

**Extract: UCU rules from 1 June 2010**

**Rules relating to NEC, Officer and Trustee elections**

**15 Officers of the union**

- 15.1** The Officers of the Union shall be: Vice-President; President-elect; President; Immediate Past President; Honorary Treasurer.
- 15.2** Each year there shall be an election of a member to the office of Vice-President for one year from the end of National Congress, which member shall then become President-elect for the next year, the President for the next year and then Immediate Past President for the next following year.
- 15.3** The Vice-Presidency will alternate each year between a Further Education member and a Higher Education member, and only members of the appropriate Sector may be nominated for election each year.
- 15.4** The Honorary Treasurer will be elected to serve a term of two years, starting at the end of the annual meeting of National Congress following election.
- 15.5** All members are entitled to vote in the elections for Officers.
- 15.6** No-one who would, on taking office, have completed six or more continuous years' service as Honorary Treasurer is entitled to serve again in that office except after an interval of one year or more.
- 15.7** For the purpose of these Rules concerning the election of Officers, Trustees and ordinary members of the National Executive Committee, the time between the end of each annual meeting of National Congress and the end of the next annual meeting, will be regarded as one year.
- 15.8** Candidates for Officers of the Union must at the time of submission of nomination be in qualifying employment under rule 3.1.1, or have been in qualifying employment within the preceding 12 months.

**18.7 Election of the National Executive Committee**

- 18.7.1** All ordinary members of the National Executive Committee will be elected to serve a term of two years, starting at the end of the annual meeting of National Congress following election.
- 18.7.2** The object of Rules 18.7.1 and 19.1 to 19.7 is that, in every year, elections are held for approximately half of all seats on the National Executive Committee.

**18.7.3** No-one who, on taking office, would have completed six or more continuous years' service as an ordinary member of the National Executive Committee is eligible to serve again as an ordinary member except after an interval of one year or more.

**18.7.4** Candidates for the National Executive Committee must at the time of submission of nomination be in qualifying employment under rule 3.1.1, or have been in qualifying employment within the preceding 12 months.

**18.7.5** The membership numbers used to determine the number of geographically-elected seats will be the number of members recorded by the General Secretary on the first day of the month prior to the notice calling for nominations being issued as described in Schedule A.

## **18.8 UK-elected members of the National Executive Committee**

**18.8.1** There will be 14 UK-elected members of the National Executive Committee who are elected by and from members of the Higher Education Sector.

**18.8.2** Of the UK-elected Higher Education members elected:

- i. at least four will be employed, or, if unemployed, have been most recently employed, in a pre-1992 institution;
- ii. at least four will be employed, or, if unemployed, have been most recently employed, in a post-1992 institution;
- iii. at least two will be employed, or, if unemployed, have been most recently employed, in an academic-related role;
- iv. at least one will be employed, or, if unemployed, have been most recently employed, such that their main contract of employment was fixed-term and/or hourly-paid.

For each year's election under Rule 19.1 the quota in each category will be reduced by the number of serving UK-elected members in that Sector who were elected to that category and whose term on the National Executive Committee continues beyond the end of the annual meeting of National Congress following the election.

**18.8.3** A member will be counted as fulfilling as many of the criteria described in 18.8.2i-18.8.2iv as are appropriate, except that any one member will not both fulfil 18.8.2i and 18.8.2ii.

**18.8.4** Clauses 18.8.2i, 18.8.2ii and 18.8.2iii will apply only to the first six years in which these elections are held, after which those clauses and Rules 18.8.3 and 18.8.4 will be deleted from the Rules. Clause 18.8.2iv will remain and be re-ordered accordingly.

**18.8.5** There will be 10 UK-elected members of the National Executive Committee elected by and from members of the Further Education Sector.

**18.8.6** Of the UK-elected Further Education members elected:

- i. at least one will be employed, or, if unemployed, have been most recently employed, in land-based education;
- ii. at least one will be employed, or, if unemployed, have been most recently employed, in adult continuing or community-based education;
- iii. at least one will be employed, or, if unemployed, most recently employed in, prison education;
- iv. at least one will be employed, or, if unemployed, have been most recently employed, such that their main contract of employment was fixed-term and/or hourly-paid.

