

## THE GENERAL COUNCIL OF THE UNIVERSITY OF EDINBURGH

### REGULATIONS FOR GENERAL COUNCIL ELECTIONS

The 'Constitutional Arrangements for the Working of the University of Edinburgh General Council and its Business Committee', referred to here, for brevity, as 'the Constitution', sets out the procedures specified in Ordinance No. 214, of the University of Edinburgh for the election of Chancellor. The Constitution also sets out the procedures for election of members of the Business Committee. The relevant procedures so far as they relate to the Chancellor are detailed in Part I of these Regulations, for members of the Business Committee in Part II, and for the election of the Convener and Vice-convener of the Business Committee in Part III. The text in italics is cited directly from the legislation.

#### PART I: ELECTION OF CHANCELLOR

- 1.1 The Universities (Scotland) Act 1858, revised to 31 August 1978, provides by Section 2 as follows:
2. *"The Chancellor of each of the Universities of St. Andrew's (sic), Glasgow, and Aberdeen shall be elected by the other members of the general council hereinafter mentioned; and in time coming there shall be a Chancellor of the University of Edinburgh, to be elected in like manner: ... the Chancellor of each of the said Universities shall hold his office for life; the Chancellor in each University shall have power to appoint a Vice-Chancellor, who may in the absence of the Chancellor discharge his office in so far as regards conferring degrees, but in no other respect."*
- 1.2 Ordinance No. 214: Election of Chancellor and Chairing of General Council Meetings, provides the following procedure for the election of a Chancellor:

#### *"Election of a Chancellor*

- 2.(1) *The Chancellor shall be elected for life by members of the General Council whose details are contained within the General Council Register by means of a single transferable vote system. The election shall be conducted in accordance with this Ordinance and arrangements determined from time to time by the Business Committee of the General Council.*
- (2) *When a vacancy occurs in the office of Chancellor, the Business Committee of the General Council shall fix the date by which nominations for a successor shall be received, hereinafter called the nomination day, such date to be not fewer than 90 days from the date of the vacancy. The Secretary of the General Council shall intimate the nomination day and the conditions for the nomination of candidates in accordance with the arrangements determined from time to time by the Business Committee of the General Council. No person who is a member of staff of the University of Edinburgh or who is a matriculated student of the University of Edinburgh shall be eligible for*

*nomination for election as Chancellor.*

- (3) *The result of the election shall be transmitted to the Secretary of the University Court as soon as it is established and the said Secretary shall disseminate the said result within the University."*

1.3 In accordance with paragraph (2) detailed above the General Council has approved the following additional procedures for the nomination and election of candidates:

- (1) *The Secretary of the General Council shall, by advertisement in The Scotsman newspaper, or any other appropriate daily newspaper published in Scotland and circulating in Edinburgh, intimate the nomination day and state the conditions for the nomination of candidates. There shall be at least 21 days between the date such advertisement appears in the public press and the nomination day.*
- (2) *Each nomination shall be made by a proposer and a seconder, both of whom are members of the General Council, in writing in the form of Schedule A attached, and shall be delivered to the Secretary of the General Council by the nomination day. Along with the nomination paper there shall be delivered to the Secretary a written statement in the form of Schedule B attached, signed by the candidate intimating consent to such nomination, or in the event of the candidate being outwith the United Kingdom other evidence of the candidate's consent. The proposer and seconder of any candidate may submit along with the nomination paper and statement of consent a statement of not more than 250 words about the candidate.*
- (3) *If a nominated candidate dies, or withdraws due to the onset of serious illness, and intimation of such death or withdrawal is received by the Secretary of the General Council during the period within which nominations may be submitted, hereinafter called the nomination period, the Secretary shall extend the nomination period for 14 days, such extension to be advertised in the public press as aforesaid and to be intimated to any nominated candidates and to their proposers and seconders. Such withdrawal due to the onset of serious illness shall be intimated to the Secretary in writing over the signature of the candidate or of the candidate's proposer and seconder.*
- (4) *In the event of there being more than one nomination, the Secretary of the General Council shall, on expiry of the nomination period, intimate through the post to each candidate and to each candidate's proposer and seconder the names and designations of all the candidates nominated, together with the names and designations of their proposers and seconders. During the period of 14 days after the expiry of the nomination period, it shall be in order for a candidate to withdraw, or for any candidate's proposer and seconder to withdraw the nomination of that candidate, and such withdrawal shall be intimated to the Secretary in writing over the signature of the candidate or of the candidate's proposer and seconder, as the case may be.*
- (5) *If, after the expiry of the nomination period, only one valid nomination shall have*

