

# SENIOR LAY MEMBER ELECTION AND APPOINTMENT RULES

Policy name	Senior Lay Member/Convener of Court - Election and Appointment Rules
Approved by	Nominations Committee (27 March 2023) Court (19 April 2023)
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Owner	Court Office
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# **SENIOR LAY MEMBER**

## **- ELECTION AND APPOINTMENT RULES**

### **1. GENERAL INTRODUCTION**

- 1.1. The following rules have been prepared in accordance with the requirements of the Higher Education Governance (Scotland) Act 2016 (the Act). The Act requires that the governing body of a higher education institution is to include the position of a Senior Lay Member. In the case of the University of Glasgow the governing body is known as the University Court or Court and the Senior Lay Member is known as the Convener of Court.
- 1.2. These Election Rules (the Rules) apply to all Convener of Court appointments conducted at the University of Glasgow.
- 1.3. The appointment of the Convener of Court is conducted through a number of stages:
  - (i) Advertisement, application, shortlisting and interview;
  - (ii) Election;
  - (iii) Appointment;
  - (iv) and Reappointment.
- 1.4. These Rules are in addition to and without prejudice to any other University Policy or Procedure. Where an existing policy exists, it shall take priority in resolving an issue during the course of an election.
- 1.5. All documentation and information relating specifically to the election will be made available on the Court Website (the Website) – with more information being available by emailing [uofg-court@glasgow.ac.uk](mailto:uofg-court@glasgow.ac.uk)
- 1.6. Court is responsible for the appointment of the Convener of Court and will delegate to the Nominations Committee responsibility for ensuring that the process and rules outlined below are adhered to.

### **2. ELIGIBILITY AND PERIOD OF OFFICE OF THE CONVENER OF COURT**

- 2.1. Students and members of staff of the University are not eligible to be appointed as the Convener of Court. In addition no former member of staff or student of the University is eligible to be appointed until at least four years have elapsed from the point at which they ceased to be a student or a member of staff at the University.
- 2.2. Those members of Court who are not members of staff or students are eligible to be appointed as the Convener of Court. Former members of Court are not eligible to be

appointed until at least four years have elapsed from the point at which their membership on Court ended.

- 2.3. The Convener of Court is a charity trustee. Accordingly, all candidates are required to declare their eligibility to serve as a charity trustee under the Office of the Scottish Charity Regulator (OSCR) guidelines at the time of nomination. A form for completion by the Candidate confirming their eligibility in this regard is included with the application form and must be submitted with the application. Annex A outlines the Role of the Convener of Court.
- 2.4. As member of the University Court, the Convener of Court must agree to the Code of Conduct for members of Court and as such endorse the Nine Principles of Public Life in Scotland, as set out in the Ethical Standards in Public Life etc. (Scotland) Act 2000.
- 2.5. All applicants are required to observe the University's policies and procedures. We also require applicants to uphold the University's values with respect to equality, diversity and inclusion.
- 2.6. The successful person will take office as Convener of Court on the 1 August 2024 and will hold office for four years from the date on which they take office. The position may be extended for a further and final period of four years by agreement of the Court on the recommendation of the Nominations Committee, without recourse to a further election.
- 2.7. Any recommendations to re-appoint the Convener of Court will be informed by the following considerations:
  - a) The length of time the Convener of Court has served on the Court in total, taking into account the relevant higher education governance guidance on the periods of office applicable at the time;
  - b) The extent to which the Convener of Court continues to meet the criteria for appointment as the Convener of Court;
  - c) Assessment of performance in the role to date;
  - d) Any other rules made by the Court from time to time.

### **3. APPOINTMENT AND SELECTION PROCESS**

- 3.1. Where a vacancy for the position of Convener of Court arises, the Court will delegate to the Nominations Committee responsibility for:
  - a) Devising the relevant criteria for appointment to the role of Convener of Court. These should include: the availability, skills, knowledge and experience considered by the Appointment Committee to be necessary or desirable, to discharge the role and to command the trust of the Court, Senate, and the wider staff and students of the University.
  - b) Ensuring the efficiency and fairness of the process for filling the position;
  - c) Promotion and advertisement of the vacancy, in a manner suitable for bringing the vacancy to the attention of a broad range of persons; and

