

UNIVERSITIES ACT 1997

UNIVERSITY COLLEGE CORK – NATIONAL UNIVERSITY OF IRELAND, CORK

REGULATION

on

GOVERNING BODY ELECTIONS

*adopted by the Governing Body at its meeting on 20th October 2009
and as amended by Governing Body at its meeting on 19th April 2011
and as amended by Governing Body at its meeting on 30th March 2021
pursuant to Section 16(11) and Schedule 3 Paragraph 14 of the Universities Act
1997 and Section B.5.b. of the Principal Statute*

Governing Body: Elections

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Governing Body: Elections

1 Composition of Governing Body

In accordance with the Universities Act, 1997, s 16, the composition of the Governing Body is as follows:

- (a) **The Chairperson**, chosen in accordance with the Universities Act, 1997, s 17.
- (b) **The President.**
- (c) **Two senior officers of the University**, one of whom shall be the Registrar.
- (d) **Five members of the academic staff of the University who are Professors or Associate Professors**, including at least two men and at least two women, elected by such staff under part 5 below.
- (e) **Five permanent or full-time members of the other academic staff of the University**, including at least two men and at least two women, elected by such staff under part 5 below.
- (f) **Three permanent or full-time non-academic employees of the University**, including at least one man and at least one woman, elected by such employees under part 5 below.
- (g) **Two students**, where feasible comprising a man and a woman, to be elected by the Executive Committee of Aontas na Mac Léinn (the Students' Union) from among their elected officers; their term of office shall not exceed one year on each occasion.
- (h) **One postgraduate student**, to be elected by the postgraduate students; their term of office shall not exceed one year on each occasion.
- (i) **Four nominees of external organisations**, including where feasible at least one man and at least one woman, and none of whom shall to be an employee or a student of the University; to be chosen by a committee as described by the Universities Act, 1997, s 16(3)(a).
- (j) **Four nominees of the Minister of Education**, two to be men and two to be women, chosen as described by the Universities Act, 1997, ss 16(3)(c) and 16(9).
- (k) **Three graduates of the University** (as defined by the Universities Act, 1997, s 16(4)(b)), at least one of whom shall be a man and at least one a woman, and no more than one of whom may be a full-time employee or a student of the University; to be elected as described in part 6 below.
- (l) **The Lord Mayor of Cork.**
- (m) **The Mayor of Waterford.**
- (n) **Two nominees of the National University of Ireland**, to comprise a man and a woman, to be elected by the Senate of the NUI as described in part 7 below.

- (o) **Five nominees of the Councils of the administrative counties of Cork, Waterford, Kerry, Limerick, Tipperary (North Riding) and Tipperary (South Riding), to be elected by the Councils.**

Total Membership = 40

2 Term of office

The term of each member shall be determined by the Governing Body immediately before the appointment of that member, and shall be not less than three years and not more than five years, except that:

- (a) an *ex officio* member's term is coterminous with the relevant office; and
- (b) a member who is a student of the University shall hold office for no more than one year, but may be re-appointed for a further period or further periods, on each occasion not exceeding one year.

A member's term shall terminate in any of the following cases:

- (1) the member resigns from office as a member by letter addressed to the Chairperson of the Governing Body (the resignation takes effect on the date on which the letter is received);
- (2) the member is removed from office for good and valid reason in accordance with the Universities Act, 1997, sch 3, para 3(1) and the Regulation on the Conduct of Governing Body Business;
- (3) the member is adjudged bankrupt or makes, under the protection or procedure of a court, a composition or arrangement with creditors;
- (4) the member is sentenced to a term of imprisonment by a court of competent jurisdiction;
- (5) the member ceases to belong to the category of persons, as described in part 1, by virtue of which he or she was entitled to become a member; or
- (6) the member has been absent from all meetings of the Governing Body for a period of six consecutive months, unless the absence was due to illness or was approved by the Governing Body.

3 Ineligibility

A person shall not be eligible to be a member of the Governing Body if s/he:

- (a) is an undischarged bankrupt,
- (b) within the immediately preceding three years has, under the protection or procedure of a court, made a composition or arrangement with creditors, or
- (c) within the immediately preceding five years, has been sentenced to a term of imprisonment by a court of competent jurisdiction.