For each year's election under Rule 19.2 one or more of 18.8.6.i-iv will not apply if there is already a serving UK-elected member in that Sector who was elected to that category and whose term on the National Executive Committee continues beyond the end of the annual meeting of National Congress following the election.

**18.8.7** A member will be counted as fulfilling as many of the criteria described in 18.8.6i-18.8.6iv as are applicable.

## **18.9 Geographically-elected members of the National Executive Committee**

**18.9.1** The areas that will be regarded as geographical constituencies are: Scotland; Northern Ireland; Wales (as defined by national boundaries); and within England, the following combinations of Regional Development Agency Regions as at the date of the formation of the Union: the North West (North West RDA); the North East, (North East and Yorkshire and the Humber RDA); the Midlands (East Midlands and West Midlands RDAs); London and the East (London and Eastern RDAs); the South (South East and South West RDAs). The National Executive Committee shall determine the allocation to a geographical constituency, of members whose institutions cross these boundaries or whose institutions are outside of these boundaries.

**18.9.2** In each Sector, there will be one geographically-elected member of the National Executive Committee for every 5,000 members or part thereof in each geographical constituency, subject to a geographical constituency having at least 500 members. Geographically-elected members will be elected by and from members in the relevant Sector, whose institution is based in that geographical constituency.

**18.9.3** Where vacancies and/or casual vacancies result in there being no geographically-elected member of the National Executive Committee for a particular Sector within a particular geographical constituency, the National Executive Committee shall invite the regional committee(s) within the relevant geographical constituency to send an observer with speaking rights from the relevant sector to any meetings of a national sector committee.

## **18.10 National Executive Committee: quota for women**

**18.10.1** If a geographical constituency is entitled to four seats on the National Executive Committee, at least one will be filled by a woman; if entitled to five or six seats, at least two will be filled by women; if entitled to more than six but fewer than eleven seats, at least three will be filled by women; and if entitled to eleven or more seats, at least four will be filled by women.

**18.10.2** Of the seven UK-elected Higher Education seats for which elections are held each year, the minimum number of seats that must be filled by women is four, minus the number of women serving in UK-elected Higher Education seats whose terms as ordinary members of the National Executive Committee continue beyond the end of the annual meeting of National Congress following the election.

**18.10.3** Of the five UK-elected Further Education seats for which elections are held each year, the minimum number of seats that must be filled by women is three, minus the number of women serving in UK-elected Further Education seats whose terms as ordinary members of the National Executive Committee continue beyond the end of the annual meeting of National Congress following the election.

**18.10.4** Rules 18.10.1, 18.10.2 and 18.10.3 apply only insofar as there are sufficient women candidates.

**18.10.5** If in any election it is not possible to fulfil both Rule 18.8.2 and Rule 18.10.2, priority shall be given to fulfilling Rule 18.8.2. If in any election it is not possible to fulfil both Rule 18.8.6 and Rule 18.10.3, priority shall be given to fulfilling Rule 18.8.6.

## **18.11 Equality seats**

**18.11.1** There will be two national executive committee seats for representatives of disabled members, at least one of whom shall be a woman. One seat will be reserved for a representative from the HE sector and one seat will be reserved for a representative from the FE sector. Candidates for election to these seats must state that they are a disabled member.

**18.11.2** There will be two national executive committee seats for representatives of lesbian, gay, bisexual and transgender members. One seat will be reserved for a representative from the HE sector and one seat will be reserved for a representative from the FE sector. Candidates for election to these seats must state that they are a lesbian, gay, bisexual or transgender member.

**18.11.3** There will be two National Executive Committee seats for representatives of black members, at least one of whom shall be a woman. Candidates for election to these seats must state that they are a black member.

**18.11.4** There will be three National Executive Committee seats for representatives of women

members of the Higher Education Sector. Candidates for election to these seats must state that they are women in that Sector.

