

## **Bye-Law 6 – Elections**

Last amended by Student Council -  
02/02/21

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11/02/21

*This Bye-Law covers the rules and regulations for the Election of all of the Executive and Student Trustees as well as the Part-Time Officers of the Union. It also explains the powers of the Deputy Returning Officer and how complaints regarding elections are resolved*

## Contents

1. Introduction and Definitions
2. The Returning Officer and Deputy Returning Officer
3. Notice, Nominations and By-Elections
4. Candidates Meeting, Debates and Student Media
5. Campaigning and Publicity
6. Voting and the Count
7. Complaints and Appeals

## Change Log

This Bye-Law has been updated by Student Council on the following dates:

- 26/03/20
- 01/12/20
- 02/02/21

Please look at the minutes of the Student Council meeting on that date to see the specific amendments made.

# Bye Law 6

## Elections

### 1. Introduction and Definitions

1.1 **Candidate** - A member who is standing for election to a position.

1.1.1 No candidate should seek support from an external body or person who is not a full member of the Union.

1.1.2 **Slate** - Groups of candidates may run together so that each candidate can campaign for themselves and the other members at the same time, this is called being part of a 'slate'. Candidates in a slate share a common group title which will appear on the ballot. Slates can be formed until the deadline for manifesto submissions and must be notified to the Union elections email address by that deadline.

1.1.3 **Joint Ticket** - Up to two candidates may run on a Joint Ticket for one Part-Time Officer Position. They will be treated as one candidate for the purposes of election expenditure. Joint Tickets can be agreed until the deadline for manifesto submissions and must be notified to the Union elections email address by that deadline.

1.2 **Supporter** - any person, whether a Member or not, who supports a candidate in their election campaign. The term "supporter" is deemed, for these purposes, to be the same as "campaigner".

1.2.1 The actions of a "supporter" are directly attributable to the candidate and the candidate will take full responsibility for their actions.

1.2.2 The Returning Officer shall be the sole judge of whether someone should be regarded as a supporter of a candidate.

1.2.3 The student identification of all campaigners must be visible whilst campaigning.

1.3 **Voter** - A "voter" means any person who has cast their own votes in the election and has not "supported" beyond that.

1.4 **Appropriate Staff Member** - A member of Union staff responsible for supporting the elections, as decided by the Chief Executive Officer.

1.5 **Election Official** - An "election official" includes the Returning Officer, Deputy Returning Officer, Appropriate Staff Member and any other person nominated by the Returning Officer to be an election official.

### 2. The Returning Officer and Deputy Returning Officer

2.1 The Board of Trustees is responsible for the appointment of the Returning Officer and the Deputy Returning Officer, and may also dismiss them, in accordance with procedures set out in section 7.

2.2 The Returning Officer for Union elections will normally be a relevant member of staff from the National Union of Students (NUS). If, for any reason, that post holder declines the appointment or is deemed unsuitable, the Student Council will recommend an alternative for appointment by the Board of Trustees, the alternative normally being a staff member of another Students' Union experienced in the running of elections.

2.3 The Deputy Returning Officer for Union elections will normally be a member of Students' Union Staff. If for any reason, that post holder declines the appointment or is deemed unsuitable; the Student Council will recommend an alternative for appointment by the Board of Trustees.

2.4 Neither the Returning Officer nor the Deputy Returning Officer may be full members of QMSU.

2.5 If the Returning Officer resigns from the post or becomes unavailable for other reasons the Student Council will recommend an alternative to the Board of Trustees, in line with section 2.1 above.

2.6 The Returning Officer is responsible for the good conduct and management of the elections, in accordance with all relevant legislation, the Memorandum and Articles of Association and these Bye Laws. They have the final responsibility for the interpretation and implementation of the Election Regulations in this Bye Law. Specifically, they shall:

- i) Manage the elections fairly, properly and impartially;
- ii) Instruct, oversee and support the Deputy Returning Officer and election administration staff;
- iii) Determine the admissibility or otherwise of election publicity;
- iv) Investigate and rule on complaints in accordance with the procedures in section 7; and
- v) Submit an annual report to the Board of Trustees and the College Council after the conclusion of elections each year.