- d) The publication of anonymised data on the number of applicants, and, so far as consent to disclosure has been received from the applicants, the characteristics listed in S149(7) of the Equality Act 2010 in relation to applicants, those invited to attend interview, and the candidates considered entitled to stand in the election thereafter.
- 3.2. As required by the Act, any advert for the position must include:
- a) the functions exercisable by the Convener of Court,
  - b) a summary of the relevant criteria with respect to the position and states how more information about the relevant criteria can be obtained, and
  - c) an explanation of-
    - (i) the process for filling the position;
    - (ii) how the application form in relation to the position can be obtained;
    - (iii) that reimbursement is offered of expenses incurred in connection with attending an interview and campaigning in an election for the position;
    - (iv) that remuneration and allowances are available in connection with the holding of the position.
- 3.3. The Nominations Committee will appoint a Selection Panel, which shall include at least one person from (i) the staff and (ii) the students of the University and be convened by a lay member of Court. If there is an incumbent Convener of Court, they will not be a member of the Selection Panel or participate in the appointment process.
- 3.4. The Nominations Committee may decide to engage an external recruitment consultancy to assist it in discharging its responsibilities. The Nominations Committee must, however, take all decisions on whether an application received meets the relevant criteria and ensure any consultants engaged in the process operate within a clear remit.
- 3.5. The Nominations Committee will determine the format for the applications, including any accompanying documentation that applicants are required to submit.
- 3.6. The Selection Panel will consider the applications against the criteria for appointment, and will reach a decision on which of the applicants appear to meet those criteria. The Selection Panel will then arrange to interview such applicants.
- 3.7. As part of the interview process, the applicants may also be invited to meet with the Principal, members of the senior management and Court members, with a group of academic and professional services staff and a group of students. The Selection Panel may seek comments from each of these groups to inform its decision about which applicants have demonstrated that they have meet the relevant criteria.

#### **4. ELECTION RULES**

- 4.1. Where more than one applicant is deemed by the Nominations Committee (or Selection Panel if appointed) to meet the criteria to stand for election and has confirmed their intention to stand as a candidate, an election will be arranged. If only one candidate meets the criteria for election or the number of candidates in the election, either prior or during the process, subsequently falls to below two then in accordance with the Act the election will be postponed until the election can be held with more than one candidate standing (and the vacancy will be re-advertised). The remaining candidate will continue to be entitled to stand as a candidate in the subsequent rearranged election without further interview.
- 4.2. The University Secretary shall be the Returning Officer for the election. If for any reason the University Secretary is unavailable, the Court will appoint a Returning Officer. The Returning Officer will be responsible for managing the electoral process, including arranging the announcement of candidates and their election statements, arrangements for voting and the electoral roll, the application of the election rules herein, including with regard to the content of election statements, considering complaints raised in relation to the conduct of campaigning and the election itself, imposing sanctions as appropriate.
- 4.3. The University will make available on its website to all electors the names of the candidates, and should candidates wish, their photograph and an election statement which will be limited to 500 words. Statements will be approved by the Returning Officer prior to publication. An Open meeting(s) for candidates to address students and staff/members of Court will be organised by the University. See Section 8 – Campaigning for further details.
- 4.4. The Court Office has responsibility for managing the Election. The Executive Officer and Clerk of Court (together with any deputies selected by them) will be the first point of contact for all matters in relation to the Election and they will liaise, as appropriate, with candidates, the campaign teams and the University Secretary in managing the election.

#### **5 VOTING**

- 5.1 In accordance with the Act, the following persons are entitled to vote in an election
  - a) The members of the Court on the date the electoral roll closes
  - b) The students of the University, as defined as students fully registered on the date which the electoral roll closes
  - c) The staff of the University, defined as any individual who holds a contract of employment with the University of Glasgow
- 5.2 The date the electoral roll closes will be determined by the Returning Officer and will typically be no earlier than one month prior to the planned election.
- 5.3 No individual is entitled to cast more than one vote in the election. Each vote in the election carries equal weight.

- 5.4 The voting will take place through electronic voting via a secure online voting system. Voting will be open for a prescribed period as outlined in Annex B. The Nominations Committee will determine the dates of the election period, which will be during either Semester 1 or Semester 2. 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 Nominations Committee may agree to extend the said voting periods as they consider necessary.
- 5.5 The election is won by the candidate who secures a simple majority of the total number of votes cast. In the event of a tie between two or more candidates, the winner shall be determined by drawing lots under the supervision of the Returning Officer.
- 5.6 Proxy voting is not permitted. Where a member of the electorate is unable to vote electronically, the University will, if requested, be required to make reasonable arrangements for the elector to have access to facilities to cast their vote, in a manner and timeframe approved by the Returning Officer.
- 5.7 After the close of the poll, the Returning Officer will initiate the count. The result of the election will be announced as soon as possible after the close of voting. The result will be announced at a venue and time designated by the Returning Officer as outlined on the Website and detailed in Annex B. Candidates will be invited to attend the declaration of the result or, in their absence, to send a person as their representative.