4 Notice of election

Not less than four months before the expiration of the period of office of the Governing Body then in being, the Corporate Secretary shall give notice in writing to the Minister for Education, to the Registrar of the National University of Ireland, to each member of the Academic Council, and to the respective Secretaries of the County Councils of Cork, Waterford, Kerry, Limerick, and of the North and South Ridings of Tipperary, of the date at which the period of office of the Governing Body then in being will expire.

4A Electronic Voting

The election of representatives of staff members may take place by paper based ballot in accordance with Part 5 or by means of electronic voting in accordance with Part 5A, as determined by the President. The Corporate Secretary shall specify the chosen format of the ballot at the time of publication of the notice of election to the relevant categories of staff.

5 Election of representatives of staff members

- (a) *Eligibility.* The candidates are to be the following members of the staff of the University:
- (1) five Professors or Associate Professors, of whom at least two shall be men and at least two shall be women, elected by such staff,
 - (2) five permanent or full-time members of the other academic staff, of whom at least two shall be men and at least two shall be women, elected by such staff, and
 - (3) three permanent or full-time employees who are not members of the academic staff, of whom at least one of whom shall be a man and at least one a woman, elected by such employees,
- who, as on 31st October prior to the commencement of a period of office of the Governing Body, are in the employment of the University.
- (b) *Election meeting.* The elections by the specified categories of staff shall each take place at a meeting of the specified categories of staff, to be held on a date appointed by the President. The President (or the President's nominee) shall be the Chair at such meetings. Notice of each meeting shall be issued to the relevant eligible voters by notice in writing posted or delivered to the relevant departmental, office or other unit address within the University, by a date determined by the President.
- (c) *Nomination.* To be eligible for election a candidate must be a member of the eligible staff category, and must be nominated by a nomination paper signed by two members of the relevant staff category, which shall have

been received by the Corporate Secretary by the closing date (determined by the President). Every such nomination paper shall:

- (1) state the full name of the candidate and that of each of the two nominators,
- (2) include a statement signed by the person nominated that s/he consents to being nominated and is willing to act as a member of the Governing Body, and
- (3) indicate whether the person nominated is a man or a woman.

A nomination which fails to satisfy all three conditions shall be invalid and null. No more than one nomination paper shall be accepted in respect of any one candidate; in the event of more than one nomination paper being received, the first only such paper shall be accepted.

- (d) *Uncontested election.* If, at the expiration of the period for nominations, the number of candidates, in a particular staff category, validly nominated for election shall not exceed the number of persons which that staff category is entitled to elect, and the requirements specified in (a) above regarding the number of men and the number of women are complied with, all the candidates so nominated shall be deemed to have been duly elected, and at the meeting the Chair shall declare those persons to have been elected accordingly.
- (e) *Contested election: Documents to be sent to each member of staff.* If, at the expiration of the period for nominations, the number of candidates, in a particular staff category, validly nominated for election shall exceed the number of persons which that staff category is entitled to elect, there shall be a poll. The Corporate Secretary shall, on a date determined by the President, prepare and shall send by post or deliver to each eligible voter in the relevant staff category or categories at the relevant departmental, office or other unit address within the university, a voting paper, accompanied by an envelope bearing on the outside the words "Voting Paper", a paper of instructions, a declaration of identity form, and a list of the names of the nominators of each candidate.
- (f) *Voting paper.* The voting paper shall contain in dictionary order the names of all candidates validly nominated for election (if a candidate so wishes, the Irish/English form of his/her name shall also be stated on the voting paper). The voting paper shall, in addition, mention which candidates are men and which are women.
- (g) *Paper of instructions.* The paper of instructions shall contain the following:
 - (1) a statement of the number of candidates for whom the voter is entitled to vote, and the requirements as to the number of men and the number of women who may be elected;
 - (2) a direction to the voter to mark an "X" opposite the name of each candidate for whom s/he votes;

- (3) a direction to the voter to place his/her voting paper, duly marked, in the envelope marked "Voting Paper", which shall then be sealed;
 - (4) a warning that the inclusion in the envelope marked "Voting Paper" of the declaration of identity form, or of any written or other paper except the voting paper, shall invalidate the vote;
 - (5) a direction as to the completion of the declaration of identity;
 - (6) a direction that if the voter does not wish to vote in person, s/he shall either post or deliver the envelope marked "Voting Paper" (containing the duly marked voting paper), and the duly completed declaration of identity form, to the Corporate Secretary in sufficient time for them to be received before the meeting;
 - (7) a direction that if the voter desires to vote in person, s/he shall hand the envelope marked "Voting Paper" (containing the duly marked voting paper), and the duly completed declaration of identity form, to the Chair at the meeting before the close of the poll; and
 - (8) a statement of the time at which the meeting starts and of the hour at which the poll closes, as determined by the President.
- (h) *Declaration of identity.* A copy of sub-section (a) above shall be set out on the declaration of identity form, which shall also contain the following:

<i>Declaration of Identity</i>
I hereby declare that I am a member of a staff category entitled to vote in the election of staff members to the Governing Body of University College Cork:
Voter's Name (BLOCK CAPITALS)
Title of Post held
University Address (Department, Office, Unit etc.)
Voter's Signature

- (i) *Appointment of Scrutineers.* The President shall, on a date determined by him/her, appoint at least two members of each staff category to be Scrutineers. Such Scrutineers and all other persons engaged in the conduct of the election shall undertake to preserve secrecy. The President shall also make any other necessary arrangements in regard to the holding of the meeting and any voting arrangements thereat.
- (j) *Validity of votes.* The Scrutineers shall examine the documents received and shall accept all lawful votes, but shall reject as invalid any voting paper which:
 - (1) is accompanied by a declaration of identity form not properly completed;
 - (2) is not the original voting paper issued to the voter and duly completed by him/her;

- (3) is marked with an "X" opposite the names of a greater number of candidates than the voter is entitled to elect; or
 - (4) contains any writing by which the identity of the voter can be ascertained.
- (k) *Validating and counting the votes.* The Scrutineers shall count the valid votes and shall determine any case of doubt as to the validity of a vote, and their determination (or the determination of the majority of them) shall be final. If they are equally divided as to the validity of any vote, the question of its validity shall be determined by the Chair. The Scrutineers shall report, in writing, to the Chair the result of the voting. The Chair shall declare the candidates who have obtained the greatest number of valid votes, subject to (a) above, duly elected as members of the Governing Body.
- (l) *Equality of votes.* In case there shall be an equal number of valid votes for two or more candidates, and the number of candidates in a staff category who have obtained a greater number of valid votes, being less than the number of persons which the staff category is entitled to elect, together with the number of candidates having such equality of valid votes, is greater than the number of persons which the staff category is entitled to elect, the election as between the candidates having such equality of valid votes shall be determined by the casting of lots at the meeting, and taking account of the requirement as to the number of men and the number of women among the candidates to be elected.
- (m) *Declaration of result.* Immediately after any such election, the Chair shall make a return of the result to the Corporate Secretary.

5A Election of representatives of staff members (electronic voting)

The following Part 5A shall apply in lieu of Part 5 where the election of representatives of staff members is to be held by means of electronic voting.

- (a) *Eligibility.* The candidates are to be the following members of the staff of the University:
- (1) five Professors or Associate Professors, of whom at least two shall be men and at least two shall be women, elected by such staff,
 - (2) five permanent or full-time members of the other academic staff, of whom at least two shall be men and at least two shall be women, elected by such staff, and
 - (3) three permanent or full-time employees who are not members of the academic staff, of whom at least one of whom shall be a man and at least one a woman, elected by such employees,

who, as on 31st October prior to the commencement of a period of office of the Governing Body, are in the employment of the University.

(b) *Election by Electronic Voting.* The elections by the specified categories of staff shall each take place by means of an electronic voting based procedure, to be held during such date(s) as are specified by the President. The President (or the President's nominee) shall be the returning officer for the purpose of such electronic voting ballot. Notice of the electronic vote shall be issued by the returning officer to the relevant eligible voters by notice in writing which may be issued by email and/or by post or delivery to the relevant departmental, office or other unit address within the University, by a date determined by the President. The notice shall include details of the electronic voting process, the software or online portal to be used for the process, the date(s) during which electronic voting may take place, the deadline for placing of electronic votes and details of how eligible voters may record their vote.

(c) *Nomination.* To be eligible for election a candidate must be a member of the eligible staff category, and must be nominated by a nomination paper signed by two members of the relevant staff category, which shall have been received by the Corporate Secretary by the closing date and time for nominations (determined by the President). Nomination papers submitted after such closing date and time shall not be accepted. Every such nomination paper shall:

- (1) state the full name of the candidate and that of each of the two nominators,
- (2) include a statement signed by the person nominated that s/he consents to being nominated and is willing to act as a member of the Governing Body and that the candidate agrees to the conduct of the election and determination of results by process of electronic voting in the manner outlined in this Part 5A and in the notice of the electronic vote issued to the relevant eligible voters by the returning officer, and
- (3) indicate whether the person nominated is a man or a woman.

