

# Policy Proposal:

**Date:**  
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**Proposer/s:**  
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## **Current Policy/Situation**

*What happens at the moment?*

Standing Order 3 currently covers the election of Executive Officers and Students Officers. It can be viewed on the Union website via this link -

<https://www.derbyunion.co.uk/pageassets/change/governance/Standing-Orders-February-2025-v2.pdf>

## **New Proposal**

*What is your new proposal? This must include the exact wording that you would like in the Standing Orders?*

This proposal is to update the elections in line with recommendation from the Student Voice Review, including changing Student Officers to Student Leaders.

3.6.2 has been added to provide an extra eligibility check to ensure that candidates are able to start the role on time.

3.10.7 has been added to reflect the importance of candidates sending their expenses form and the delay this can have on announcing the results. This follows best practice guidelines from NUS.

Section 3.11 has been updated to provide greater clarity on the complaints and appeals process.

Sections 3.12 has been added to provide greater clarity on what would constitute a reason for disqualification from the elections process.

All changes can be seen below, everything being removed is shown crossed through in blue, and everything being added is shown in red.

The Academic Representation Policy will be updated to reflect the changes.

Any sections that have remained unchanged have not been included:

## STANDING ORDER 3 - ELECTIONS

These regulations shall apply to all elections by ballot for all campus elections including Executive Officers, **and Student Leaders** ~~and National Union of Students (NUS) Reps~~, and shall be read in conjunction with the Candidates' Guide and the Articles of the Union.

### **3.1. Elections**

3.1.1. Elections shall take place each academic year by cross campus secret ballot.

3.1.2. All elected positions shall hold office for one calendar year, commencing in the July following the election, with the exact date of handover to be noted within the Elections Candidate Guide produced each year. The last day in office for outgoing Officers will be **no later than** the second Friday in July on whichever date this falls.

3.1.3. The level of remuneration for the Executive Officers shall be agreed by the Board of Trustees but shall only be effective if the Board of Trustees follow the procedure and observe the conditions set out in clauses 30.5 of the Articles of Association.

3.1.4. Once elected all Executive Officers may attend meetings of the Executive Committee as an observer and any relevant meetings to which their future post entitles them, taking place immediately prior to taking up office on the second Friday in July.

### 3.2. By-Elections

~~3.2.1. If an Executive Officer position remains unfilled, falls vacant or an Officer is removed prior to the start of the academic year the Elections Officials may, at the discretion of the Board of Trustees, appoint the candidate with the next highest number of votes.~~

3.2.2. If an Executive Officer position falls vacant or an Executive Officer is removed after the start of the academic year, Election Officials will determine the most suitable time and mode for re-election for vacant roles.

3.2.3. If a Student ~~Officer~~ **Leader** position falls vacant or remains unfilled after the initial election, a by-election may be held. Should the position remain unfilled and a student expresses an interest, then a ~~Scrutiny Panel~~ **Union Meeting** can co-opt students into remaining roles.

### 3.3. Eligibility

3.3.1. All candidates standing for election must be full members of the Union, until voting has ceased.

3.3.2. No student shall be eligible to serve more than two terms of offices as an Executive Officer.

~~3.3.3. No student shall be able to hold office as an Executive Officer and a Student Officer simultaneously.~~

~~3.3.4. Any Student Officer or NUS Rep who ceases to be a student of the University of Derby shall be deemed to have resigned from their position. Election Officials will determine the most suitable time and mode for re-election for vacant roles.~~

3.3.5. All Executive Officer candidates will be asked to confirm they are eligible to become a Trustee based on the criteria outlined within the Charity Commission.

3.3.6. Candidates may only stand for election to one vacant **Student Leader** ~~Officer or Council~~ position at any given time.

### 3.4. Returning Officer

3.4.1. The Returning Officer shall be responsible for the good conduct and administration of all Union elections and shall have the sole interpretation of the election regulations and this Standing Order; such interpretations shall not be subject to challenge in any meetings of the Union.

~~3.4.2. The Returning Officer shall not be a current member of the Union nor shall they have been a member of the Union in the preceding two (2) academic years or a member of employed staff of the Union.~~

~~3.4.3. The Returning Officer may appoint a Deputy Returning Officer and Election Officials to assist in the conduct of elections.~~

3.4.4. ~~The~~ **A** Deputy Returning Officer shall assist the Returning Officer and act on behalf and carry out duties as instructed by the Returning Officer.

~~3.4.5. Executive Officers, Student Officers and candidates are not eligible to be Election Officials.~~

3.4.6. The Union shall provide a Candidates' Guide which will include details for the relevant elections and outline election regulations and procedures which must be followed by all candidates.

3.4.7. Changes to the election regulations and change of Returning Officer should be ratified by the Board of Trustees at the earliest opportunity via the appropriate meeting.

