are "*staff of the institution*" or a "*student of the institution*" will only have one vote and will be categorised as either "staff of the institution" and a "student of the institution" for voting purposes.
- 45 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.
- 46 No individual is entitled to cast more than one vote in the election.
- 47 Each vote cast in the election carries equal weight.
- 48 The candidate who secures the highest number of the total number of votes cast shall be declared the winner. In the event of a tie between two or more candidates, the winner shall be determined by lot in a manner to be decided by the Returning Officer. Candidates will be invited to attend the declaration of the result or, in their absence, to send a person as their representative, should they wish to do so.
- 49 The validity of any election shall not be affected by any defect in the procedure in carrying out such an election or infringement of these Election Rules unless:-

- (i) on the application of a candidate or an individual designated as a candidate's representative made to the Returning Officer, or
- (ii) at the instigation of the Returning Officer where she/he becomes aware of such a potential defect in the procedure or any potential infringement of these Election Rules, and after due enquiry, considers that a defect or infringement has had or may have an adverse impact on a fair and free election.

In those circumstances the Returning Officer will make such arrangements and/or apply such sanctions as the Returning Officer considers reasonable and proportionate to remedy and/or to provide redress for the harm caused by the procedural defect or infringement of these Election Rules. Such arrangements and sanctions may include, but are not limited to, permitting all or some candidates to provide additional materials to the electorate, pausing or suspending the election, extending the election period, rescheduling the election, rejecting campaign expense claims, disqualifying candidates and/or declaring the election to be invalid.

- 50 Any appeal against the decision of the Returning Officer will be considered in the first instance by the Convener of the Appointing Committee appointed by the Court to oversee the election process who may rule on the appeal or choose to refer the matter for decision by the Appointing Committee.
- 51 Such appeals must be submitted in writing to the Chair of the Appointing Committee within 48 hours of the decision having been made. Appeals will only be considered on the grounds of procedure or prejudice. The decision of the Appointing Committee will be final and there shall be no further route of appeal.

#### **Arrangements during a vacancy caused by a delay in the electoral process**

- 52 Under normal election arrangements, an appointment to the role of Chair will be made in time to enable a brief induction period prior to taking office. However, in the event that insufficient candidates are identified or candidates withdraw before the election leaving only a single candidate or in the event that the election is declared null and void and requires to be re-run, it is possible that the term of office of an incumbent Chair may cease before a successor is appointed. In these circumstances, the Vice Chair of Court will act as Chair until such time as a new Chair is appointed.

#### **Remuneration and Terms of Appointment**

- 54 On appointment, the Chair may request the payment of such remuneration as the Court has previously agreed and as set out in the advertised particulars for the role.
- 55 The Chair is entitled to the reimbursement of reasonable expenses incurred in carrying out the role in the same way as other members of Court. Guidance on the reimbursement of expenses for Court members is contained within the Court Handbook, a copy of which will be provided to the Chair on appointment.
- 56 The person elected shall be subject to the Court's terms and conditions of appointment, and regulate his or her conduct in accordance with the highest standards of governance, as set out in the University Court's Code of Conduct, adherence to which is part of the terms of the appointment of all members of Court.
- 57 In accordance with the Higher Education Governance (Scotland) Act 2016 (and the Scottish Code of Good HE Governance) a Policy and Procedure for the Removal of Members of Court (including the Chair) is in place to address circumstances where a member has materially breached their conditions of appointment.

Approved by Court on 2 October 2019