**18.11.5** There will be two National Executive Committee seats for representatives of women members of the Further Education Sector. Candidates for election to these seats must state that they are women in that Sector.

**18.11.6** All members are entitled to vote in elections to the equality seats.

#### **18.12 Change of category during term of office**

**18.12.1** A UK-elected member of the National Executive Committee whose employment changes between Sector, or a geographically-elected member whose employment changes between Sector or between region, is entitled to continue to serve the term to which they were elected, unless they choose to resign.

**18.12.2** A member of the National Executive Committee for whom a category under Rules 18.8.2 or 18.8.6 was taken into account at the time of their election, is entitled to serve the full term to which they were elected irrespective of any subsequent change in the status of the member which would result in a change of category for that member.

### **19 Scheduling of National Executive Committee and Trustee elections**

- 19.1** Seven UK-elected Higher Education members of the National Executive Committee will be elected each year to serve a term of two years beginning at the end of the annual meeting of National Congress following election.
- 19.2** Five UK-elected Further Education members of the National Executive Committee will be elected each year to serve a term of two years beginning at the end of the annual meeting of National Congress following election.
- 19.3** Biennial elections will be held for geographically-elected seats in North West; Midlands; South, in those years when elections in the regions listed in Rule 19.4 are not held. The geographically-elected seats for Scotland will be elected in accordance with Rule 34.1.
- 19.4** Biennial elections will be held for geographically-elected seats in Northern Ireland; North East, London and East, in those years when elections in the regions listed in Rule 19.3 are not held.
- 19.5** The regionally-elected seats for Wales will be elected in accordance with Rule 34.3.
- 19.6** Biennial elections will be held for those seats described in Rules 18.11.1 to 18.11.3 for two representatives of disabled members, two representatives of lesbian, gay, bisexual and transgender members, and two representatives of black members, in those years when elections are not held for seats described in Rules 18.11.4 and 18.11.5 for women members.

- 19.7** Biennial elections will be held for those seats described in Rules 18.11.4 and 18.11.5 for women members, in those years when elections are not held for those seats described in Rules 18.11.1 to 18.11.3.
- 19.8** Trustees will be elected in whichever years are necessary in order to ensure that the vacancies created by Trustees whose terms expire at the end of the next annual meeting of National Congress are filled.

**20 Officer, Trustee and National Executive Committee nominations and elections**

- 20.1** The procedure for the nomination of candidates and conduct of elections is as set out in Schedule A to these Rules. Nominations may only be supported by members who are eligible to vote in the election in which the candidate wishes to stand.
- 20.2** Members may be concurrently nominated for more than one vacancy for ordinary members of the National Executive Committee, and for any Officer or Trustee vacancy. Nomination to each vacancy will require a separate nomination to be submitted in accordance with Schedule A.
- 20.3** Subject to Rule 20.5 and 22.1, if, for any vacancy for an Officer, Trustee or ordinary member of the National Executive Committee, the number of eligible candidates does not exceed the number of vacancies the General Secretary will, within 14 days of the close of nominations, declare the eligible candidate or candidates elected.
- 20.4** If, for any vacancy for an Officer, Trustee or ordinary member of the National Executive Committee, the number of eligible candidates exceeds the number of vacancies, a ballot will be held in accordance with Schedule A. All ballots will be concluded, so far as practicable, not less than 21 days before the next annual meeting of National Congress.
- 20.5** Ballots for election to offices that are to be taken up on the same date will be counted in the following order:

- i. Trustee;
- ii. General Secretary;
- iii. Vice-President;
- iv. Honorary Treasurer;
- v. Geographically-elected HE and FE members;
- vi. UK-elected HE and FE members;
- vii. Representative of disabled members;
- viii. Representative of lesbian, gay, bisexual and transgender (LGBT) members;
- ix. Representatives of black members;
- x. Representatives of women members for HE and FE Sectors;

and after a candidate is successfully elected, votes for that candidate will be disregarded in subsequent elections.

