



SUBU Election Rules Template

NUS Delegate Elections, January 2020

Schedule 5 of the SUBU by-laws contains the full provisions regulating officer elections, and is annexed to these rules – they should be consulted by campaigners prior to campaigning.

A user-friendly summary of the key points is set out here, with some provisions that are bespoke to this election. If there is a conflict between these rules and the by-laws, the by-laws shall take precedence.

The election rules are based on 6 guiding principles agreed by the Returning Officers to ensure fairness, equal opportunities and transparency for everyone involved. Any candidate in doubt about any aspect of these election regulations should not hesitate to contact the Returning Officer (RO) or any Deputy Returning Officer (DRO) via subudemocracy@bournemouth.ac.uk

Your **RO** is: David Robertson (NUS UK)

An external, independent advisor, appointed to help ensure that the election is run with an additional layer of third party scrutiny and expertise.

Your **DRO(s)** are: Ade Balogun, SUBU President

Charlotte Morris-Davis, SUBU Democracy and Campaigns Manager

First point of contact, candidate engagement, day to day supervision & management of the election

RETURNING OFFICERS

Returning Officers

The elections are overseen by a Returning Officer (RO) with the assistance of Deputy Returning Officers (DRO[s]) who are responsible for the good conduct of this election and interpretation of the rules regulating the elections. They will also determine complaints about the election, candidates and campaigns. The RO and DROs are referred to as the 'Returning Officers' throughout this document and may be contacted by email at subudemocracy@bournemouth.ac.uk.

Independent Elections Adjudicator

To ensure that there is an impartial, external route of appeal for the handling of complaints about the election or candidates. The role of the IEA is limited to being responsible for hearing and determining the outcome of appeals against the decisions of the Returning

Officers. The IEA also has a role in determining complaints received in exceptional circumstances as set out at Schedule 5 of the by-laws.

6 GUIDING ELECTION PRINCIPLES

1. *The law, University Policies and Union Regulations are all in full force and shall apply to SUBU elections.*
2. *Candidates should be fully transparent, accessible and accountable to their electorate.*
3. *Candidates must treat other candidates, students, staff and members of the public with respect.*
4. *Candidates must not undermine the fair and democratic running of elections and should take reasonable steps to understand the election rules before the election commences.*
5. *Candidates must not do anything to gain an unfair advantage.*
6. *Candidates must respect the campus environment and the community and not act in such a way as to bring the elections process, the Union or the University into disrepute.*

GENERAL RULES

Participation in elections

1. **Only** BU students are eligible to participate in any part of this election. This includes students who also have staff status - however they **cannot** act in their staff capacity in this election in any way.
2. BU students **cannot** nominate or second more than one candidate nomination per position (e.g. Academic Societies Officer and one for International Students Officer).
3. Subject to rule 4, **no** campaigning should be carried out by any member of SUBU Staff or a SUBU Trustee (other than where a candidate is a Trustee standing for election or re-election) or Bournemouth University staff, full-time or part-time. This includes full-time elected officers (other than those standing for re-election). Part-Time Student Staff **can** only campaign when off-duty.
4. Executive Committee Trustees may campaign, provided that in doing so they do not use facilities or materials available to them within their role as Trustees that are not available to other students and campaign in their own time, and do not abuse their position as Executive Committee Trustees in doing so.

5. Any campaign for the 'No Suitable Candidate' for any position must adhere to the same rules candidates must adhere to.

Conduct of campaigns

6. Candidates must not campaign in any form before campaigning has officially begun.
7. Candidates must not spend more than their allocated campaign budget of £20 nor split resources with another candidate.
8. On the grounds of fairness and equal opportunities, all campaign materials in this election will be assigned a price by the Returning Officers, to be deducted from your campaign budget. You are required to check with the Returning Officers prior to accepting any gift, offer of sponsorship, or product/service offered at less than its usual commercial value (including those offered at 'mates rates'), towards your campaign or campaign materials. The Returning Officers may, at their discretion, prohibit you from accepting that offer or may assign the usual value towards the product/service and deduct this from your campaign budget.
9. Co-campaigning is **not** permitted (*defined as partnering with another candidate to share resources and endorse one another to increase the reach of your campaigns*).
No candidate shall co-campaign for the duration of this election process. This shall include:
 - a) Sharing other candidates' Facebook pages, tweets, or any other advertisement of their campaign on social media.
 - b) Helping out other candidates that are also running.
10. Offensive language of any kind will **not** be tolerated.
11. Any behaviour which would constitute inappropriate discrimination, harassment or victimisation on the basis of gender, sexuality, race, any other protected characteristic as defined by section 4 of the Equality Act 2010, or any other liberation groups will **not** be tolerated.
12. Candidates can **only** criticise manifesto points and **not** candidates personally.
13. Campaigners **must not** cheat, lie or defame other candidates or campaigners.
14. Campaign materials that pose a health and safety risk will be **removed**.
15. It is fundamental to our values that SUBU's resources are not perceived as being "in favour" of any candidate. As a result, access to some SUBU resources that you may have access to usually may be restricted, for example using the SUBU minibuses or wearing SUBU uniform.