2.7 All powers and responsibilities of the Returning Officer are delegated to the Deputy Returning Officer until such time as the Deputy Returning Officer requests support from the Returning Officer, or by decision of the Board of Trustees.

### **3. Notice, Nominations and By-Elections**

3.1 Nominations for any election, other than a by-election, shall be open for at least 10 working days.

3.1.1 There must be a least three working days from the close of nominations to the opening of polling.

#### **3.2 All nominees must be Full Members of the Union**

3.2.1 Members may only stand for one position unless they are standing for NUS Delegate, in which case they can stand for NUS Delegate and one additional position.

3.2.2 All nominations shall be submitted using an accessible process declared by the Returning Officer.

3.2.3 The nomination must include the name and student number of the nominee. Each nomination must also be supported by a photo of the candidate (unless otherwise agreed with the Returning Officer) and a 50-word statement saying why they are nominating themselves, submitted in accordance with the guidelines in the Candidate Handbook, otherwise it will not be valid.

3.2.4 A receipt, to confirm the submission, must be issued by the member of staff who has received the nomination form.

3.2.5 If no valid nominations are received for a position by the close of nominations, nominations will be reopened for that position for three working days at the discretion of the Returning Officer. In this event the period between the close of the reopened nominations and start of voting is only required to be one working day.

3.2.6 A list of confirmed candidates shall be posted on the Union website by the appropriate staff member within 24 hours of the Candidates Meeting.

3.3 The appropriate staff member shall produce a Candidate Handbook outlining all the relevant information relating to the election and may contain rules in addition to this bye-law. This will be made available on the Union website by the official opening of the nominations.

3.4 It is recommended that all candidates submit a manifesto. If they do, candidates must also submit a plain text version of their manifesto for accessibility purposes. If a candidate does not submit a plain text version of their manifesto, then no manifesto will be accepted and uploaded at all. All manifestos must be submitted in accordance with the guidelines in the Candidate Handbook.

3.4.1 All candidates in all elections must submit a written statement in accordance with the guidelines in the Candidate Handbook outlining why they are standing, their election wishes and pledges and any other relevant information.

### **3.5 Nicknames**

3.5.1 Candidates may campaign under the guise of a chosen nickname, so long as it is used in addition to their first identity and surname and is in accordance with the guidelines in the Candidate Handbook.

3.5.2 Such nicknames may be published on the ballot paper, so long as the full name of the candidate also appears.

3.5.3 Nicknames shall be submitted to the Elections Team by the close of nominations. The Returning Officer may, at their sole discretion, withhold the right to the use of a specific nickname.

### **3.6 By-Elections**

3.6.1 By-Elections shall be held to fill any vacant posts following an election, or after a Student Representative or Part-time Officer ceases to hold office.

3.6.2 Nominations for a By-Election shall be open for at least five working days.

3.6.3 There must be a least three working days from the close of nominations to the opening of polling.

3.6.4 If an Executive Officer Positions remains unfilled after the first By-Election then subsequent By- Elections shall be held at a maximum of once a month as per this Bye Law until either the position is filled, or the new academic year starts.

3.6.5 If after the academic year starts, an Executive Officer Position becomes vacant or remains unfilled, then By-Elections shall be held at a maximum of once a month as per this Bye Law until the position is filled or the end of Semester One is reached. Their contract will be adjusted to meet the shortened term and they will still finish their contract at the end of the academic year alongside the other Executive Officers.

3.6.6 Should a Part-Time Officer position remain unfilled after the Spring elections, Autumn elections and any subsequent re-open nominations period, the vacancy may be filled as follows:

- I. Nominations shall be kept open until either the position is filled, or the final Student Council meeting for that academic year has passed.
- II. A candidate may nominate themselves at any time by submitting a written statement (a maximum of one side of A4) setting out why they should be considered for the position. At this point nominations shall be closed and the statement forwarded to all members of Student Council for consideration.
- III. Student Council shall then be asked to vote in an online poll as to whether they agree the candidate should be appointed to Student Council for the remainder of that academic year. A simple majority being required for the vote to pass.
- IV. Should more than one candidate come forward at the same time, Student Council shall be asked to choose between the candidates.