## **6. ARRANGEMENTS IN THE EVENT OF A DELAY IN THE PROCESS**

- 6.1 If for any reason there is a substantive delay in an election taking place due to there being only one candidate or due to an election having to be re-run, and where this results in the period of office of the incumbent Convener of Court ceasing before a successor is appointed, the Vice Convener of Court (or if they are a candidate in the election another lay member appointed by Court) will undertake the role of Convener of Court until a successor is appointed.

## **7. REMUNERATION AND TERMS OF APPOINTMENT**

- 7.1. In accordance with the Act, Section 9 – the governing body of a higher education institution is, on the request of a person appointed to the position of senior lay member of the governing body (Convener of Court), to pay such remuneration and allowances to the person as the governing body considers to be reasonable (which are to be commensurate with the nature and amount of work done by the person in the capacity as senior lay member (Convener of Court)).
- 7.2. The person elected shall be subject to the Court's terms and conditions of appointment and regulate their conduct in accordance with the highest standards of governance, as set out in the University Court's Code of Conduct, adherence to which is part of the terms of the appointment of all members of Court. In addition, the person elected is subject to the

Charities and Trustee Investment (Scotland) Act 2005 which provides for circumstances under which an individual is disqualified from serving as a charity trustee and the person elected will be required to confirm that they are not so disqualified as part of their terms and conditions of appointment. In accordance with the Higher Education Governance (Scotland) Act 2016 (and the Scottish Code of Good HE Governance) a Policy and Procedure for the Removal of Members of Court (including the Convener of Court) is in place to address circumstances where a member has materially breached their conditions of appointment.

## **8. CAMPAIGNING**

- 8.1. Campaigning may only be undertaken during the period specified by the Returning Officer. No campaigning should be undertaken by candidates until they have been notified of that period permitted by the Returning Officer.
- 8.2. Each candidate shall be entitled to provide a photograph and election communication of not more than 500 words which the University will make available to the electorate.
- 8.3. Candidates in an election will be invited to attend an 'Open Meeting' before an audience of students and staff/Court members, at which candidates will have the opportunity to address the audience and take questions. These meetings may be combined or held separately for the respective audiences.
- 8.4. All candidates will be required to note the following rules:
  - a) There will be no attempt made to limit the kinds of media or campaign material that may be used in campaigning, but candidates must be aware that there may be legal constraints on the use of flyers and other forms of publicity and that they alone will be responsible for any legal penalties.
  - b) Official endorsements of candidates by any organisation, or by individuals representing or perceived to be representing an organisation are not permitted. Specifically, this includes endorsement by the University or by its constituent parts (whether Colleges, Schools, Directorates or other units and centres); by any of the recognised student unions or similar organisation; by the Students Representative Council or member of Court.
  - c) Candidates must not break the law or bring the University into disrepute.
  - d) Other than for Open Meeting(s) referred to above, use of University Buildings for campaign purposes is not permitted
  - e) All campaign materials (banners, posters, flyers, etc.) must be removed within 48 hours of the close of voting.
- 8.5. Travel expenses incurred by each candidate for attendance at interview or to attend the 'Open Meetings' will be reimbursed subject to being consistent with the University's policy on expenses and will normally be limited to £500 per candidate.
- 8.6. Up to £350 may be expended on each election campaign. This includes all publicity expenses. Candidates must keep all receipts and a detailed record of expenses for submission to the Court Office to ensure that the election campaign allowance is not exceeded. Any candidate

that exceeds the limit (excluding the candidates' personal travel and subsistence costs) may be disqualified.

- 8.7. Use of pre-existing e-mail, phone or mailing group/ lists by candidates for the purpose of promoting their campaign is not permitted. Harvesting of data from any such lists for campaign purposes is also not permitted.
- 8.8. Candidates may canvass individuals known to them. Unsolicited canvassing of other voters by e-mail, mail or phone using University directories or resources is not permitted. As noted at section (2), the University will ensure that the candidate's statement is made available to voters.
- 8.9. No candidate is permitted to supply free or discounted alcoholic drinks or illegal substances for students or staff in the course of the campaign.
- 8.10. A breach of these rules may result in the disqualification of a candidate by the Returning Officer. All complaints should be directed to the Returning Officer.
- 8.11. Nothing in these Rules prevents a member of University staff or external body from removing or prohibiting activity on campus during the course of the election.
- 8.12. The Court Office will set the date for the Election Open meetings and the Court Office will make arrangements for and oversee the conduct of the Election Open Meetings. The Open Meetings will be chaired by a senior officer or lay member of Court who will ensure these are operated fairly.