A nomination which fails to satisfy all three conditions shall be invalid and null. No more than one nomination paper shall be accepted in respect of any one candidate; in the event of more than one nomination paper being received, the first only such paper shall be accepted.

Nomination papers may be submitted in paper form or in electronic form to the Corporate Secretary. Where nomination papers are submitted in electronic form:

- (i) they shall conform to the three conditions listed above;
- (ii) they shall be submitted to the Corporate Secretary through the candidate's UCC email address with the two nominating members of the relevant staff category copied on the email communication;

- (iii) portable document format (pdf) signed copies of the form will be submitted or such other electronic format as the Corporate Secretary may specify in the notice issued under Part 5A(b); and
- (iv) if necessary, nomination signatures can be provided on separate copies of the nomination form provided all counterpart copies of the form are identical and all counterparts of the form are submitted to the Corporate Secretary together.

Electronically submitted nomination papers which do not satisfy the foregoing conditions shall be invalid and null.

- (d) *Uncontested election.* If, at the expiration of the period for nominations, the number of candidates, in a particular staff category, validly nominated for election shall not exceed the number of persons which that staff category is entitled to elect, and the requirements specified in (a) above regarding the number of men and the number of women are complied with, all the candidates so nominated shall be deemed to have been duly elected, and on the expiry of the deadline for placing of electronic votes as specified by the President, the returning officer shall declare those persons to have been elected accordingly.

- (e) *Contested election: Information to be sent to each member of staff.* If, at the expiration of the period for nominations, the number of candidates in a particular staff category validly nominated for election shall exceed the number of persons which that staff category is entitled to elect, there shall be a poll conducted by means of electronic voting in accordance with this Part 5A. The Corporate Secretary shall, on a date determined by the President, prepare and shall send by email and/or post or deliver to each eligible voter in the relevant staff category or categories at the relevant departmental, office or other unit address within the university, voting information instructions which include:
 - i. details of the electronic voting process;
 - ii. the software or online portal to be used for the process;
 - iii. the date(s) during which electronic voting may take place and the deadline for placing of electronic votes;
 - iv. details of how eligible voters may record their vote;
 - v. the list in dictionary order of the names of all candidates validly nominated for election (if a candidate so wishes, the Irish/English form of his/her name shall also be stated) as such list will appear in the electronic voting portal/electronic voting polling card. Such list shall, in addition, mentioned which candidates are men and which are women; and

- vi. a statement of the number of candidates for whom the voter is entitled to vote, and the requirements as to the number of men and the number of women who may be elected.

Votes must be cast prior to the deadline date and time for electronic voting as specified in the notice of voting information issued by the Corporate Secretary. Votes purportedly cast after this deadline date and time shall be null and void.

The date of issuing of the notice of the electronic vote issued by the returning officer to the relevant eligible voters pursuant to Part 5A(b) above is the census date for determining the eligibility of voters in a staff category and voters must be a member of such staff category on that date in order to be eligible to vote.

- (f) *Confirmation of identity & electronic voting process.* The electronic voting process utilised shall include a method of verifying a voter's identity such as but not limited to, a process which is linked to the voter's unique UCC email address. The electronic voting process used shall ensure that voters may only vote once and that the voter's selection of candidates is anonymised.
- (g) *Appointment of Scrutineers.* The President shall, on a date determined by him/her, appoint at least two members of each staff category to be Scrutineers. Such Scrutineers and all other persons engaged in the conduct of the election shall undertake to preserve secrecy. The President shall also make any other arrangements in regard to the holding of the electronic vote as may be required.

The Scrutineers shall receive a briefing on the operation of the electronic voting software or online portal from a representative of the University's IT Services department.

The Scrutineers shall have access to the voting data as recorded in the electronic voting process but shall not receive data which would enable a Scrutineer to link a voter's selection of candidates to the identity of the voter.

- (h) *Validating and counting the votes.* The Scrutineers shall determine the number of valid votes based on the data recorded in the electronic voting process and their determination (or the determination of the majority of them) shall be final. Valid votes must record a vote for at least one candidate in the relevant staff category. If the Scrutineers are equally divided as to the validity of any vote, the question of its validity shall be determined by the returning officer. The Scrutineers shall report, in writing, to the returning officer the result of the voting. The returning officer shall declare the candidates who have obtained the greatest number of valid votes, subject to Part 5A(a) above, duly elected as members of the Governing Body.