The same process may be used to fill any vacancy that occurs as a result of the resignation, or removal, of a Part-Time Officer after the end of the first semester when a by-election would be impractical because of a clash with the Spring elections.

## **4. Candidates Meeting, Debates and Student Media**

### **4.1 Candidates Meeting**

- 4.1.1 A Candidates Meeting shall be held after the close of nominations at a time and place to be determined by the Returning Officer.
- 4.1.2 The date and time of the Candidates Meeting shall be advertised in the Candidate Handbook.
- 4.1.3 The appropriate staff member or their nominee will outline the rules governing the elections.
- 4.1.4 Candidates should attend the Candidates Meeting. If a candidate cannot attend the meeting, they can send a nominee on their behalf who is a full member of the Union. If a candidate fails to attend the Candidates Meeting they will still be held responsible for their actions in accordance with the rules that were outlined in the Candidates Meeting and the Candidate Handbook.

### **4.2 Candidates Debate also known as Question Time**

- 4.2.1 Candidates may be invited but not required to attend the Candidates Debate to give speeches on their manifesto pledges and to take questions from members.
- 4.2.2 A Chair shall be appointed by the Returning Officer to chair Question Time.
- 4.2.3 The Chair shall indicate that Re-Open Nominations, RON, (by voting for RON students are voting against all subsequent candidates) is a candidate in the election.
- 4.2.4 Candidates should inform the Returning Officer (in writing via the appropriate staff member) if they are unable to attend, stating their reasons for non-attendance before the beginning of the event.
- 4.2.5 A Candidate may appoint a nominee to speak on their behalf if they are not present. The nominee cannot be a candidate for any other position in the election and must be a Full Member of the Union or an Election Official. The Returning Officer must be notified of this prior to the Candidates Debate.
- 4.2.6 Only Full Members of the Union are allowed to ask questions at the Candidates Debate.
- 4.2.7 Any time limits for verbal statements and answers to questions do not apply to students with self-identified communication impairments that affect their ability to verbally present information.
- 4.2.8 These students must notify the Chair of the debate that they are eligible for exemption before the beginning of the meeting.

### **4.3 Student Media**

- 4.3.1 Student Media funded and supported by the Union may choose to promote the elections. In this case the media will ensure fair coverage of all candidates in an individual position.
- 4.3.2 Although it is the decision of the individual candidate to choose to speak to the media, Student Media reserves the right to use the candidates name, image and any other publicity as part of their own coverage.

## **5. Campaigning and Publicity**

### **5.1 Campaigning**

- 5.1.1 Candidates must not be present when students are voting on mobile devices, as these constitute a polling station for the purposes of this bye-law.

5.1.2 Candidates may not spend money on campaigning for election until after the Candidate's Meeting.

5.1.3 Candidates must take reasonable steps to ensure that the actions of their supporters comply with the Election Bye-Laws at all times and must be able to demonstrate this in the event of a complaint against them.

5.1.4 Candidates must not prevent free and easy access to and within the Union and College buildings when campaigning.

5.1.5 During polling there shall be no campaigning or campaign material within the polling station areas, with the exception of manifestos that the polling officers hold. This 'Polling Exclusion Zone' shall be outlined by the Returning Officer at the Candidates Meeting and in the Candidate Handbook.

5.1.6 Candidates may not canvass or post publicity material within computer laboratories, libraries or any other areas of the College designated by the Returning Officer.

5.1.7 A candidate's posters and other campaign material may not use the College, QMSU or affiliated logos to endorse their campaign.

5.1.8 Candidates may produce a website, or use their own, but all content must be accessible to the Deputy Returning Officer.

5.1.9 The Union will run elections campaign training that all candidates should attend.

5.1.10 The appropriate staff member, at their discretion, will make some basic campaign supplies available to candidates in each election.

## **5.2 Candidate Budget**

5.2.1 The maximum budget a candidate can spend on their campaign will be dependent on whether a candidate is running by themselves or as part of a slate. The following are the maximum candidate budgets:

- i) 1 candidate has a maximum budget of £50;
- ii) 2 candidates on a slate have a maximum combined budget of £75;
- iii) 3 candidates on a slate have a maximum combined budget of £87.50;
- iv) Slates with more than 3 candidates will have a maximum combined budget of £87.50 plus an additional £12.50 for every additional candidate over the 3 candidates.