**21 Officer, Trustee and National Executive Committee vacancies and casual vacancies**

**21.1** A vacancy in the presidency will be filled by the President-elect and the Vice-President succeeding early. A vacancy in the President-elect will be filled by the Vice-President succeeding early. An Officer who succeeds early will continue to serve to the end of the term to which they were originally elected.

A vacancy in the office of Immediate Past President will not be filled.

**21.2** If a vacancy or casual vacancy arises, or is due to arise, in the office of Vice President, a by-election will be held. The term of office of a person elected to fill a vacancy in the position Vice President will begin as soon as possible after election, but not before the vacancy has arisen. The person elected to that office will succeed to the office of President Elect, and then to the office of President, and then to the office of Immediate Past President, in accordance with the succession applicable to the original vacancy, subject to the provisions of rule 21.1.

**21.3** If a vacancy arises, or is due to arise, in the office of Honorary Treasurer, a by-election will be held. The term of office of a person elected to fill a vacancy in the office of Honorary Treasurer will begin as soon as possible after election, but not before the vacancy has arisen. It will end at the end of the annual meeting of National Congress that is one year after the annual meeting of National Congress following election.

**21.4** If a vacancy for an ordinary member of the National Executive Committee is the result of no nominations being received in accordance with the Rules, there is no casual vacancy and no by-election will be held.

**21.5** If a casual vacancy arises, or is due to arise, for a period of one year or more for an ordinary member of the National Executive Committee, a by-election will be held. The term of office of a person elected to fill such a vacancy will begin as soon as possible after election, after the vacancy has arisen. It will run for the period that the person causing the vacancy was elected to serve.

**21.6** If a casual vacancy arises for a period of less than one year for an ordinary member of the National Executive Committee, no by-election will be held.

**21.7** If a casual vacancy arises in the position of Trustee, a vacancy for a new Trustee to be elected for a term of five years will be advertised in the notice issued under paragraph 3 of Schedule A. If there are no nominations to a Trustee vacancy, this vacancy will be re-opened the following year as a vacancy for a five-year term as Trustee.

**21.8** The schedule for any by-election will be determined by the returning officer. Except in respect of any dates fixed by the calendar, by-elections will be conducted in accordance with Schedule A to these Rules. Normally, nominations to a casual vacancy will be called

for after the close of the Congress meeting at the end of the election year in which the casual vacancy arises.

## **22 Termination of office**

- 22.1** An Officer, Trustee or ordinary member of the National Executive Committee may resign by written notice to the General Secretary, and resignation will take effect from the date of receipt of that notice by the General Secretary, or on a later date if specified.
- 22.2** Any Officer, Trustee or ordinary member of the National Executive Committee will cease to hold that office if as an ordinary member they are elected to the office of an Officer under Rule 20 or if they cease to be a member of the Union.
- 22.3** No member may hold more than one of those offices listed in Rule 20.5.

## **25 Trustees**

- 25.3** Five Trustees shall be elected by the membership of the Union for a five year term and are eligible for re-election for one further term of office of the Trustee to a maximum of ten years' continuous service. Following an interval of one year after the expiry of two consecutive five-year terms, a former Trustee is eligible to stand for election as a Trustee.

## **SCHEDULE A**

Conduct of ballots to elect Officers, Trustees and Ordinary Members of the National Executive Committee

- 1** Every year, the National Executive Committee will appoint an independent scrutineer qualified to be appointed for the purposes of Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992. The scrutineer will be responsible for supervising the secure conduct of all ballots to elect Officers, Trustees and ordinary members of the National Executive Committee.
- 2** The President will act as returning officer for the election of Officers, Trustees and ordinary members of the National Executive Committee, and will comply with reasonable directions of the independent scrutineer.
- 3** Between 1 September and 30 November annually, the returning officer will publish to all members a notice that states:
  - a. the vacancies that will exist for Officers, Trustees and ordinary members of the National Executive Committee at the end of the next annual meeting of National Congress;