- been received, or if after the expiry of 14 days from the end of the nomination period only one valid nomination remains, there having been more than one valid nomination, such candidate shall be held to have been elected, and a notice of such effect shall be given by the Secretary of the General Council in the public press as aforesaid.*
- (6) *Following the expiry of 14 days from the end of the nomination period, the Secretary of the General Council shall, in the event of there being more than one nomination, intimate by advertisement in the public press as aforesaid the names and designations of the candidates along with the names of the proposers and seconders, and the date of the polling day by which votes require to be lodged. Such polling day shall be 76 days after the expiry of the nomination period.*
- (7) *When a poll is to be taken, the Secretary of the General Council shall not less than 42 clear days before the polling day issue through the post to all members of the Council with addresses in the General Council Register who have previously requested a postal vote, letters of intimation and voting papers in the forms of Schedules C and D attached. Along with the letters of intimation and the voting papers the Secretary shall send statements about the candidates provided by proposers and seconders as aforesaid. All other members of Council will receive this intimation and statements about the candidates provided by proposers and seconders as aforesaid by email. The Secretary shall make arrangements for a ballot paper to be available electronically to all members of the General Council who have opted to vote using this method. In case any member not disqualified from voting and who has elected to receive a postal vote fails to receive a voting paper, it shall be in the power of such member to make a declaration to this effect to the Secretary. On such application being made the Secretary shall forthwith issue, through the post, a voting paper. The cost of distributing said communications either by post or electronically is to be borne by the University.*
- (8) *If on any occasion when a poll is to be taken, and before voting papers have been issued, there has been a change of circumstances which in the opinion of the Business Committee would make the periods for the issue and return of voting papers by post or electronically insufficient to enable a representative vote of the members of Council to be obtained under the special conditions ruling at the time, the Business Committee may extend the said periods as it may deem advisable, provided that the limit of time for receiving back the voting papers shall in no case exceed 100 days after the expiry of the nomination period. Such extension shall be advertised in the public press as aforesaid and intimated to any nominated candidates and to their proposers and seconders.*
- (9) *If a candidate dies, or withdraws due to the onset of serious illness, and intimation of such death or withdrawal is received by the Secretary of the General Council after the expiry of the nomination period but before the declaration of the result of the poll, the election shall be void, and a new election shall be held in terms of this Regulation. Such withdrawal due to the onset of serious illness shall be intimated to the Secretary in writing over the signature of the candidate or of the candidate's proposer and seconder.*
- (10) *The method of election shall be by the Single Transferable Voting System and the*

*counting of the votes shall be in accordance with the regulations of the Electoral Reform Society in force when the nomination day is fixed. No vote shall be reckoned in an election unless it is recorded on a voting paper issued by the Secretary of the General Council, and unless it has been returned to the Secretary within the time limit, signed by the member to whom the voting paper has been issued or using the protocol for the return of ballot papers electronically as agreed from time to time by the Business Committee.*

- (11) *Any candidate, an agent nominated by any candidate, and the proposer and seconder of any candidate shall be entitled to attend with the Secretary of the General Council at the opening of the voting papers, at the count of the votes and at the declaration of the result of the election, but only one of those so entitled to attend shall have the right at any one time on behalf of the respective candidates to scrutinise the voting papers.*
- (12) *The result of the election shall be transmitted to the Secretary of the University Court as soon as it is established, and a copy of such intimation shall be affixed by the said Secretary in some patent place in the University. Intimation shall also be made in the public press as aforesaid by the Secretary of the General Council.*

- 1.4 Ordinance 214 provides in paragraphs 3 and 4 the following conditions relating to the validity of elections for the office of Chancellor and for General Council Assessors and a procedure to be followed if the Chair of a meeting of the General Council or the Secretary of the General Council is incapacitated.