- (i) *Equality of votes.* In case there shall be an equal number of valid votes for two or more candidates, and the number of candidates in a staff category who have obtained a greater number of valid votes, being less than the number of persons which the staff category is entitled to elect, together with the number of candidates having such equality of valid votes, is greater than the number of persons which the staff category is entitled to elect, the election as between the candidates having such equality of valid votes shall be determined by the casting of lots, and taking account of the requirement as to the number of men and the number of women among the candidates to be elected. The Scrutineers shall oversee such casting of lots and the result thereof shall be declared by the returning officer. The returning officer shall declare the successful candidate (or in the case of equality of votes in respect of more than one vacancy, the successful candidates) in this process, subject to Part 5A(a) above, duly elected as a member of the Governing Body.

6 Election of representatives of the Graduates

- (a) *Eligibility.* The candidates are to be graduates of the University (as defined by the Universities Act, 1997, s 16(4)(b)), at least one of whom shall be a man and at least one a woman, and no more than one of whom may be a full-time employee or a student of the University at the time of their election. A candidate must be on the Register of Graduates. Voting shall be open to those graduates of the University who either:
1. voted in the most recent election, or
 2. applied for a ballot paper based on widespread advertising of same, or
 3. were entered on the Register of Graduates after the date of the most recent election, or
 4. verify, in writing, their address with the Registrar.
- (b) *Election meeting.* The election shall take place at a meeting of the graduates as hereinafter described. The meeting shall be held on a date appointed by the President, and the Chair shall also be appointed by the President. The meeting shall be not more than two months, nor less than two weeks, before the date at which the Governing Body then in being shall go out of office. At least two months' notice of the meeting shall be given by the Registrar to each graduate eligible to vote.
- (c) *Nomination.* The candidate must be nominated by a nomination paper signed by six graduates, which:
- (1) shall have been received by the Registrar at least eight weeks before the date of the election meeting;
 - (2) shall state, in the form contained in the Register of Graduates, the full name of the candidate and that of each of the nominators, together with the degrees of the National University of Ireland

which have been conferred on the said candidate and nominators, and the years of such conferrings;

- (3) shall state the sex of the candidate, and whether the candidate is a full-time employee or student of the University; and
- (4) shall include a statement, signed by the person nominated, that s/he consents to being nominated, and is willing to act as a member of the Governing Body if elected.

A nomination which fails to satisfy all of the conditions (1)-(4) shall be invalid and null, and the candidate concerned shall be deemed not to have been duly nominated.

- (d) *Uncontested election.* If, at the expiration of the period for nomination, the number of candidates validly nominated and entitled to stand for election shall not exceed the number of persons which the graduates are entitled to elect, the Chair shall determine at the meeting which of the candidates so nominated can be deemed to be duly elected, and shall declare such persons to have been elected accordingly.
- (e) *Contested election: Documents to be sent to each graduate.* If, at the expiration of the period for nomination, the number of candidates validly nominated for election shall exceed the number of persons which the graduates are entitled to elect, there shall be a poll. For that purpose the Registrar shall, not less than two weeks before the date of the election meeting, prepare and shall send by post each graduate eligible to vote a voting paper, accompanied by an envelope bearing on the outside the words "Voting Paper", a list of the names of the graduates nominating each candidate, a paper of instructions, and a form of declaration of identity.
- (f) *Voting paper.* The voting paper shall:
 - (1) contain in dictionary order the names of all candidates validly nominated for election by the graduates (if a candidate so wishes, the Irish/English form of the candidate's name shall also be stated on the voting paper);
 - (2) indicate which candidates are men and which are women, and which candidates are full-time employees or students of the University; and
 - (3) be marked and sent to the voter in an envelope addressed to the voter and bearing the words "To be retained and shown to Witness of Declaration of Identity".
- (g) *Paper of instructions.* The paper of instructions shall contain the following:
 - (1) A statement of the number of candidates for whom the voter is entitled to vote, that of the candidates elected at least one shall be a man and at least one shall be a woman, and that not more than one shall be a full-time employee or a student of the University.