5.2.2 The Board of Trustees will, at their discretion, approve an annual budget to be used towards reimbursing candidates' campaign expenditure. This will be made available for allocation as referred to below between candidates who are standing for Sabbatical Trustee, Student Trustee, NUS Delegate, Student Representative or Part-time Officer positions.

5.2.2.1 The Returning Officer will determine the allocation of the annual budget as between relevant candidates, based on the annual budget allocated for that election in accordance with 5.2.2, the number of relevant candidates at the close of nominations and whether they are on a slate. Such determination may take into account that future by-elections may need to be held in the relevant year.

5.2.2.2 The Union does not guarantee that it will be able to refund all of a candidate's campaign expenditure.

5.2.3 All expenditure towards a candidate's campaign will count as part of the candidate's budget, including that of a supporter, whether it is being reimbursed by the Union or not.

5.2.4 A candidate expenditure form must be submitted at least one hour before the close of voting to the appropriate staff member with accompanying receipts evidencing any campaign expenditure. If candidates do not spend any money during the course of their campaign this must be made clear on the submission.

5.2.5 Candidates will be entitled to reimbursement of campaign expenditure up to the maximum amounts determined by the Returning Officer. The Union will only reimburse candidates for expenditure on their campaign if it meets all the following criteria:

- i) A valid receipt is provided for the purchase of the campaign item;
- ii) The candidate expenditure form was submitted at least one hour before the close of voting in accordance with 5.2.4;
- iii) The Returning Officer deems that it was appropriate campaign expenditure.

5.2.6 Items used in campaigning that a candidate or supporter already owns can be valued using a minimum value list available from the appropriate staff member, but will not be reimbursed.

5.2.7 All campaign materials must be available to other candidates at the same price.

5.2.8 If materials are purchased from outside the UK it is the responsibility of the candidate to provide a quote from a UK company demonstrating their value as if they were purchased in the UK. Only the UK value for all products will be accepted.

5.2.9 The appropriate staff member will value items not on the minimum value list within one working day of the request for an evaluation.

### **5.3 Publicity**

5.3.1 Candidates may distribute as many flyers as is in keeping with the Candidate Budget. Flyers fixed to surfaces will be considered posters.

5.3.2 Candidates may use publicity means as appropriate to their campaign as long as it does not contravene these Bye-Laws, or any policy of QMSU or the College, or is otherwise unlawful.

5.3.3 Any candidate who wishes to place campaign publicity in buildings shall be responsible for obtaining permission from the appropriate authorities where required. No permanent adhesive or stickers shall be used in any circumstances.

5.3.4 No publicity may be affixed in such a way as to interfere with the publicity of another candidate, and no candidate or supporter may remove or deface the publicity of another candidate.

5.3.5 Electronic sound and loud-hailing equipment is prohibited.

### **5.4 Affiliated Student Groups**

5.4.1 Endorsements by Affiliated Student Groups are defined as an affiliated student group publicly or privately declaring their support for an individual candidate, or group of candidates.

5.4.2 Affiliated Student Groups of the Union cannot endorse candidates or groups of candidates. This includes, but is not limited to, an Affiliated Student Group using their grants or subs account to support candidates' activities, or endorsing candidate(s) through their mailing list or social media account for the purpose of elections.

5.4.3 Committee members of Affiliated Student Groups are able to support candidates in a personal capacity. In the event of an election complaint, it will be at the discretion of the Returning Officer to decide if a committee member has been endorsing candidate(s) in a personal capacity or as an Affiliated Student Group committee member.

5.4.4 In the event that the Returning Officer decides that an Affiliated Student Group or its committee members have endorsed candidate(s) in a non-personal capacity this will count as a violation of the Union's bye-laws and will be dealt with under the bye-law relevant to that Affiliated Student Group.

