

TO: Assembly

FROM: Dan Lonsdale (Durham SU President)

RE: Review of Durham SU Elected Officer Structure: Change to Election Rules

DATE: 7 March 2024

Assembly agreed to change the roles on the Officer Committee at its last meeting. It changed the full-time Officers and created part-time Officers for the first time.

The law requires that full-time Officers can only be elected in one way, in a cross-campus ballot of all students, but there is much more flexibility in the part-time Officer roles. This means that the Standing Orders needed to be updated and Assembly asked that no part-time Officers be elected until it had a chance to review the Elections Rules.

The nature of the part-time roles suggests that different parts of the student community will vote for their own representatives: it'd be weird if students in the Business Faculty for example, could stand or vote for the Science Faculty President, and students who are undergraduates shouldn't expect that the Postgraduate Research Students Officer is accountable to them, and so on.

The invitation to share in the discussion about part-time Officer election methods was shared with all members of Assembly, shared on Durham SU's social media, emailed to all students, and discussed in specific consultation workshops. For Assembly members who would want to make sure that the issue can be consulted on with the people they represent, the proposal is published in the Assembly papers two weeks before the Assembly meeting on 7 March.

The proposal before Assembly suggests that cross-campus ballots are used for the four Faculty Presidents, the International Students Officer, and the Societies Officer. This election method will be the same as the full-time Officers, but there'll be a restriction on which students can stand and vote in the elections.

A cross-campus ballot will also be used for the Liberation Officer, but the Returning Officer has asked Assembly to offer guidance on which students should be included in the constituency of those who can stand and vote for the Officer. The current Welfare and Liberation Officer has been asked to bring a paper to the next meeting of Assembly.

The consultation showed that three communities of students; postgraduate research students, welfare volunteers, and sustainability activists, would not wish to stand in a cross-campus election, and a cross-campus election was not viewed as the best way to engage in dialogue and gain a mandate from those communities as students. An experiment is proposed, in which three events are held in the Easter term, to elect a student leader to be the Postgraduate Research Officer, the Welfare Officer, and the Sustainability Officer. These events will be evaluated, and the conclusions shared with Assembly to decide as to continue with these events into the future.

'Welfare volunteers' to elect the Welfare Officer is intended to be an inclusive definition of the wide number of students who volunteer in welfare roles across the university, who register to participate in a welfare focussed event each year.

This should include Welfare Officers of student groups, Common Rooms and other student organisations, and general executive members of student groups that support student welfare such as Nightline. The intention is that students who have a stake in student welfare come together at an event to choose one of their number to represent their interests and, therefore, the welfare event should seek to include volunteers in the electorate rather than exclude them.

'Sustainability activists' to elect the Sustainability Officer is intended to be an inclusive definition of the wide number of students who are passionate about or campaigning for or studying sustainability across the university, who register to participate in a sustainability focussed event each year.

This should include Officers of student groups, Common Rooms and other student organisations focussed on sustainability, and general executive members of student groups that focus on sustainability such as the Climate Society, the Conservation Society and the Student Energy Society. The intention is that students who have a stake in sustainability action come together at an event to choose one of their number to represent their interests and, therefore, the sustainability event should seek to include volunteers in the electorate rather than exclude them.

JCR and MCR PresComm operate largely autonomously and the proposal at the last Assembly was that the Committees elect one of their members to be resourced to lobby the University and the students' union on behalf of their peers. This remains the proposal.

Finally, the proposed new Elections Rules provides for Assembly to appoint certain students to external bodies such as Durham University and NUS.

Assembly is asked to APPROVE the new Elections Rules.

Amendment 1 (from Dan Lonsdale)

The proposal for new Elections Rules contains the provision that in all Durham SU elections, there must be an option for students to be able to spoil their ballot. This is very usual in a paper ballot, but not electronic elections. This allows students who want to participate in the democratic process to express dissatisfaction with the candidates.

The proposal, however, does not include a requirement that there be an option on all ballots to void the election, usually known as 'ReOpen Nominations'.

This follows a recommendation from elections officials that Assembly definitively confirm that they believe that RON is a positive contribution to democratic participation.

The recommendation has come from the election's officials on the basis that a vote for RON doesn't need or require any other person to contribute anything else to the democratic debate; it allows "not these" without any "this instead". It doesn't progress any democratic exercises, but stalls it instead, and makes future engagement from candidates and voters more difficult.

Assembly is asked to discuss what RON adds to the elections process, and what having the RON option does to help students to express their democratic priorities. It is important to note that the original proposal contains the 'spoil the ballot' option, so

- A vote for this amendment would remove the 'spoil the ballot' option and insert RON.
- A vote against this amendment would keep 'spoil the ballot'.

Assembly can then decide whether to adopt the new Elections Rules as amended,

As President, I believe that it is right to offer the amendment to Assembly which is:

“Delete “All elections shall allow voters to indicate that they wish to spoil their ballot.”

And replace with “All elections shall allow voters to void the current election by voting to ReOpen Nominations (RON)”.

Appendix 1

Standing Order C: Elections Rules

The Returning Officer

The Returning Officer will be appointed by the Board of Trustees, subject to ratification by Assembly. The Returning Officer must not be a member of Durham SU.

The Returning Officer will report annually to Assembly and, through the Board of Trustees to the Council of Durham University, on the extent to which elections to the Officer Committee have been fairly and properly conducted. The principal duty of the Returning Officer is to promote and safeguard the interests of the student electorate in fair elections.

The Returning Officer has authority to interpret the Elections Rules and will publish Guidance consistent with the Elections Rules to support candidates, campaigners, and voters, in understanding their roles in the elections.

The Returning Officer will appoint the Chief Executive or their nominee as the Deputy Returning Officer. The Deputy Returning Officer will administer elections to the Officer Committee on behalf of the Returning Officer.