- (2) A direction to the voter to mark an "X" opposite the name of each candidate for whom a vote is given.
 - (3) A direction to the voter to place the voting paper, duly marked, in the envelope marked "Voting Paper", which should then be sealed.
 - (4) A warning that the inclusion in the envelope marked "Voting Paper" of the form of declaration of identity, or of any written or other paper except the voting paper, shall invalidate the vote.
 - (5) A direction as to the completion of the declaration of identity.
 - (6) A direction that if the voter does not wish to vote in person, s/he shall either post or deliver the envelope marked "Voting Paper" (containing the duly marked voting paper) and the duly completed declaration of identity to the Registrar, in sufficient time for them to be received by him/her before the meeting.
 - (7) A direction that if the voter desires to vote in person, s/he shall hand the envelope marked "Voting Paper" (containing the duly marked voting paper) and the duly completed declaration of identity to the Chair at the meeting before the close of the poll.
 - (8) A statement of the time at which the meeting shall commence and of the time at which it shall close.
- (h) *Declaration of identity.* The declaration of identity shall be in the following form:

<p><i>Declaration of Identity</i></p> <p>I hereby declare that I am the Graduate of the National University of Ireland and Member of University College, Cork, for whom the Voting Paper and the envelope in which it was enclosed (both of which I now produce) were intended.</p> <p>Voter's Name as in Register of Graduates</p> <p style="padding-left: 40px;">(Use BLOCK CAPITALS)</p> <p>University Degree(s) and Year(s) Conferred</p> <p>Voter's Signature</p> <p>The above-named, who is personally known to me, has produced the Voting Paper and envelope above referred to and has signed the above Declaration in my presence.</p> <p>Witness's Signature</p> <p>Address</p>
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The back of the form of declaration of identity shall state that the declaration shall be signed by the voter in the presence of a witness. The witness shall attest that the declaration of identity has been signed by the voter in the presence of the witness by adding his/her signature and address to the foot of the declaration.

- (i) *Completing the documents.* The voter shall mark his or her voting paper by placing an "X" opposite the name of each candidate for whom a vote is given, and shall place this duly marked voting paper in an envelope bearing on the outside the words "Voting Paper", which should then be sealed. The inclusion in this envelope of the form of declaration of identity, or of any written or other paper except the voting paper, shall invalidate the vote. If the voter does not wish to vote in person s/he may post or deliver to the Registrar the duly marked voting paper, enclosed in an envelope marked "Voting Paper", and the duly completed declaration of identity, in sufficient time for them to be received by the Registrar before the start of the meeting.
- (j) *Appointment of Scrutineers.* Not less than two weeks before the date of the election meeting, the President shall appoint at least three graduates to be Scrutineers. Such Scrutineers and all other persons engaged in the conduct of the election shall undertake to preserve secrecy. It shall not be necessary that any greater number of graduates than four shall be present at the meeting.
- (k) *Registrar to deliver voting papers received.* At the commencement of the meeting, the Registrar shall deliver unopened to the Chair the envelopes marked "Voting Paper" which s/he has received, accompanied in each case by the form of declaration of identity. The Registrar shall also deliver all envelopes received which were marked "Voting Paper" but were not accompanied by forms of declaration of identity, and all voting papers received which were not enclosed in envelopes marked "Voting Paper", together with such forms of declaration of identity as accompanied them; the Chair shall reject all such votes as invalid.
- (l) *Voting in person.* Any Graduate present at the meeting who has not forwarded his/her voting paper to the Registrar shall be entitled, prior to the close of the poll, to hand to the Chair his/her voting paper, enclosed in an envelope marked "Voting Paper", and accompanied by a declaration of identity duly completed. The poll shall close two hours after the commencement of the meeting.
- (m) *Lost voting paper.* Prior to the close of the poll, any graduate eligible to vote and present at the meeting whose voting paper has not been received by the Registrar before the commencement of the meeting, and who shall give to the Chair satisfactory evidence of identity, and of the fact that s/he has not received a voting paper or that s/he has lost or destroyed his/her voting paper or has sent it to the Registrar, shall be entitled to obtain from the Registrar a voting paper marked "Duplicate", a form of declaration of identity marked "Duplicate" and an envelope marked "Voting Paper". The graduate may, prior to the close of the poll, hand them to the Chair in accordance with the preceding sub-section, and such duplicate voting paper shall be counted with the original voting papers; but in case a valid original voting paper issued to any graduate who shall have obtained a

duplicate voting paper shall be received by the Chair, only the original voting paper shall be counted.