16. Candidates are **not** allowed to canvass (including wearing t-shirts) in any of the following areas:
 - a) In the vicinity of any SUBU elections stands. The RO shall determine what constitutes the vicinity of the ballot box and shall inform the candidates;
 - b) Halls of residence; and
 - c) In any off-campus venues, or third party organisations. The Old Fire Station is the only off-campus exception where full campaigning can take place.
17. **No** candidate should ever stand over anyone whilst voting – it is essential to respect all students' privacy and choice. This includes students voting on mobile phones and tablets. Candidates **cannot** supply their own devices for students to vote with.
18. Candidates are **not** allowed to campaign through external media (e.g. local press or radio).
19. Candidates are **not** permitted to send mass election content to student groups, for example via email. This excludes social media groups i.e. Facebook.
20. It is the candidates' responsibility to ensure that **all** campaign materials are **removed** from public display at the end of the voting period and before the announcement of the election results. For this reason **no** stickers or chalk may be used throughout campaigning.
21. The results will **not** be announced until **all** campaign materials are taken down and candidates have been asked to sign the Fair Play agreement.

Campaigning using social media

Candidates can use all forms of social media; here are some guiding rules, mostly around the use of Facebook:

22. Candidates **must not** post on the SUBU Bournemouth page (Facebook).
23. Candidates **must not** start publicly campaigning on Facebook in any shape, way or form until polling starts. This does not include the private group for your campaign planning.

Complaints and recounts

24. If a candidate or member wishes to complain about the election, a campaign or candidate, then they **must** file the complaint as soon as possible with evidence to the RO no later than the close of voting (unless one of the circumstances set out within section 11 of the by-laws applies). Further rules regarding complaints are set out in Schedule 5 of the SUBU by-laws (annexed to these rules).

25. Candidates or their agents **may** request a recount within thirty minutes of the result being announced.

WHAT HAPPENS IF YOU OR SOMEONE ELSE BREAKS THE RULES?

The Returning Officers have the power to act as they see fit to preserve the fairness of the election, based on the 6 Guiding Election Principles set out above and acting in a reasonable and proportionate manner. This includes investigating and responding to complaints made by individuals about conduct of or behaviour within the election or election campaigns and any matters which the Returning Officers themselves identify as being a cause for concern. If the Returning Officers decide that a candidate has broken the rules or that another complaint is made out, then the Returning Officers will consider whether the fairness or integrity of the election itself has been undermined and will take reasonable and proportionate steps to mitigate any impact.

You should consult section 11 of Schedule 5 to the by-laws to understand the timeframes in which complaints must be made.

The range of decisions that the Returning Officers may take includes (but is not limited to):

- a) Allowing the election to continue/take no action;
- b) Disqualify or suspend a candidate;
- c) Suspend or cancel an election for a particular post;
- d) Suspend or cancel an entire election;
- e) Issue a clarification and/or guidance to one or all candidates;
- f) Issue a warning to one or all candidates;
- g) Take any other action that is deemed appropriate to uphold the fairness of the election, which may include eliminating a candidate from the e-voting site for a period of time or removing campaign materials.

Any decision of the Returning Officers will not be effective until the time in which an affected individual can appeal has expired.

APPEALING AGAINST THE DECISION OF THE RETURNING OFFICERS

An individual can appeal a decision of the Returning Officers about conduct during an election within 12 hours of receiving their decision if before 12pm on a working day or within eighteen hours if received after 12pm on a working day; the appeal shall be addressed to the Independent Elections Adjudicator and sent to subudemocracy@bournemouth.ac.uk and may be made on one or more of the following grounds:

- i. that there was a material procedural irregularity or misinterpretation of the rules governing the election that led to the decision of the Returning Officers being unfair; and/or

- ii. the decision of the Returning Officers was inappropriate or disproportionate to the nature and seriousness of the complaint.

No new evidence or elements to the complaint made be introduced upon appeal to the IEA unless there are exceptional circumstances, and only then at the discretion of the IEA.

If the appeal is successful, the IEA may overturn the decision of the Returning Officers and then determine what actions should follow, to ensure a reasonable and proportionate outcome. This may include (but is not limited to):

- (a) removing any penalties/sanctions imposed by the RO;
- (b) issuing a warning to candidates/campaigners;
- (c) disqualifying or suspending a candidate/campaigner;
- (d) reinstating a candidate/campaigner;
- (e) confirm that an election should be re-run; and
- (f) voiding the election of a winning candidate.

In exceptional circumstances, individuals can appeal against decisions outside of the timeframe listed above, as set out at sections 11.6 and 11.13 of Schedule 5 to the by-laws.

Schedule 5 contains the full rules of elections and processes for complaints and appeals, including the timings that apply in exceptional circumstances to late complaints, which should be consulted in full prior to a complaint or appeal being submitted so as to ensure that your complaint or appeal complies with the rules and can be reviewed.

If you have any questions about the rules regulating the election, please contact the Returning Officers at the details given above.