The Secretary to Assembly will be the returning officer for referendums, elections to Assembly and for all Durham SU student groups. The Secretary to Assembly may appoint suitably qualified and trained persons to act on their behalf, which may include student members as appropriate.

Major Offices

All members of Durham SU are eligible to stand and vote in an election for major office, subject to also being able to serve as a trustee.

Other Offices

Durham SU makes appointments to non-major union offices in different ways.

Durham SU trustees

Durham SU student trustees are elected in a cross-campus ballot.

No student who holds office as a Durham SU trustee may also hold another office under the Standing Orders; for the avoidance of doubt, this does not include any position within any Durham SU student group or any position within other student organisations, subject to the successful management of any interests.

By ballot

A ballot is an election in which all members within a defined constituency may stand and vote for their representatives.

- For Faculty Presidents, the constituency is all students enrolled on a course aligned to a particular Faculty of Durham University.
- For the International Students Officer, the constituency is non-UK fee paying students at Durham University.
- For the Societies Officer, the constituency is full members of Durham SU's student groups.
- For the Liberation Officer, the constituency is self-defining students of a marginalised community, as defined in the Standing Orders.
- For members of Assembly, the constituency is as defined in the Standing Order which creates members of Assembly.

- For student groups, the constituency is full members of the student group, unless by agreement an election is conducted of some of the members.

By event

An event is an election at a defined time and place in which all members who are registered to attend may stand and vote in an election.

- The Postgraduate Research Students Officer will be elected at an annual conference for postgraduate research students.
- The Welfare Officer will be elected at an annual development event for welfare volunteers.
- The Sustainability Officer will be elected at an annual campaign event for sustainability activists.

By nomination

The membership of the Committee of Junior Common Room Presidents, and the Committee of Middle Common Room Presidents, is comprised of nominees from Durham University Organisations and from independent charities. Each Committee will nominate one of their members to serve on the Officer Committee for one academic year, and Durham SU will compensate them for their time within a formal agreement.

By appointment

Assembly will accept nominations from the Officer Committee to make appointments.

- One member of the Officer Committee, who must be a postgraduate student, to serve on the Council of Durham University with the President *ex officio*.
- One student from each Faculty to serve on the Senate of Durham University, with the President, Education Officer and Community Officer *ex officio*. The Officer Committee will ensure that at least two student members of Senate are postgraduate students, and at least two student members of Senate are international students.
- To conferences of the National Union of Students, with the President *ex officio*.

Referendums

A vote of all Durham SU student members may resolve a question as set out in Article 100. The Secretary to Assembly will determine the exact language of a question to ensure that the question may be resolved with an unambiguous outcome.

A referendum need not be restricted to a 'yes' and 'no' vote, and may be used to rank preferences.

Other matters

All Durham SU elections and referendums are counted under the rules for the single transferrable vote.

A limit may be imposed on campaign expenditure by candidates, and the trustees may also award a grant from Durham SU to support campaigning.

The Returning Officer should take reasonable steps to ensure that any election is a contest between Durham SU's members. The unreasonable contribution or influence of other independent organisations may be considered as an unfair advantage or disadvantage, and may be considered under the complaints process, and a candidate may be sanctioned in the interests of a fair election.

All elections shall allow voters to void the current election by voting to Re-Open Nominations (RON).

Elections Guidance

Elections Guidance must contain:

- The process for nominations from students eligible to stand in an election.
- Standards of behaviour expected of candidates and their campaign teams during the election and campaign period, based on the [Durham SU Code of Conduct for Student Members](#).
- Any other policies and procedures which apply to candidates and their campaign teams, such as the social media policy, the data protection policy, the management of interests policy, the expenses policy, and the right to request reasonable adjustments for accessibility.
- The process by which votes will be cast, counted, and the result declared.
- A complaints process, with detailed steps as to how any complaint will be handled consistent with the Elections Rules.

The complaints process

Complaints in respect of campaigning or voting should be received before the close of ballot. A result will not usually be declared unless outstanding complaints have been resolved. Candidates and their campaign teams are expected to cooperate promptly and fully in the event of a complaint being made in respect of their actions.

Complaints should be made in a manner consistent with the Durham SU statutory complaints procedure. The Deputy Returning Officer has initial authority to consider complaints and will establish the facts to the best of their ability, consider whether any Durham SU rule or policy has been engaged, and may make an initial ruling on the balance of probabilities as to an appropriate outcome.

The Deputy Returning Officer may impose a sanction if a candidate or campaign team has acted in breach of any Durham SU rule or policy. The sanctions available are: a requirement to act on guidance or undertake training, a formal warning, a final warning, or expulsion from the election. Any appropriate sanction may be applied without a need to impose a warning before expulsion. A failure to act on guidance, undertake training or heed a warning may be considered as an aggravating factor in further complaints.

A candidate who has had a ruling or sanction imposed on them may appeal the decision of the Deputy Returning Officer to the Returning Officer if they have grounds for appeal. The grounds for appeal are: that there was procedural irregularity at the first stage of the complaints process, or there is new evidence which for good reason was not previously available to the Deputy Returning Officer. There is no ground to appeal on the basis of disagreement with a sanction.

The Durham SU statutory complaints procedure is appropriate to consider a complaint that no confidence can be placed in the conduct of an entire election but is not a further appeal to a ruling of the Returning Officer. Any such complaint should be addressed to the supervising trustee in the first instance, who will report to the University Secretary.

Any complaint in respect of a Durham University or Common Room rule should be made to the appropriate organisation in the first instance. Complaints which don't have any apparent relevance to the Durham SU Elections Rules may be declined or referred to the matter to the appropriate organisation.