3.4.8. The Returning Officer shall establish an election complaints procedure and have sole authority to determine any complaint and any resulting action required. Such determinations shall not be subject to challenge in any meeting of the Union unless the action of the Returning Officer is proven to be negligent or fraudulent.

3.4.9. Following each election, the Returning Officer, or ~~their nominated~~ Deputy Returning Officer, shall submit a report outlining on the number of complaints received and acted upon and any other information as deemed appropriate in the running of a free and fair election. This will be circulated to the Student Voice Committee to provide reassurance to the University of their duties under the 1994 Education Act.

### **3.6. Nominations**

3.6.1. Any Full Member of the student body, as defined in the Articles, is eligible to stand for any of the available Union positions.

3.6.2. At the close of nominations eligibility will be confirmed with the University prior to the commencement of voting. Candidates deemed ineligible will be informed and withdrawn from the elections.

3.6.3. Any elected Executive Officer who wishes to re-run as a Candidate should declare this prior to the opening of nominations and then:

3.6.3.1. Will be able to promote the elections and their specific role but must not mention that they are re-running, or their specific achievements; and

3.6.3.2. Declare their conflict of interest in meetings where the election process they wish to participate in is being discussed.

3.6.3.3. The Union will not promote any work that Executive Officers who are re-running for a position are working on throughout the voting period.

3.6.4. By taking part in the elections all candidates ~~must~~ agree to accept the election rules and abide by the Union's Articles and Candidates' Guide.

### **3.10. The Count and Declaration of the Results**

3.10.1. The Returning Officer shall arrange for the count to take place and for it to be held in accordance with rules and procedures as they may determine.

3.10.2. The count will commence only when the Returning Officer is satisfied that any complaints received in compliance with this Bye-Law relating to the conduct of the election have been considered.

3.10.3. The Returning Officer shall satisfy themselves that all the votes are valid.

3.10.4. Candidates shall be informed of the time and date when the count will take place and the time and venue where the results will be released as part of the Candidates' briefing.

~~3.10.5. Once the count has commenced no further complaints will be considered other than complaints relating to the conduct of the count itself.~~

3.10.6. The Returning Officer or their nominee will declare and publish the results of the election.

3.10.7. All candidate expense forms must be received at the close of voting. Where any expense forms have not been received the Deputy Returning Officer, in consultation with the Returning Officer, reserves the right to delay the announcement of results for those roles.

3.10.8. The ballot papers or relevant database will be kept for a period of six (6) months after the completion of the election.

### **3.11. Complaints and Appeals**

3.11.1. Any challenge or complaint concerning the administration or good conduct of the election should be submitted in writing to the ~~Deputy~~ Returning Officer. Complaints about candidates

can be received throughout the election period up until 1 hour after the close of voting. Complaints received after this time may be about the count only.

- 3.11.2. All complaints must be made in writing with the complainant stating their full name and student number.
- 3.11.3. Any challenge or complaint regarding the conduct of the count must be submitted to the **Deputy** Returning Officer within one (1) clear day of the end of the count.
- 3.11.4. In determining a resolution to a complaint, the **Deputy** Returning Officer - after a full investigation - may not uphold the complaint; or may halt elections for specific post(s) or disqualify individual candidate(s) if, in their view, a candidate(s) has breached election regulations.
- 3.11.5. Any appeal against the decision of the **Deputy** Returning Officer shall be made to the **Returning Officer** **University Registrar (or nominee)** within two clear days of that decision being communicated to the complainant. The decision of the **Returning Officer** **University** shall be final with no further right of appeal.

### **3.12. Disqualification of candidates**

- 3.12.1. Candidates can be disqualified for the following reasons:
  - 3.12.1.1. Failing to complete the Ratification process, either by attending the meeting or by completing the quiz by the deadline set by the Elections Officials.
  - 3.12.1.2. Failing to provide a completed candidate expense form at the close of voting.
  - 3.12.1.3. Failing to comply with the campaign rules provided.

#### **Rationale for the change**

*What are the pros and cons of the change? How will any cons be managed/mitigated?*

This proposal is to update the terminology and implement the new processes that were recommended by the Student Voice Review.

The section on NUS Reps that was previously part of this Standing Order has been moved to the new Standing Order 5.

**What consideration or consultation have you taken prior to submitting this proposal?** *All proposals go the exec team to be confirmed, so having insufficient consultation/consideration could mean the proposal is rejected.*

The Student Voice was conducted over the previous academic year and spoke to over 1,300 students as part of the consultation process.

**Have you considered any impact of the new proposal on any of the protected characteristics as listed in the Equality Act 2010?** *What are the impacts and how will any negative impacts be managed/mitigated? For more information on the protected characteristics please see [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)*

**Appendices** *if necessary.*