*“Validity of an election*

3. *The validity of any election held in terms of this Ordinance shall not be affected by any defect in the procedure carrying out such election unless on the application of a candidate or a candidate’s proposer or seconder made to the Secretary of the General Council prior to the result of the election being declared, the Convener or Acting Convener of the Business Committee of the General Council shall after due enquiry declare the election invalid.*

*Incapacity of Chair or Secretary*

4. *If the Chair of a meeting or the Secretary of the General Council is incapacitated by illness or otherwise from discharging the duties in reference to an election imposed by this Ordinance, or if the office of Secretary becomes vacant, the University Court in the case of the Chair of the meeting, and the Business Committee or other principal Committee of the General Council in the case of the Secretary, shall appoint a person to discharge such duties and the person so appointed shall, so far as the purposes of the election are concerned, act as, and be deemed to be, Chair of the meeting or Secretary, as the case may be.”*

## PART II: ELECTION OF MEMBERS OF THE BUSINESS COMMITTEE

The procedures for the election of members of the Business Committee are detailed below:

- (1) In the ordinary course and rotation, members of the Business Committee, who shall be members of the Council, shall be elected by the Council annually by ballot the result of which shall be declared at the first statutory half-yearly meeting held in the year of election.
- (2) When an election to the office of member of the Business Committee in the ordinary course and rotation is due to take place at a first statutory half-yearly meeting in any year, the Secretary of the Council shall intimate the election in the Billet for the second statutory half-yearly meeting in the previous year and shall request members of the Council to lodge nominations with the said Secretary not later than 80 days before the date of the meeting at which the election is to take place.
- (3) A nomination shall be proposed and seconded by members of the Council in writing in the form of Schedule F (nomination paper) hereto annexed, and shall be delivered to the said Secretary not later than eighty days before the date of the meeting at which the election is to take place. In the event of the candidate being outwith the United Kingdom, and the candidate not having signed the nomination paper, other evidence of the candidate's consent to the nomination shall accompany the nomination paper. On receipt of the nomination paper, the said Secretary shall check the validity of any statement about any office or position connected with the University of Edinburgh claimed by the candidate. If, after checking these statements, any are found to be false, the Secretary shall declare such nomination invalid.
- (4) Subject to sub-section (3) above, the Secretary shall, upon receipt of the nomination papers, statements of consent and statements about the candidates, publish the details of the candidates, proposers and seconders and statements about the candidates in the Billet for the first statutory half-yearly meeting at which the election is to take place.
- (5) If the number of candidates nominated is equal to or less than the number of vacancies to be filled, the Secretary shall intimate in the Billet for the first statutory half-yearly meeting that a ballot is not necessary. In all cases where the number of candidates nominated exceeds the number of vacancies there shall be a ballot and the said Secretary shall, upon receipt of the nomination papers, statements of consent and statements about candidates, publish the details of the candidates, proposers and seconders and the statements about candidates in the Billet for the first statutory half-yearly meeting at which the election is to take place. An electronic ballot paper will be made available to all members of the General Council who have opted to vote by this method or a voting paper shall be sent along with the said Billet to members of the General Council who have opted to vote by post.
- (6) In case any member not disqualified from voting fails to receive a voting paper or in

case the voting paper of any member has been spoiled or lost, it shall be in the power of such member to make a declaration to this effect to the said Secretary. On receipt of such application the Secretary shall forthwith issue through the post or provide electronically a voting paper.

- (7) Subject to the provisions above, the Single Transferable Voting System shall be used to determine the candidates to be elected.
- (8) If, on any occasion when an election is to take place, there are circumstances which, in the opinion of the Business Committee of the Council, would make the periods for the issue and return of voting papers insufficient to enable a representative vote of the members of Council to be obtained under special conditions ruling at the time, the Business Committee of the Council may extend the said periods as the Business Committee as aforesaid may deem advisable.
- (9) At any time before the time limit for the return of voting papers it shall be lawful for a candidate to withdraw or for any candidate's proposer and seconder to withdraw the nomination of that candidate, and such withdrawal shall be intimated to the Secretary in writing and signed by the candidate, or by the candidate's proposer and seconder as the case may be. If in consequence of such withdrawal or in the event of the death of a candidate during the said period, the number of candidates left is equal to or less than the number of vacancies to be filled, the counting of the votes returned shall not proceed.
- (10) An intimation of the result of the election shall be made to the said first statutory half-yearly meeting of the Council by the Chair of the said meeting, who shall declare such candidate or candidates duly elected.
- (11) A casual vacancy shall be deemed to arise on the resignation, death, legal incapacity or withdrawal of a person nominated or in the event that the number of candidates is less than the number of vacancies.
- (12) If, prior to the declaration of the result of an election a member of the Council challenges the validity of a nomination, the Convener or Acting Convener of the Business Committee of the Council, following receipt of such application, shall investigate the matter and may, if circumstances warrant it, declare the nomination invalid.
- (13) If the Secretary of the Council is incapacitated by illness or otherwise from discharging the duties in reference to an election held in accordance with this procedure, or if the office of Secretary becomes vacant, the Business Committee shall appoint a person to discharge such duties and the person so appointed shall, so far as the purposes of the election are concerned, act as, and be deemed to be, the Secretary.