- (n) *Validity of votes.* All votes validly given and delivered to the Chair in accordance with sub-sections (k) (l) or (m) above shall be counted for this election, except that the Scrutineers shall reject any voting paper which:
- (1) is accompanied by a form of declaration of identity not properly completed;
 - (2) is neither the original voting paper issued to the voter nor a valid duplicate voting paper; or
 - (3) is marked with an "X" opposite the names of a greater number of candidates than that which the graduates are entitled to elect; or
 - (4) contains any writing by which the identity of the voter can be ascertained.
- (o) *Validating and counting the votes.* The Scrutineers shall count the valid votes and shall determine any case of doubt as to the validity of a vote, and their determination (or the determination of the majority of them) shall be final. If they are equally divided as to the validity of any vote, the question of its validity shall be determined by the Chair. The Scrutineers shall report in writing to the Chair the result of the voting. Subject to (a) above, the candidates who have obtained the greatest number of valid votes shall be duly elected.
- (p) *Equality of votes.* In case there shall be an equality of valid votes for two or more candidates, and the number of candidates who have obtained a greater number of valid votes, being less than the number of persons are entitled to be elected together with the number of candidates having such equality of valid votes is greater than the number of persons entitled to be elected, the election as between the candidates having such equality of valid votes shall, subject to (a) above, be determined by the drawing of lots at the meeting.
- (q) *Declaration of result.* The Chair shall declare the successful candidates duly elected as members of the Governing Body. Immediately after the election the Chair shall make a return of the result to the Registrar, who shall thereupon give notice thereof to the Corporate Secretary.

7 Election of NUI representatives

- (a) *Summoning of meeting.* The election meeting of the Senate shall be called by the Chancellor, and s/he shall appoint its date. Such election shall be at a meeting specially called for that purpose, and which shall be held at some point in the three months before the date at which the Governing Body then in being shall go out of office. At least twenty-eight days' notice of the election meeting, and of the purpose thereof, shall be given by the proper officer to the respective members of the Senate. If at any such

meeting there shall not be a quorum present, the election shall, nevertheless, be proceeded with, and shall not be invalidated by reason of the absence of a quorum.

- (b) *Eligibility of candidates.* To be eligible for election a candidate must be nominated by a nomination paper signed by two members of the Senate, which shall be lodged with the proper officer of the Senate at least twenty-one days before the election meeting.
- (c) *Uncontested election.* If at any such election no more persons are validly nominated as candidates for election than the number of persons which the elective body is entitled to elect, the candidates so nominated shall be deemed to be elected, and shall be declared by the Chair of the election meeting to be elected accordingly.
- (d) *Contested election: Generally.* If more candidates shall be nominated than the Senate is entitled to elect, there shall be a poll amongst the members of the Senate present and voting. The Chair shall declare the persons who have obtained the greatest number of lawful votes, not exceeding the number of persons whom the Senate is entitled to elect, to have been duly elected.
- (e) *Contested election: Equality of votes.* In case there shall be an equality of lawful votes for two or more persons, and the number of persons who have obtained a greater number of lawful votes together with the number of persons having an equality of lawful votes shall be greater than the number of persons whom the Senate is entitled to elect, the election as between the persons having such equality of votes shall be determined by the casting vote of the Chair.
- (f) *Declaration of result.* The Chair shall declare the person or persons whose election has been so determined, with any other person who had obtained a greater number of lawful votes, to be duly elected. Immediately after any such election by the Senate, the Registrar of NUI shall give notice thereof to the Corporate Secretary or other proper officer of the University.

8 Election of local authority representatives

- (a) *Summoning of meetings.* The Chair of each of the County Councils of Cork, Waterford, Kerry, Limerick and the Ridings of Tipperary, respectively, shall, not less than two months before the day on which the Governing Body then in being shall go out of office, by writing under his/her hand appoint a day for a meeting for the election by the Council of the members of the Governing Body whom the Council is entitled to elect. Every such meeting shall be held not less than fourteen days before the day on which the Governing Body then in being will go out of office.

