









- 4.7 Upon receipt of any complaint in accordance with the terms of paragraph 4.6 above, the Registrar and Secretary and Convenor of the Committee shall consider the complaint in the first instance. If the Registrar and Secretary and Convenor of the Committee:
- (i) uphold the complaint, the Committee will make such arrangements as the Committee considers reasonable and proportionate to remedy and/or to provide redress for the unfairness or infringement of these rules; or
  - (ii) dismiss the complaint, they shall notify the complainant (giving reasons for such dismissal), following which the complainant shall have 3 working days from the date of such notification to appeal against the dismissal, in which circumstances the appeal will be considered by a panel of 3 persons convened for such purpose by the Board of Governors (including a minimum of 2 Governors, and not including any member of the Committee) to consider the matter and to take evidence from the complainant and/or Committee (or any of its members) as the panel considers appropriate, whose determination on the appeal will be final.

## 5. Election Process

- 5.1 Following identification of a minimum of two suitable applicants for the role of Chair, the Board of Governors will instruct the organisation by the School of an election to determine which of the suitable applicants is to be appointed.
- 5.2 When notifying those applicants identified as suitable for the role of their eligibility to stand for election as Chair, the School will specify in writing the period during which election campaigning may be undertaken and of the rules applicable to election campaigning. No campaigning activity may be undertaken by Candidates outside of this period.
- 5.3 The Registrar and Secretary (or such other individual employed or engaged by the School and appointed by the Committee to carry out the role) will be the Returning Officer with the Assistant Secretary to Board appointed as Deputy to act in their absence.
- 5.4 The Committee will be responsible for overseeing and ensuring the fairness and efficiency of the election process. In doing so, the Committee's responsibilities shall include (but not be limited to) the following:
- fixing (and, if the Committee determines reasonably necessary, amending) the date(s) of the election, it being acknowledged that voting may take place over more than one day;
  - fixing a campaigning expenses limit (within parameters determined by the Board of Governors in accordance with section 6(3) of the Act) for each candidate participating in the election;
  - ensuring the proper announcement of candidates and publication of election statements by candidates;
  - reviewing election statements of candidates to ensure they meet the campaign rules;
  - approval of the adoption of any electronic or online based system of voting;

- ensuring suitable publicity of the election among the electorate;
- appointment of any third party (as appropriate) monitor or observer to assist with or facilitate the election process;
- identifying an appropriate qualifying date for the determination of those eligible to vote in the election in accordance with paragraph 6.2 below.

5.5 The Returning Officer will be responsible for managing the electoral process on behalf of and under the direction of the Committee, including being satisfied as to the matters detailed in paragraph 5.3 above. Additionally, the Returning Officer will be responsible for, including but not limited to, the following:

- monitoring turnout figures;
- ensuring the proper application of the election rules;
- ensuring candidates are reimbursed for any expenses permitted;
- receiving any complaints raised in relation to the conduct of the campaign and the election itself.

5.6 Each member of the electorate has a single vote, and each vote cast in the election carries equal weight.

5.7 The election is won by the candidate who secures a simple majority of the total number of votes cast such that the election is won by the candidate who secures the highest number of votes.

5.8 In the event of an equal number of votes being cast for the two or more candidates with the highest number of votes, the winner shall be determined by the drawing of lots.

5.9 The validity of any election shall not be affected by any defect in the procedure in carrying out such an election or infringement of these rules unless:

- (i) on the application of a candidate made to the Returning Officer, at any time prior to the date occurring 5 working days after the announcement of the election result; or
- (ii) at the instigation of the Returning Officer at any time, where they become aware of such a potential defect in the procedure or any potential infringement of these rules, and after due enquiry and reference to the Committee, the Committee considers that a defect or infringement has had or could potentially have had an adverse impact on a fair and free election.

In those circumstances the Committee will make such arrangements and/or apply such sanctions as the Committee considers reasonable and proportionate to remedy and/or to provide redress for the harm caused by the procedural defect or infringement of these rules. Such arrangements and sanctions may include but are not limited to, permitting all or some candidates to provide additional materials to the electorate, pausing or suspending the election, extending the election period, rescheduling the election, rejecting campaign expense claims, disqualifying candidates, declaring the election result to be invalid, and/ or ordering the election to be re-run.

Any appeal against the decision of the Committee will be considered by a panel of 3 persons convened for such purpose by the Board of Governors (including a minimum of 2 Governors, and not including any member of the Committee) to consider the matter, whose determination on the appeal will be final. Such appeals must be submitted in writing to a Vice Chair of the Board of Governors within 48 hours of the Committee's decision having been made. Appeals will only be considered on the grounds of procedure or prejudice to a fair and free election.

## 6. Electorate

6.1 Section 7 of the Act requires that the electorate for the election of the Chair must include all members of the School's Board of Governors, all members of staff of the School, and all students of the School. Each individual has one vote notwithstanding that they may be eligible to vote in more than one capacity.

6.2 For the purposes of paragraph 6.1: -

- a) members of staff shall be determined by reference to the School's employee records on a date not more than 4 weeks prior to the opening of voting in the election, and includes all staff employed by the School as evidenced by an employment contract. This contract may be fixed term or permanent.
- b) students shall be determined by reference to the School's registry student records on a date not more than 4 weeks prior to the opening of voting in the election and shall include all fully enrolled students of the School, studying on a credit bearing programme (irrespective of their location of study) and includes any sabbatical officer (in accordance with section 22 of the Act).

## 7. Campaigning

7.1 The Committee will have delegated authority to develop, publish and monitor adherence to rules applicable to campaigning by candidates in the election process.

## 8. Term of Office

8.1 Subject to the provisions of the Articles and the Order, the Chair will hold office for a period of four years, and may be re-appointed for a further consecutive period of up to four years by a resolution of the Board of Governors, following on a recommendation of reappointment by the Nominations Committee (under exclusion of the Chair, who ordinarily sits on the Nominations Committee).

8.2 Where an individual is appointed to role of Chair having previously served as a member of the Board of Governors: -

- a) the nine-year aggregate limit on the period of appointment provided for in Article 8(8) of the Order will remain applicable; and
- b) any reappointment of the Chair following an initial term of four years shall be limited accordingly.

9. Remuneration & Appointment Conditions

9.1 The Chair shall be appointed according to the standard letter of appointment applicable to Governors as adopted by the School from time to time, subject to paragraph 9.2 below in respect of remuneration.

9.2 On appointment, the Chair may request the payment of such remuneration as the Board of Governors has previously agreed and as set out in the advertised particulars for the role. The applicable rate will be stated in the Chair's letter of appointment.

9.3 The Board has determined that the Chair shall be remunerated on the basis of an annual sum (prorated where applicable), calculated on the basis of an expected annual time commitment of at least fifty days. Such sum shall be paid monthly in arrears. The payment period will run from 1 July in each year to 30 June the following year. The Chair shall not be required to record days or time spent on the role. Any payment is only made upon confirmation by the Registrar and Secretary and this remuneration model shall apply until further resolution by the Board of Governors.

10. Reporting

Following completion of the appointment of the Chair according to the process set out above, the Committee will produce and make publically available a report in accordance with and including the information prescribed by section 3(3) of the Act. It would ordinarily be expected that report will be produced within 3 months of the appointment of a Chair.