## Periods of Office of Members

- (14) Elected members of The Business Committee shall serve for a period of up to four years from the first meeting of the Business Committee in the next academic year starting after the date of the statutory half-yearly meeting at which they are elected. During the third year of this initial period of office, an elected member shall be eligible for a further period of four years immediately following the initial four-year period of office. On the expiry of the second period of four years, an elected member shall be eligible for further election at the first statutory meeting of the Council in the academic year succeeding the expiry of the second period of office.
- (15) A member of the Business Committee who is appointed the Convener or the Vice-Convener of the Business Committee shall serve in that capacity for a period of four years from the date of taking up such office, notwithstanding that their period of service of four years has expired or expires during their term of convenership. A member of the Business Committee who is appointed Convener of a Standing Committee of the Business Committee serves in that latter capacity only until the expiry of their four-year period of service as a member of the Business Committee.
- (16) Where the number of members of the Business Committee falls short of twenty by reason of the expiry of an elected member's period of service, the vacancy or vacancies thereby created shall be filled by election by the Council at its succeeding first statutory half-yearly meeting.
- (17) Where the number of members of the Business Committee falls short of twenty by reason of the appointment of a member as Convener or Vice-Convener of the Business Committee or by reason of the death or early retirement of a member of the Business Committee, the Business Committee may co-opt to its number to fill such vacancies. A co-opted member shall serve for the un-expired period of service of the member they replace, and they shall be eligible, during their last year, for election to the Business Committee for a four-year period of service as an elected member. Co-opted members shall have the same powers to vote and rights to be nominated to office as have elected members.
- (18) Where at any time a Vice-Convener of the Business Committee is appointed as Convener of the Business Committee, he or she shall then serve in that capacity for a period of four years from the date of taking up office as Convener."

### **PART III: GENERAL PROCEDURES**

The following are additional procedures for the conduct of the election of members of the Business Committee:-

#### **Nominations for Election**

1. Each nomination for election should be submitted on the appropriate nomination paper and should be accompanied, wherever practicable, by a passport-size photograph of the nominee taken within the preceding five years. A statement by the candidate for election, with a photograph, if submitted, shall be included in the Billet for the statutory half-yearly meeting sent to all members of the General Council, and shall appear on the website of the General Council. A voting paper will be sent with the Billet for the first half-yearly meeting to all members of the General Council who have previously requested a postal vote. An electronic vote will be made available to all other members. A candidate for election must complete the nomination paper (Appendix F: Business Committee Members), a copy of which is attached to the Regulations.

#### **Checking of Nominations**

2. The Secretary of the General Council shall check the validity of any statement about any office or position connected with the University of Edinburgh claimed by the candidate before it is published in the Billet. All other academic or professional qualifications, offices or positions in the nomination paper shall be published in the Billet as submitted. If requested to do so by a member of the General Council, details of academic or professional qualifications, offices or positions held may be checked by the Secretary of the General Council.

#### **Rejections of Nominations**

3. If, after checking, any statements about any office or position connected with the University of Edinburgh claimed by the candidate any are found to be false, the Secretary shall declare such nominations invalid.
4. If, prior to the declaration of the result of a declaration a member of the Council challenges the validity of a nomination, the Convener or Vice Convener of the Business Committee of the Council, following receipt of such application, shall investigate the matter and may, if circumstances warrant it, declare the nomination invalid.
5. In declaring any nomination invalid the procedures followed shall be in line with those recommended by the Electoral Reform Society at the time.

#### **Voting System**

6. If the number of candidates for election exceeds the number of vacancies an election shall be held. The voting system used by the General Council for elections

shall be the Single Transferable Voting procedure. All General Council elections shall be overseen by a representative of the Electoral Reform Society.

7. An Election Result Sheet shall be prepared detailing each stage in the allocation of votes and the setting out of results following the format used by the Electoral Reform Society.

#### **Intimation of Results**

8. The following additional procedures apply:
  - After the results of an election have been announced, each candidate in the election shall be sent an individual letter with the result of the election. Each candidate shall also be informed in the letter that a copy of the Election Result Sheet may be sent to them upon request from the General Council Office.
  - The results of an election with the number of votes cast for each candidate but not the Election Result Sheet shall be published on the General Council's website.
  - Any member of the General Council may request a copy of the Election Result Sheet for an election from the General Council Office, after the results of an election have been announced.

