

**Imperial College Union
Governance and Membership Committee / 7 September 2022**

Election Rules & Regulations / Appointment of Returning Officer

Author(s): Tom Newman (Director of Membership Services)

Purpose: This paper will be considered on an annual basis, to ensure the Union complies with the requirements set out in the Education Act 1994.

Decision(s): To approve the appointment of the Returning and Deputy Returning Officers for the 2022/23 academic year,

To approve the election rules and regulations for the 2022/23 Autumn Election.

1. Appointment of the Returning Officer and Deputy Returning Officer

1.1 Leadership Elections

To ensure a free and fair election process, the Committee have been asked to approve a senior staff member provided by another Students' Union as the Returning Officer for the union-wide Leadership elections. This position will provide outside, impartial, expert opinion in the event that a complaint is escalated.

The Returning Officer 2020-21 and 2021-22 was Ryan Bird, CEO at Reading Students' Union. The Committee are asked to reappoint Ryan Bird for the 2022-23 academic year.

The Board is also asked to approve Tom Newman (Director of Membership Services) as the Deputy Returning Officer, who will have operational responsibility for the process and the ability to appoint Assistant Deputy Returning Officers and the Election Officers.

1.2 Autumn and Summer Elections

NB. These relate to the election of Academic and Wellbeing Reps, CSP Committees, Liberation Network Reps, Union Council and other Board roles.

All elections run under major election rules require a non-member of the Union to be the returning officer. As staff are non-members, responsibility for the Autumn and Summer elections process will be cascaded down through the organisation with the following proposed structure:

The Board is asked to approve Tom Newman (Director of Membership Services) as the Returning Officer for these elections.

The Board is also asked to approve Cat Turhan (Advice and Representation Manager) as the Deputy Returning Officer, who will have operational responsibility for the process and the ability to appoint Assistant Returning Officers.

2. Election Rules and Regulations

The Union is currently undertaking a project to update the Election Rules and Regulations for the Leadership Elections taking into account lessons learnt from the Leadership Election 2022. This project includes a full scale review, sector analysis and likely a rewrite of the Union Bye Laws. Whilst this project is ongoing it is proposed the Autumn Election 2022 uses the current rules under the current Bye Laws.

It is impossible to provide a set of rules and regulations that cover every potential scenario that could happen during an election campaign. When investigating conduct, incidents or complaints, the Deputy Returning Officer and Returning Officer will make a judgement based on the following ethos:

All candidates must conduct themselves in a 'free and fair' manner that reflects the values and policies of the Students' Union and the regulations set out in the College's student conduct policies.

If in doubt, members are advised to run campaign ideas (in complete confidence) past an Assistant Returning Officer before they are put into action.

General

The elections will be overseen by the Returning Officer. The Returning Officer will delegate operational responsibility to the Deputy Returning Officer.

Both individuals are empowered to investigate any matters related to the election, infringement of election rules or complaints regarding candidate or campaign team conduct. If they find that there has been an infringement they may:

- i. Warn the candidate that any future infringement will result in a campaigning suspension or disqualification
- ii. Issue a campaigning suspension
- iii. Disqualify the candidate

Names will appear on ballot papers as per the College registration. In cases where a shorter form or alternative is used, dispensation may be granted at the Deputy Returning Officer's discretion.

Major Election Rules

All rules listed are in addition to the rules set out in Union Bye-Law H (Major Elections). It is anticipated with a high degree of certainty that all the 2022-23 Elections will all conducted with in person campaigning, with very little indication that COVID19 will result in any updates to Government guidance. If this guidance changes the Elections will pivot to an Online only campaign and this committee will be fully involved in any decision.

Expenditure

Campaign expenditure is defined as expenditure in pursuit of promoting a candidature as further determined by the Returning Officer. Any expenditure must be both that which all candidates have had the opportunity to carry out and must be replicable by all other candidates in a given election. Where there is a question as to the extent to which it is reasonable to believe that the use of a tactic or resource is open to all, the Returning Officer's decision is final and so advice should be sought first.

Candidates in Leadership Elections have a maximum amount they can spend on their campaigns once the nomination has been confirmed. This will be set by the Returning Officer on an annual basis. Receipts for monies spent on all campaign material must be submitted to the Union before the advertised deadline.

Campaigning

Candidates are responsible for all those acting in support of them, on behalf of them, as part of their campaign team, or distributing their campaign material.

Candidates running a joint campaign are liable for any breaches to rules on either campaign and will be sanctioned accordingly.

Candidates' manifestos and photos must be submitted online by the deadline stated in the Elections timeline, and according to the requirements set out in the notice of elections.

Complaints

A candidate code of conduct will be approved by the (Deputy) Returning Officer and shared prior to any election.

All complaints must be submitted within 24 hours of the alleged incident, via the official online complaints form, and will include the following information:

- i. Name and contact details of person making complaint (anonymous complaints will not be considered)
- ii. Name of person being complained about
- iii. Details of incident (including time and date)
- iv. Details of any witnesses
- v. Details of which rules have been broken
- vi. Details of the action requested

All complaints will be investigated by the Deputy Returning Officer, who will consider the facts and make an appropriate decision. This ruling will be communicated to all parties involved and included in the annual Returning Officer's Elections Report.

Any decisions made by the Deputy Returning Officer can be appealed via a written statement to the Returning Officer (but must include factual information as to why the original decision is considered un-just).

Any decisions made by the Returning Officer are final, other than those where the Union's bye-laws specify.

All complaints must be received within one hour of voting closing. Any complaints considered after this time will not be investigated as part of the elections process (although they may be considered under the disciplinary procedure outlined in the Students' Union Constitution).

Specific Rules for Leadership Elections

These are not meant to replace the general statement regarding the operation of 'free and fair' elections, but rather provide some specific answers to common questions asked by candidates.

- i. Any activity or manifesto pledge that is illegal is deemed to be in breach of the election rules.
- ii. The College is still a place of work for students and staff during the election period. Candidates must not do anything to unreasonably disrupt the normal academic operations of College or the Union during campaigning.
- iii. No candidate publicity may appear before the beginning of campaigning as stated in the Elections timeline.
- iv. Candidates and their campaign team may not harass, coerce, bribe or use intimidation to persuade someone to vote or whom to vote for. No are they allowed to cast a ballot on someone's behalf.
- v. Candidates must not obscure, tamper with or remove the publicity of any other candidates.
- vi. Campaign material and activities must not cause damage to College or Union property.
- vii. Candidates are allowed to use Facebook groups, WhatsApp group chats, mailing lists and other forms of group communication only if they have collected consent to be contacted from those individuals during the campaign period and the group was formed for the sole purpose of campaigning in this election.