



University Court: Governance & Nominations Committee

Regulations for the Appointment of the Chairperson of Court

Regulations Regarding the Appointment of the Chairperson of Court

1. These regulations are made in terms of Statute 9 and Ordinance 65. They have been approved by the Court on the recommendation of the Governance & Nominations Committee. They will be reviewed in advance of each process of recruitment of a Chairperson of Court by the Governance & Nominations Committee and the Committee will make recommendations on any changes to the Court.
2. These regulations have been written in a way to amplify the provisions of Statute 9 and Ordinance 65 and provide the additional regulatory framework within which the appointment and election processes as well as related issues should be managed. These regulations, however, do not replace or supersede the Statutes or Ordinances of the University. These regulations, alongside Statute 9 and Ordinance 65, have been written in accordance with the Higher Education Governance (Scotland) Act 2016 ('HEG(S)A').
3. These regulations should be used as the basis for drafting communications to staff, students, applicants and candidates about the appointment of the Chairperson of Court.

Eligibility and Period of Office

4. Students or members of staff of the University are not eligible to be appointed as Chairperson. 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.
5. Those members of Court who are not members of staff or students are eligible to be appointed as Chairperson. Former members of Court are not eligible to be appointed until at least four years have elapsed from the point at which their membership of Court ended.
6. A person appointed as Chairperson according to these regulations will serve as Chairperson for a period of three years, following which they will be eligible for re-appointment for a second and final period of three years. The process for re-appointment is set out below.

Appointment Process (outline)

7. The appointment of a Chairperson of Court is carried out in two stages: i) application and interview and ii) election.
8. The application and interview stage is overseen by an appointing committee established by the Court. By the end of this stage, the appointing committee will have determined a list of candidates

deemed to have met the relevant criteria for appointment to the role and who will stand as candidates in an election. The election stage is overseen by a returning officer who manages the election process; the winner of the election will be appointed as Chairperson.

Appointing Committee

9. Under Ordinance 65, the Court will establish an appointing committee, the membership of which will include at least one member of staff, one student and one graduate of the University. The committee must not include any member of Court who wishes to be considered for the role of Chairperson. Whilst the committee will normally comprise only members of the Court, the Court may appoint other members of the University or members from outside the University to the committee. In establishing the appointing committee, the Court will take into consideration its commitment to widening representation of currently underrepresented groups on University committees.
10. The appointing committee will be chaired by the Deputy Chairperson of Court, unless that person wishes to be considered for the role of Chairperson, in which case the Court will appoint another of its lay members as chair of the committee.
11. The responsibilities of the appointing committee are to:
 - a. Devise the relevant criteria for appointment to the role of Chairperson. These should include: the experience, skills and knowledge necessary or desirable to exercise the functions of Chairperson and command the trust of the Court, Senate and the wider University community along with the expectations around availability and time commitments to carry out the role;
 - b. Ensure the efficiency and fairness of the process;
 - c. Publish anonymised data of the protected characteristics of the applicants, the interviewees and the candidates in the election;
 - d. Advertise the vacancy widely, sufficient to attract applications from a broad range of people;
 - e. Interview those applicants who appear to meet the relevant criteria;
 - f. Declare whether those applicants who have been interviewed have satisfactorily demonstrated that they meet the criteria; and
 - g. Declare those candidates who may stand in an election.
12. To meet the requirements of HEG(S)A, any advert for the position of Chairperson must contain the following information:
 - The functions exercisable by the Chairperson;
 - A summary of the criteria for appointment;
 - Guidance on how further information and any application form can be obtained;
 - An outline of the process;
 - Clarification on the reimbursement of expenses to attend interview or open meetings;
 - An indication of the remuneration and expenses payable if appointed to the role;
 - A commitment to diversity and inclusion, reflecting the desire to attract individuals from underrepresented groups.

13. In discharging its responsibilities, the appointing committee established under Ordinance 65 may decide to engage the services of an external search agency.
14. If it chooses to do so, the appointing committee cannot delegate any of its responsibilities for reaching its own decision about whether individual candidates appear to meet the relevant criteria and must ensure that the external search agency is able to operate within clear parameters which must be set by the appointing committee. The role of an external search agency engaged in this way is to provide the appointing committee with information to enable it to better reach its own decision.
15. The appointing committee will determine the format for applications, including any accompanying documentation that applicants may be required to submit.
16. The appointing committee 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 appointing committee will then arrange to interview such applicants.
17. As part of the interview process, the applicants will also be invited to meet with the Principal and members of the senior management, with a group of academic and professional services staff, and with a group of students. The appointing committee will seek comments from each of these groups to inform its decision about which applicants have demonstrated that they meet the relevant criteria.
18. The appointing committee, following the interview process and the receipt of comments from those other groups meeting the applicants, will then reach a decision on which applicants have demonstrated that they meet the relevant criteria. The committee will provide a list of such applicants to the returning officer of the election, who will then make arrangements for an election to take place as set out below.
19. An election can, however, only take place when there is more than one candidate who meets the criteria. In the event that only one candidate is identified, or where one of the candidates subsequently withdraws to leave a single candidate, the recruitment process must be re-opened to identify other candidates. The remaining candidate will be entitled to stand for election without further interview.