#### **PART IV: ELECTION OF CONVENER AND VICE-CONVENER OF THE BUSINESS COMMITTEE**

The rules and procedures for the election of the Convener and Vice-Convener of the Business Committee were adopted by the Business Committee meeting on 23 June 1994.

##### **Rules for the Election of the Convener and the Vice-Convener of the Business Committee**

1. The Convener shall be a serving member of the Business Committee or shall have served on the Committee within the past two years. Any person so qualified may be nominated with the nominee's consent by two members of the Business Committee who shall sign the nomination paper which shall include a statement about the nominee of not more than one hundred words, and shall return the nomination paper to the Secretary of the Council before the closing date for the receipt of nominations.
2. The Convener shall be elected by a postal ballot of the Committee from those nominated.
3. The Convener shall hold office for a period of four years and shall preside at meetings of the Committee.
4. In circumstances deemed by a majority of the Business Committee to be exceptional, the Convener shall be eligible for reappointment for one additional year at the invitation of the Committee.
5. The appointment of the Convener shall take effect not later than 1 August in the year of the election.
6. When for any reason the Convener ceases to serve on the Committee before the Convener's term of office ends, the vacancy so arising shall be filled by a member appointed in accordance with the provisions of Rules 1. to 4. Such member shall take office immediately upon election and the term of office shall extend for a period of four years from 1 August coincident with or next following the date of the Convener's election.
7. The same rules shall be followed for the election of the Vice-Convener.

##### **Procedure for the Election of the Convener and the Vice-Convener of the Business Committee**

The additional procedures to be observed are as follows:

- (i) As soon as possible after the closing date for receipt of nominations, ballot papers containing the names of duly nominated candidates, the names of their proposers and seconders and the statements about the candidates shall be despatched by recorded delivery post to all members of the Business Committee. A statement about a candidate will be printed only to the end of the last sentence preceding the one hundred and first word if the statement is longer.

- (ii) Enclosed with the ballot paper shall be an envelope addressed to the Secretary of the Council, stamped and marked with the letter 'B'.
- (iii) Envelopes containing ballot papers received from members of the Committee shall be kept unopened by the Secretary of the Council, who shall be responsible for the safe-keeping of all ballot papers.
- (iv) A period of four weeks shall elapse after despatch of ballot papers to allow a reasonable time for them to reach members of the Committee who may be away from home.
- (v) A returning Committee consisting of the Convener and Secretary of the Council shall meet at a time to be arranged for the purpose of opening the envelopes containing the ballot papers and counting the votes. In the event of either of these Office-bearers being a candidate, such Office-bearer shall be ineligible to serve on the returning Committee, and the Business Committee shall appoint instead one of its members who is not a candidate for either office.
- (vi) In the event of there being only two candidates, the candidate obtaining the greater number of votes shall be elected. In the event of a tie, the returning Committee shall determine by lot which candidate shall be selected. In the event of there being more than two candidates, members of the Committee shall indicate their order of preference of all or any number of these candidates on the ballot papers and if one candidate does not obtain an overall majority the election shall be decided by use of the single transferable voting system. The majority of votes required for election under this system shall be determined relative to the number of valid ballot papers received.
- (vii) The result of the election shall be announced at the Business Committee meeting immediately following the counting of the votes.

### **Single Transferable Vote**

More than two nominations make it necessary to use the single transferable vote procedure as follows:

If no candidate has obtained a clear majority of first preference votes the candidate with the lowest number of such votes is eliminated.

The second preferences of the eliminated candidate's supporters are then examined and these votes are transferred to the remaining candidates as first preference votes.

This transference should ensure a clear majority for one of the remaining candidates, but if necessary it can be repeated after elimination of the candidate who at this stage has the lowest number of first preference votes.

If, when a candidate has to be eliminated, two or more candidates are each credited with the

same number of votes and are lowest, regard shall be had to the total number of votes credited to each of those candidates at the latest count at which they had unequal values, and the candidate with the smallest value at that count shall be excluded. If two or more candidates are lowest and are each credited with the same value at all counts, the returning Committee shall arrange the papers of such candidates according to the next available preferences recorded thereon for continuing candidates, including the candidates in question, and shall exclude that lowest candidate for whom the total value of the next available preferences expressed is smallest, and if the total values of the next available preference recorded for two or more of the candidates in question are then equal and smallest, the returning Committee shall determine by lot as between the candidates last mentioned which candidate shall be excluded.”