- b. the information that is required in order for a valid nomination to be made;
  - c. the last date for the receipt of nominations by the returning Officer, which must not be sooner than 28 days after the publication of the notice, and between 31 October and 31 January;
  - d. the date by which candidates must submit their election addresses, which will not be sooner than 14 days after the last date for the receipt of nominations;
  - e. the name and address of the independent scrutineer.
- 4** Every nomination to a vacancy for an ordinary member of the National Executive Committee must be supported by:
- a. the signed consent of the candidate;
  - b. a statement confirming the position to which the candidate wishes to stand; their Sector; their gender; their region; any category described in paragraph 18.8.2i-18.8.2iv of the Rules that apply; and any statement as described in Rules 18.8.6i-18.8.6iv that applies;
  - c. either (i) the identifiable signatures of ten members of the Union who are entitled to vote in any ballot held to fill that position, not more than five of whom may be from the same branch/local association, or (ii) a statement signed by the Presiding Officer or Honorary Secretary of a local association or branch that the nomination has been adopted by a resolution at a quorate general meeting of that branch/local association;
  - d. a statement confirming that, at the time of nomination, the candidate is in qualifying employment under rule 3.1.1, or has been in qualifying employment within the preceding 12 months
  - e. any further information reasonably requested by the returning officer in the notice published to members under paragraph 3 of this Schedule;
- all of which must be received by the returning officer not later than the deadline set under paragraph 3 of this Schedule.
- 5** Every nomination to a vacancy for an Officer or Trustee of the Union will require:
- a. the signed consent of the candidate;
  - b. a statement confirming the office to which the candidate wishes to stand, and their Sector;
  - c. either (i) the identifiable signatures of twenty members of the association who are entitled to vote in any ballot held to fill that position, not more than ten of whom may be from the same branch/local association, or (ii) a statement signed by the Presiding Officer or Honorary Secretary of a branch/ local association that the nomination has been adopted by a resolution at a quorate general meeting of that branch/local association;
  - d. for officer nominations, a statement confirming that, at the time of nomination, the candidate is in qualifying employment under rule 3.1.1, or has been in qualifying employment within the preceding 12 months

e. any further information reasonably requested by the returning officer in the notice published to members under paragraph 3 of this Schedule;

all of which must be received by the returning officer not later than the deadline set under paragraph 3 of this Schedule.

**6** Within 14 days of the closing date for nominations, the returning officer will provide branches/local associations with the following information:

- a. the names of all nominations received for all vacancies publicised;
- b. the way in which each nomination was supported;
- c. in the case of any uncontested nominations, a declaration that those candidates are elected to take up office at the end of the next annual meeting of National Congress;
- d. if there are more eligible candidates than vacancies for any Office or any vacancy for ordinary members of the National Executive Committee, a schedule for elections to these vacancies, including the date on which it is expected that ballot papers will be sent to members, and the date by which ballot papers must be returned, which will not be sooner than 21 days after the papers are sent to members.

**7** All candidates will have the opportunity to provide an election address. Election addresses will conform to any regulations governing election addresses that have been approved by the National Executive Committee and are currently in force.

**8** All candidates who submit their completed nomination not less than ten working days before the closing date for nominations, shall be informed, not less than five working days before the closing date for nominations, whether there is any defect in their nomination, including any discrepancy in the membership standing of persons providing supporting signatures under paragraph 4c or 5c of this schedule.

**9** All ballots will be counted by the Single Transferable Vote (STV) in accordance with the method determined by the independent scrutineer. The independent scrutineer will supervise the counting of ballots in the order set out in Rule 20.5, paying due regard to any quota or other requirement set out in the Rules of the Union.

**10** In the event of any postal, administrative, or other doubt or difficulty, the returning officer will seek the advice of the independent scrutineer.

**11** As soon as is practical after receipt of the independent scrutineer's report following the close of any ballot to elect Officers, Trustees, or ordinary members of the National Executive Committee, the returning officer will make available to members the results of those elections.

**12** A copy of the scrutineer's report of any election will be provided to any member on written request to the General Secretary.