5.4.5 All Affiliated Student Groups should send at least one representative to the relevant Candidates Debate.

## **5.5 Social Networking, Websites and Mailing Lists**

5.5.1 Candidates may use any social networking sites or their own websites for the purposes of campaigning after the candidates meeting. For the avoidance of doubt, no campaigning can be conducted through social networking platforms including, but not exclusive to, Facebook, Twitter, Instagram, Snapchat, LinkedIn, and What App, or by any other means, until after the Candidates Meeting.

5.5.2 Candidates may only use mailing lists where lawful to do so. In most cases this will require the consent of the members on the list to use their details.

## **5.6 Students' Union Staff, Departments and Committees**

5.6.1 No Union Committee, Union Department or staff member shall support a candidate.

5.6.2 Executive Officers cannot use work social media accounts to campaign, or to support a candidate.

## **6. Voting and the Count**

### **6.1 Voting**

6.1.1 Voting shall be by secret ballot, using the single transferable vote system as defined by the Electoral Reform Society and shall include Re-open Nominations (RON) as a candidate.

6.1.2 Re-open Nominations (RON) is a choice on the ballot designed to allow the voter to indicate disapproval of all of the candidates.

6.1.3 All Full Members are eligible to vote, in accordance with the Election Regulations in this Bye Law.

6.1.4 The Returning Officer will ensure that cross campus voting is accessible for all Full Members of the Union.

6.1.5 Polling may take place by electronic or paper ballot. The method of voting will be determined by the Returning Officer.

6.1.6 Polling shall be held on at least three days for a set number of hours, as determined by the Returning Officer.

6.1.7 The names of candidates for each position shall be placed in a random order on the ballot paper and election publicity. For electronic ballots, the names of candidates shall appear in random order.

6.1.8 If Re-open Nominations (RON) is elected in a multi-seat election, its surplus of votes shall be transferred to a new Re-open Nominations (RON) candidate.

6.1.9 If Re-open Nominations (RON) is elected in a single-seat election then the post shall remain vacant until nominations can be re-opened and a By-Election held.

6.1.10 If the result of voting in an election is a tie, a new election will be held with the candidates who tied as the only candidates. This election will occur as soon as practically possible and will not include Re-open Nominations (RON).

### **6.2 The Count**

6.2.1 The count shall be supervised by the Returning Officer, or the Deputy Returning Officer.

6.2.2 Complaints about the count must be made in writing to the Returning Officer no later than one working day after the announcement of the result.

6.2.3 The results of Union elections will only come into effect once the Returning Officer has certified that the result is the accurate outcome of a free and fair democratic procedure.

6.2.4 A count shall only commence for a position once all complaints and appeals about candidates for that position have been resolved in accordance with 7.1.3.

### **6.3 Provision of Secrecy of an Electronic Ballot**

6.3.1 Votes cast electronically will be processed on a secure site.

6.3.2 No one will be able to see which specific candidate an individual member has voted for in an election. The Returning Officer, Deputy Returning Officer, or their appointed nominee from within staff administering the elections will be able to monitor voting patterns for positions to ensure that no irregularity is taking place.

### **6.4 Provision for Secrecy of a Paper Ballot**

6.4.1 At the time of closing the ballot, the voting register shall be sealed. Under no circumstances shall it come together with the ballot papers unless the validity or conduct of the election is questioned. The Returning Officer or shall manage this process.

6.4.2 The voting register and ballot papers shall be kept for three months after the declaration of the result, in a secure environment as specified by the Returning Officer after which time they will be destroyed unless the validity or conduct of the elections has been questioned.

## **7. Complaints and Appeals**

### **7.1 Making a Complaint**

7.1.1 A complaint may be made about the actions of candidates, supporters or election officials.

7.1.2 Complaints must be submitted in writing, using the official complaint form which can be found on the QMSU Website. Complaints must be submitted as soon as possible after the event that is the subject of the complaint. Complaints submitted close to the deadline may be too late for an appropriate sanction to be imposed, and therefore may be dismissed on that ground. The form may be submitted electronically to the QMSU elections email address or in paper form to the appropriate staff member. If the complaint is about a candidate, a supporter or any election official other than the Returning Officer, or Deputy Returning Officer, it will be passed to and investigated by the Returning Officer in accordance with sections 7.2 to 7.2.7. If it is about the Returning Officer, or the Deputy Returning Officer, the complaint will be investigated in accordance with the procedures in sections 7.2.8 to 7.2.12.

