

3.1 The Council – Election of Staff Members of Council

Two employees of Swansea University shall be elected as members of Council, in accordance with the following procedure:

Returning Officer

1. The Secretary to Council, or their nominee, will be the Returning Officer for the election. The Returning Officer will be responsible for managing the electoral process, including the arranging of the announcement of candidates and their election statements, arrangements for voting, the application of the election rules herein, considering complaints raised in relation to the process itself. In addition, the Returning Officer will be authorised to take all other decisions necessary for the effective conduct of the nominations and elections process.

Nominations for Election

2. The Returning Officer will arrange for notification of the vacancies to be issued to all staff of the University. This notification shall include:
 - (a) a positive action statement;
 - (b) the role description for members of the Council which summarises the duties and responsibilities of members;
 - (c) an invitation to submit nominations within a reasonable period of notice (normally around 21 days).

Constituency for Staff Member

3. All employees of the University other than those who may have already participated in the Senate election process, shall be eligible to nominate and to vote no matter how long they have been in post or whether they are on secondment or extended leave/absence, and shall be eligible for nomination provided (a) they are able to fulfil their duties as a Trustee including being mindful that the term of office for a member of Council is four years in the first instance and (b) they hold an employment contract of at least one year to help ensure appropriate balance between the practicalities of Council membership in terms of attendance at meetings and the importance of maintaining board continuity and experience, while at the same time not precluding staff on fixed term contracts. At least one of those appointed should be from Professional Services. Guidance should be provided to nominees to ensure they understand the responsibilities of Council membership, including being a Charity Trustee.
4. Nominations shall be made to the Returning Officer and shall be supported by a proposer and seconder who are both employees of the University. Nominees shall confirm their willingness to stand for election and provide a statement of no more than 500 words, which will be made available to the electorate if an election is held and in which there shall be provided:
 - (a) a short biographical background;
 - (b) why they wish to become a member of the Council; and
 - (c) what they think they can bring to the role of Staff Trustee.

The elected members may, if they so choose, attend Question Time or any other such session for all staff whether hosted by the Registrar and Chief Operating Officer or otherwise as part of their membership of Council. While recognising that such members would be part of the 'all staff' constituency, and that candidates should accordingly set out in their nomination statement how they intend to communicate with their constituency, this should be subject always to recognition by such members of their role and duties as a Trustee of the University and of their obligations as such to observe confidentiality.

5. To be eligible to stand in the election, a nominee must confirm that they are not disqualified from serving as a charitable trustee under the Charities Act 2011 and that they are aware of no other reason, legal or otherwise, that would render them unfit to be a charity trustee or that could bring the Council into disrepute.
6. Following the close of the nomination period, the Returning Officer will inform each candidate of the names and role titles of all the candidates nominated.
7. Where three or more nominations are received for the two vacancies, and at least one of those is from a member of Professional Services staff, an election ballot will be issued provided that at least one of the appointments shall be from Professional Services. Where only two nominations are received, and at least one of those is from a member of Professional Services staff, the Returning Officer will declare such candidates to be duly elected as members of Council. Where no nomination is received from a member of Professional Services staff, the Returning Officer will issue a further vacancy notification specifically for a member of Professional Services staff.

Conduct of an Election

8. When a ballot is required, it ballot will be a secret ballot and will be conducted through electronic voting via a secure online voting system administered by the University or election management professionals appointed by the University.
9. The Returning Officer will arrange for notification of the ballot to be issued to each member of the relevant constituency. Each member of the relevant constituency will be issued by e-mail with a notice of the ballot and instructions on how to cast their vote. Where a member of staff is unable to receive/access emails or vote electronically, they may contact the Returning Officer for a postal vote, no later than 7 days before the voting deadline.
10. The census date at which those eligible to nominate and vote in each constituency will be the deadline for returning nominations to the Returning Officer.
11. The Returning Officer will set and publish the voting period dates for an election. The voting period will be for a minimum of 7 days. 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 Returning Officer may extend the said voting periods as they consider necessary. Nominated candidates will be informed of this change.

12. At any time before voting closes, a candidate may withdraw their candidacy. If in consequence of such withdrawal only one candidate for the vacancy remains, the counting of the votes lodged will not take place and the remaining candidate will be declared to be duly elected.
13. The Returning Officer shall appoint two lay members of Council as scrutineers for an election by ballot.
14. The two candidates who secure the highest number of votes cast will be appointed as members of Council provided always that at least one will be a member of Professional Services staff.
15. The Returning Officer shall provide the Governance and Nominations Committee with a report on the election process.
16. The ballot papers and/or record of secure electronic votes shall be retained in a safe place by the Returning Officer for six months after the date of the election.
17. The validity of any election will not be affected by any defect in the procedure in carrying out such an election or infringement of these Election Rules unless on the application of a candidate (or an individual designated as a candidate's representative) made to the Returning Officer, or at the instigation of the Returning Officer where they become 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, disqualifying candidates and/or declaring the election to be invalid.

Term of office and eligibility for re-election

18. The term of office will be for four years in the first instance. A member whose term of office is coming to an end shall be eligible for re-election for not more than one further term of office. When a person has served the maximum permitted period, they shall be ineligible for further re-appointment as a staff member on Council.
19. If the member elected ceases to be a member of staff of the University (or a member of Professional Services staff if applicable), they will cease to be a member of the Council.
20. Any casual vacancy arising shall be filled as it arises by the procedure specified above and the person appointed should be appointed for a four-year term in the first instance.

21. Members of Council elected by staff will be subject to the Council's terms and conditions of appointment, and regulate their conduct in accordance with the highest standards of governance, as set out in the University Council's Code of Conduct, adherence to which is part of the terms of the appointment of all members of Council. In addition, members are subject to the Charities Act 2011, which provides for circumstances under which an individual is disqualified from serving as a charity trustee and any elected member will be required to confirm that they are not so disqualified as part of their terms and conditions of appointment. In accordance with the CUC Code of Governance, a procedure for the Removal of Members of Council is in place to address circumstances where a member has materially breached their conditions of appointment.