Election rules

20. The University Secretary will be the returning officer. In the event of a vacancy in the position of University Secretary, the Court will appoint another senior officer of the University to act as returning officer. The returning officer may appoint deputies to assist them in carrying out the duties associated with the role, but the returning officer will be responsible for ensuring that the duties of the role are properly carried out.
21. The duties of the returning officer include:
 - Managing the whole electoral process;
 - Ensuring the proper announcement of candidates and preparing the publication of election statements by candidates;

- Providing an appropriate electronic voting platform;
- Identifying an appropriate qualifying date for the determination of those eligible to vote in the election;
- Ensuring the proper application of the election rules set out in these guidelines;
- Ensuring the proper application of campaign rules set out in these guidelines;
- Ensuring candidates are reimbursed for any expenses permitted under the campaign rules;
- Reviewing election materials of candidates to ensure they meet the campaign rules;
- Determining the format of the 'Open Meeting' set out below;
- Considering complaints raised in relation to the conduct of the campaign and the election itself and imposing sanctions as appropriate.

22. The election will take place by electronic voting.

23. The voting period for the election will take place on a date or dates to be agreed by the Court, preceded by a period of campaigning. The total period from announcement of candidates to close of voting will normally take no longer than fifteen working days. The duration of the period for voting may vary in order to support good engagement, but should not be unnecessarily protracted. In determining appropriate dates, the Court will have due regard to ensuring that a newly-elected Chairperson should have the opportunity to shadow an outgoing Chairperson ahead of the start of their term of office. An example of an appropriate timetable might be as follows:

Day 1: Public Announcement of candidates and circulation of election statements to the electorate (see below);

Day 6: 'Open Meeting' events open to staff, students and Court members (see below)

Day 7: 9am – online voting opens

Day 12: 5pm – online voting closes; 5.30pm – results announced.

24. The electorate comprises:

- a. All students fully matriculated on the qualifying date, whether studying full-time or part-time and whether studying in Dundee or at distance, but to the exclusion of associate students;
- b. All staff of the University employed on substantive contracts on the qualifying date, whether full-time or part-time and whether permanent or temporary but to the exclusion of associate and honorary members of staff;
- c. All members of the University Court.

All electors have a single vote, irrespective of whether they fall into more than one category.

25. The University currently uses election software provided under licence from Membership Solutions Ltd for its student and staff elections. The returning officer may choose to use this software or may choose to use a third party to carry out the election on the University's behalf. If the returning officer decides to use a third party, he or she must ensure that this complies with expectations under the General Data Protection Regulations (GDPR).

26. As part of the campaign, candidates will be entitled to the following:
 - a. Attendance at an 'Open Meeting' before an audience of staff, students and Court members, at which candidates will be expected to address the audience and answer questions from the audience;
 - b. Distribution by the University of an election statement, including photograph of the candidate, of no more than 500 words by email to all electors. This statement will also be available for review by electors during the electronic voting process;
 - c. Distribution of a short curriculum vitae/biography to accompany the statement
27. The distribution of any other campaign materials beyond that set out above, whether in electronic or hard-copy format, is not permitted.
28. In relation to the 'Open Meeting' set out above: this event will take place in accordance with the timetable set out above and will be hosted by the returning officer (or by any deputy appointed by the returning officer). Every effort will be made to ensure the venue for the 'Open Meeting' is accessible. Where circumstances prevent an 'in person' event, the 'Open Meeting' can be conducted using electronic means, such as conferencing software. Expenses incurred by candidates in relation to attendance at such an event will be covered by the University in line with the University's normal rules for the reimbursement of staff expenses. These rules will be made available to candidates.
29. In relation to the election statement set out above: this needs to be written in such a way as to be consistent with the responsibilities, skills, duties and limitations of the role of the Chairperson as set out in the role description.
30. Candidates will not have access to the electorate other than via i) the election statement distributed by the University on behalf of the candidates; and ii) the 'Open Meeting'. Candidates are not permitted access to the email addresses of electors. It follows, therefore, that current Court members or associate students or associate or honorary staff members who stand for election and who have dundee.ac.uk email addresses are not themselves permitted to use internal email channels for the purposes of canvassing the electorate.
31. Official endorsements of candidates by any organization, or by individuals representing or perceived to be representing, any organization are not permitted. Specifically, this includes endorsements by the University or by any of its constituent parts (whether Schools, Directorates or other units and centres); by any of the recognized campus unions or similar organizations; by the Students' Association; or by members of the Court.
32. The discussion of candidates on social media is permitted by individual electors, provided that it does not contravene regulation 31 above. Such discussion must be respectful and in keeping with the University's values.
33. The information contained on the online ballot relating to each candidate shall include first/given name (or name known by) and surname/family name only. A link will be provided so that electors

can review the election statement of each candidate. Candidates will appear in the online ballot in randomized order.