7.1.3 The grounds for complaint are that one or more of the election rules contained in this Bye Law have been broken; or that one or more Union, or College, policies or regulations have been breached. The complaint must make clear which rule or rules have been broken, by whom and when. and must be supported by evidence. Evidence might be, but is not restricted to, the following: documents; photographs or video clips; screen shots of web pages; copies of emails, or written statements from staff or students.

7.1.4 Complaints about campaigning must be submitted not more than one hour after the close of polling. Complaints about the count must be made within 24 hours of the declaration of results. Complaints received after these deadlines will not normally be considered.

7.1.5 Anonymous complaints will not normally be considered. If, however, there are compelling reasons for a complainant to remain anonymous (such as the complainant's safety), the Returning Officer shall have the discretion to consider the complaint while protecting the identity of the complainant.

### **7.2 How complaints are considered**

7.2.1 If the complaint is about a candidate, a supporter or an election official other than the Returning Officer or Deputy Returning Officer, the Returning Officer will acknowledge its receipt within one working day of receiving it.

7.2.2 The Returning Officer will investigate the complaint in a manner which they feel is appropriate, but will be impartial, thorough and prompt. They shall gather evidence and interview any person who can provide relevant information. Written records shall be kept of all such interviews. The complaint and supporting evidence will be made available to the person complained about. Anyone who has been accused of a breach of the Bye Laws must be given an opportunity to respond to such an allegation following the principles of natural justice. In any hearings or interviews such persons must have the opportunity to speak and to be accompanied by a friend, who must be a Member of the Union.

7.2.3 The Returning Officer, after carrying out an investigation, may either:

- i) Determine that there is insufficient evidence to establish that there has been a breach of the Bye Laws, in which case the complaint will be dismissed;
- ii) Determine that there has not been a breach of the Bye Laws, in which case the complaint will be dismissed;
- iii) Determine that one or more Bye Laws have been breached, in which case a sanction will be imposed in accordance with section 7.2.5.

7.2.4 The Returning Officer will be expected to reach a decision based on the balance of probabilities, rather than beyond reasonable doubt.

7.2.5 The Returning Officer will provide their decision in writing to the complainant and the subject of the complaint as soon as possible.

7.2.6 The Returning Officer may impose one or more sanctions as appropriate:

- i) Removal or confiscation of campaign material;
- ii) A reprimand and a warning that a further breach could result in a more severe sanction;
- iii) Requiring a candidate and their supporters to stop campaigning for a set period of time;
- iv) Requiring a candidate to issue an apology to one or more fellow candidates, or to the whole student body;
- v) Disqualification from the election

7.2.7 If the Returning Officer has reasonable grounds for believing that College policies or regulations have been breached they may refer the matter to the Academic Secretary and Secretary to the Council. If the Returning Officer has reasonable grounds for believing that there has been a breach of the criminal law they may consult as appropriate with a view to making a report to the Police.

7.2.8 The Returning Officer may disqualify a candidate from an election for serious breaches of the rules, policies or regulations. Such breaches could include the following (though this is not intended to be an exhaustive list):

- i) If they find evidence that there has been coercion, bullying or other improper pressure put on students to vote for a particular candidate or candidates;
- ii) If the log-in details of another student, or students are used to vote on their behalf;
- iii) If voting stations not run and staffed by election officials are set up;
- iv) If they have evidence of tampering with any election documentation or voting materials or databases;
- v) If they have evidence of bullying or intimidation of fellow candidates, supporters or election officials;

- vi) Repeated breaches of the Bye Laws.

7.2.9 Other than in the circumstances set out in sections 7.3 and 7.3.1 the decision of the Returning Officer, having investigated a complaint, is final.

7.2.10 If a complaint is made about the Returning Officer, or Deputy Returning Officer it will be passed to the Deputy Chair of the Board of Trustees, who is an External Trustee.

7.2.11 This will enable an independent review to be undertaken by someone not previously involved in the elections. The Deputy Chair will acknowledge its receipt as soon as possible and within 3 working days of receiving it. In the absence of the Deputy Chair, the Chair of the Board of Trustees will nominate another External Trustee to consider the complaint.