## **9 COMPLAINTS AND APPEALS**

- 9.1 Any questions regarding these Rules can be raised in the first instance with Court Office by emailing [uofg-court@glasgow.ac.uk](mailto:uofg-court@glasgow.ac.uk)
- 9.2 Any concerns or allegations of infringement of election rules should be lodged by emailing the Returning Officer. Detailed information regarding the complaint (including which Rule(s) are alleged to have been broken and details of who is alleged to have broken the rules) must be submitted together with all supporting evidence at the outset.
- 9.3 Complaints relating to any alleged breaches of these Election Rules must be submitted within 24 hours of the issue occurring or the complainant becoming first aware of the issue.
- 9.4 In any event, all complaints must be received within 24 hours following the official outcome of the election being declared.
- 9.5 The Returning Officer will have discretion as to how best to resolve such allegations and infringements including but not limited to:
  - referring actual or alleged minor infringements;



- obtaining voluntary undertakings from infringing candidates about future conduct;
- securing the voluntary removal of infringing materials;
- securing voluntary apologies from candidates for campaign misconduct;
- imposing sanctions on candidates;

When applying sanctions or seeking other means of resolving issues the Returning Officer will act proportionately and fairly at all times.

- 10.5 If at any time the Returning Officer determines that, as a consequence of some event or action (for example, tampering with votes, voters being unable to vote due to a voting system failure or material breaches of these Election Rules) the integrity and/or fairness of the election has been (or will be) seriously undermined and the veracity or fairness of the election result is in doubt, then the Returning Officer may annul the election.
- 10.6 Appeals against any decision of the Returning Officer will be considered by the Nominations Committee. Appeals against a decision of the Returning Officer will only be considered on grounds of procedure, competency or prejudice. Appeals must be submitted to the Nominations Committee by emailing [uofg-court@glasgow.ac.uk](mailto:uofg-court@glasgow.ac.uk) within 24 hours of the decision being sent to the party appealing. All decisions of the Nominations Committee will be final and there is no further route of appeal.

## Convener of Court

The Convener is responsible for the leadership and effectiveness of Court and for ensuring that the University is well connected with its stakeholders. The Convener should ensure that Court members work together effectively and efficiently, and that they observe the seven principles of public life: selflessness; integrity; accountability; objectivity; openness; honesty and leadership. The Convener of Court plays a key leadership role in University business, although is not responsible for day-to-day executive management of the institution, and must establish an effective working relationship with the Principal, by which they support each other but observe the balances imposed by their different roles within the University's governance framework.

There is also a close working relationship between the Convener of Court and the University Secretary, who has a reporting link to the Convener in relation to the conduct of Court business. The University Secretary provides guidance to the Court in terms of its responsibilities under the University's governing instruments.

The performance of the Convener is reviewed annually by the Court, in accordance with the Scottish Code for Good Higher Education Governance.

The legislation governing the ancient Universities in Scotland provide that the Rector - who at Glasgow is elected by the student body - is the ordinary President of Court. The Rector may therefore elect to preside at/chair Court meetings.

The current Rector attends meetings and acts as a spokesperson for students however they do not preside at/chair any items of Court meetings. In recent years Rectors have attended Court, and there had been a convention that the Convener chaired those parts of the meeting that relate to the main committee business, as well as being the key liaison between Court and the University senior management, outside the meetings of Court. The Rector had chaired other parts of Court meetings and had acted as a spokesperson for students.

As a founding member of the Russell Group, Glasgow is one of the UK's leading research universities. It has a strong and growing international profile with over 9,000 employees and an annual turnover of £928M, having a powerful impact on the Scottish economy. The successful candidate will be contributing to the University's development at an exciting time following the publication of our new Strategic Plan and major redevelopment plans for the campus.

Further information on the role and candidate requirements can be obtained from the University Website [University of Glasgow - Explore - Jobs at Glasgow - Appointments - Appointments to Convenor of Court](#) or by contacting Dr David Duncan, University Secretary and Chief Operating Officer - [David.Duncan@glasgow.ac.uk](mailto:David.Duncan@glasgow.ac.uk)

## ELECTION TIMELINE

Call for Applications opens	21 April 2023
Call for Applications closes	15 May 2023
Nominations Committee Selection Panel	19 May 2023
Interviews	30 May 2023
Applications informed of Interview outcome	30 May 2023
Statements from Applicants Deadline	5 June 2023
Election Open Meetings	9 June 2023
Voting opens	9am 15 June 2023
Voting closes	4pm 16 June 2023
Results declared	5pm on day voting closes
New Convener of Court to take up office	1 August 2024
Convener of Court initial term of office concludes	31 July 2028

All times listed are GMT.