34. The results will be declared following the close of the voting period at a time determined by the returning officer and published to the electors and candidates. Candidates will be invited to attend the declaration. The returning officer should take appropriate steps to ensure that an opportunity is given to observers representing each of the categories of electors to be present at the declaration.
35. The candidate who achieves the most votes will be declared the winner. In the event of a tie between two or more candidates, the election will be decided by the drawing of names from a sealed bag.
36. Any complaint about the conduct of the election, any allegation of infringement of these rules or any allegation of misconduct by a candidate or one of their agents or supporters should be brought as soon as possible to the attention of the returning officer, who will investigate the matter.
37. Having investigated the matter, the returning officer will determine whether the complaint or allegation should be upheld. If the complaint or allegation is upheld, the returning officer may impose an appropriate sanction on the offending party. The sanctions could include, but are not limited to, the instigation of disciplinary proceedings against students under Ordinance 40, the instigation of disciplinary proceedings against members of staff under the staff disciplinary procedure, or the removal of a candidate from the poll. The returning officer may also determine that the election should be suspended pending further investigation, abandoned or rescheduled.
38. In the event that an investigation leads to the removal of a candidate from the poll and this reduces the number of candidates to one, the election will proceed with a single candidate.
39. In the event that a candidate contests the results of the election, a case must be submitted within 10 working days of the declaration of the results. Where a case is submitted within the timeframe, the returning officer will arrange for an informal assessment of the case to determine whether there are grounds for an investigation. If as a result the returning officer determines that there are grounds, they will engage an independent solicitor or other professional person from outside the University to carry out a full investigation and report to the returning officer. On the basis of the report, the returning officer may decide to take no further action or may decide to declare the results of the election null and void and order a new election.

Arrangements during a vacancy caused by a delay in the electoral process

40. Under normal election arrangements, an appointment to the role of Chairperson will be made such that the successful candidate can shadow the incumbent Chairperson prior to taking office. However, in the event that insufficient candidates are identified or candidates withdraw before the election leaving only a single candidate or in the event that the election is declared null and void and requires to be re-run, it is possible that the term of office of an incumbent may cease before a successor is appointed.
41. In these circumstances, the Deputy Chairperson will act as Chairperson until such time as a Chairperson is appointed. This will be the case, even if the Deputy Chairperson is a candidate in the election.

Remuneration and expenses on appointment

42. On appointment, the Chairperson of Court will be entitled to a non-pensionable remuneration at a *per diem* rate equivalent to the Band 1 minimum for chairs set by the Scottish Government in its technical guide for the remuneration of chairs of NDPBs¹. This amount will be agreed each year by the Governance & Nominations Committee, chaired for the purpose by the Deputy Chairperson.
43. The Chairperson is entitled to the reimbursement of reasonable expenses incurred in carrying out the role in the same way as other members of the Court, and guidance on the reimbursement of expenses for Court members is contained within the Court Members' Handbook, which will be provided to the Chairperson on appointment.

Renewal of Appointment

44. A candidate elected under Ordinance 65 will be appointed as Chairperson for a period of three years. A Chairperson so appointed is eligible for re-appointment without further election for a second and final period of three years on the recommendation of the Governance & Nominations Committee.
45. When considering the re-appointment of the Chairperson, the Committee will be chaired by the Deputy Chairperson.
46. Any recommendation to re-appoint the Chairperson will be informed by the following considerations:
 - The length of time the Chairperson has served on the Court in total, bearing in mind that a normal member of Court serves for a maximum of eight years (extendable by a maximum of a further two years to retain specific expertise), but that Statute 9 makes clear that a Chairperson begins a new period of office where they were a member of Court prior to appointment as Chairperson;
 - The extent to which the Chairperson continues to meet the criteria for appointment as Chairperson in force at the time of their first election;
 - The extent to which the Chairperson continues, on the whole, to command the trust and respect of the Court and Senate and the members of staff and students of the University; and
 - The willingness and capacity of the Chairperson to continue for a second term.
47. In the event that the Governance & Nominations Committee recommend that the Chairperson not be re-appointed and the Court, in the absence of the Chairperson, concurs with that recommendation, the Chairperson will have the right to seek a review of the decision. Such a review shall be conducted by a person not employed by the University, nor having been employed by the

¹ Public Sector Pay Policy for Senior Appointment 2025-26. Technical Guide for the remuneration of Chief Executives (of NDPBs, Public Corporations and other Scottish public bodies), NHS Executives, Chairs & Members April 2025. [Scottish Budget 2025 to 2026: public sector pay policy - gov.scot](https://www.gov.scot/publications/scottish-budget-2025-to-2026/public-sector-pay-policy/pages/10)

University within the previous four years, holding, or having held, judicial office or being an advocate or solicitor of at least ten years' standing. The decision of this person shall be final.

48. Upon expiry of a second period of office, the Chairperson is not eligible for re-appointment for a third term and is required to demit office.

Approved by Court June 2025