7.2.12 The Deputy Chair (or the other External Trustee) will investigate the complaint in a manner which they feel is appropriate, but will be impartial, thorough and prompt. They may seek assistance as necessary and shall gather evidence and interview any person who can provide relevant information. Written records shall be kept of all such interviews. Anyone who has been accused of wrongdoing must be given an opportunity to respond to such an allegation following the principles of natural justice. In any hearings or interviews such persons must have the opportunity to speak and to be accompanied by a friend, who must be a Member of the Union.

7.2.13 If they deems that circumstances justify it, the Deputy Chair (or the other External Trustee) may suspend the Returning Officer and /or the Deputy Returning Officer from their Returning Officer responsibilities while the investigation is carried out.

7.2.14 The Deputy Chair (or the other External Trustee) may, after conducting the investigation:

- i) Determine that there is insufficient evidence to establish that there has been a breach of the Bye Laws or other wrongdoing, in which case the complaint will be dismissed; or
- ii) Determine that there has not been a breach if the Bye Laws or other wrongdoing, in which case the complaint will be dismissed; or
- iii) Determine that there has been wrongdoing and make a recommendation for action to the Board of Trustees.

7.2.15 The Deputy Chair (or the other External Trustee) will be expected to reach a decision based on the balance of probabilities, rather than beyond reasonable doubt.

7.2.16 If the Deputy Chair (or the other External Trustee), after conducting an investigation, has reasonable grounds for believing that College policies or regulations have been breached s/he may refer the matter to the Academic Secretary and Secretary to the Council. If the Deputy Chair (or the other External Trustee) has reasonable grounds for believing that there has been a breach of the criminal law they may consult as appropriate with a view to making a report to the Police.

### **7.3 Appeals against decisions by the Returning Officers**

7.3.1 The only circumstances in which a decision of the Returning Officer may be challenged are that a candidate has reasonable grounds, supported by evidence, for believing that the Returning Officer has not followed the Bye Laws or has otherwise acted contrary to Union policy, College regulations, or the general law, or that the circumstances in section 7.3.2 apply.

7.3.2 In the event that new information comes to light before the announcement of the results, but after the Returning Officer has made a decision, which if known when the decision was taken, might have resulted in a different decision, the Returning Officer should review the matter as soon as practicable. If the Returning Officer decides not to undertake such a review and a candidate believes that to be unreasonable, that is also grounds for appeal.

7.3.3 A challenge or appeal, made in accordance with the circumstances set out in sections 7.3.1 or

7.3.2 will be immediately referred to the Deputy Chair of the Board of Trustees and considered as set out in section 7.3.4 to 7.3.6. The Board of Trustees has the final responsibility for the outcome of such an appeal.

7.3.4 The Deputy Chair of the Board of Trustees will convene a meeting of the Board of Trustees as soon as practicable. The Board of Trustees will determine how the appeal is to be considered. This should normally be through the establishment of a Panel of Trustees, of at least 3 members, none of whom should have been in any way involved with the decision appealed against, or should know personally those involved in the dispute.

7.3.5 The Panel shall determine its own procedures, but should follow the rules of natural justice and would be expected to consider all relevant documentation, and may call for such further documents or reports as it considers necessary. The Panel may interview any persons who may have relevant information. Written records shall be kept of all such interviews. Anyone who has been accused of wrongdoing must be given an opportunity to respond to such an allegation following the principles of natural justice. In any hearings or interviews such persons must have the opportunity to speak and to be accompanied by a friend, who must be a Member of the Union.

7.3.6 Having reviewed all the evidence, the Panel may conclude:

- i) That the decision taken by the Returning Officer was in accordance with the Bye Laws and was reasonable in the circumstances. In that case the outcome of the Returning Officer's decision will stand;
- ii) That the decision was not in accordance with the Bye Laws or was not reasonable in the circumstances. In that case the Returning Officer would be invited to review the original decision in accordance with any guidance from the Panel.

7.3.7 In the event of the Union being asked to review a decision by the Returning Officer, by the College, or by a court or other external authority, the procedures set out in sections 7.3.4 to 7.3.6 shall be used as the basis for that review.