- (b) *Tipperary: Location of meeting.* The election by the County Councils of the County of Tipperary, acting jointly, shall be held as follows:
- (1) The first, and every alternate subsequent election shall be at a special meeting of the members of both of the said County Councils, to be held at Clonmel, in the South Riding of the County.
 - (2) The other elections shall be at a special meeting of the members of both of those County Councils, to be held at Nenagh, in the North Riding of the County.
- (c) *Notice of meeting.* Each Chair shall cause public notice by advertisement published not less than two months before the date at which the Governing Body then in being shall go out of office, to be given of the day so appointed for the meeting. The Secretary of each County Council shall forthwith give notice to each member of that Council of the date of such meeting, and of the fact that such election will take place at such meeting, and of the provisions of this regulation relating to the election and to nomination of candidates for election. In the case of an election by the County Councils of Tipperary, the notice shall be given by the Secretary of the County Council of the Riding of that County within which the place of election is situate.
- (d) *Eligibility.* To be eligible for election a candidate shall be nominated by a nomination paper signed by two members of the relevant Council, which shall be lodged with the proper officer of said Council at least twenty-one days before the meeting.
- (e) *Absence of quorum.* If at the election meeting there shall not be a quorum present, the election shall nevertheless be proceeded with, and shall not be invalidated by reason of the absence of a quorum.
- (f) *Declaration of result.* Immediately after any such election the Secretary of the County Council shall give notice of the person elected to the Corporate Secretary or other proper officer of the University.

9 Election or nomination in more than one category

In the event of anyone being elected (or otherwise chosen) in more than one category of membership of the Governing Body, the Corporate Secretary or other proper officer shall immediately send notice of these facts in writing to him/her, requesting him/her to declare within one week in writing in which capacity s/he will act as member of the Governing Body. On making such declaration s/he shall be a representative on the Governing Body according to his/her choice; and thereupon a casual vacancy shall occur in relation to the other category. In the event of his/her failing to make such a declaration within one week s/he shall be deemed to be a representative in the first such category mentioned in part 1 above,

and a casual vacancy shall thereupon occur in relation to the other category.

10 Casual vacancies

A casual vacancy arises if either an election as described in these regulations fails to return the full number of representatives which it is entitled to elect within the time specified, or a member of the Governing Body dies, resigns, is removed from office or for any other reason ceases to hold office. A person who fills a casual vacancy shall hold office for the remainder of the term of office which was not filled or was vacated.

The Governing Body shall arrange for the filling of any casual vacancy as soon as practicable. The nomination or election to fill the casual vacancy shall be carried out in the same manner as described above for an ordinary election, except that:

- (a) *Election by categories of University staff members.* If a casual vacancy shall occur in relation to the University staff members, the President shall declare elected the candidate (if any) not elected at the election meeting held prior to the commencement of the period of office of the Governing Body (or where applicable, not elected via the electronic voting process provided for in Part 5A), and who obtained the next highest number of valid votes after the last candidate declared elected (but disregarding any person ineligible nomination or election, or subsequently appointed or declared elected as a member of the Governing Body). If the vacancy cannot be filled in that way, one of the procedures described in part 5 or part 5A above shall be conducted, but solely to fill the vacant seats. In respect of Part 5(a) and Part 5A(a) (*Eligibility*), the phrase “*who, as on 31st October prior to the commencement of a period of office of the Governing Body, are in the employment of the University*” shall be interpreted as “*who, as on the date of notice of election issued pursuant to Part 5(b) or Part 5A(b), are in the employment of the University*” for the purposes of determining eligibility to stand for election to fill a casual vacancy in a relevant staff category.
- (b) *Election by graduates.* If a casual vacancy shall occur amongst the members elected by the graduates, the President shall declare elected the candidate (if any) not elected at the election meeting held prior to the commencement of the period of office of the Governing Body, and who obtained the next highest number of valid votes after the last candidate declared elected (but disregarding any person ineligible for nomination or election, or subsequently appointed or declared elected as a member of the Governing Body). If the vacancy cannot be filled in that way, the procedure described in part 6 above shall be conducted again, but solely to fill the vacant seats.
- (c) *Election by Senate of NUI.* If a casual vacancy shall occur amongst the nominees of the Senate of the NUI, the Corporate Secretary shall immediately give notice of this in writing to the Registrar of the NUI, and

thereupon an election meeting of the Senate shall be held on a day appointed by the Chancellor. The election shall be held not less than two months nor more than three months after receipt of such notice in writing, except that it shall not be held in July, August, or September; and if the day which would have been appointed for the election but for this proviso would have fallen in any of these three months, the election shall be held in the following October.

- (d) *Election by local authority.* If a casual vacancy shall occur amongst the elected members representing County Councils, the Corporate Secretary shall immediately give notice, in writing, of the vacancy to the Council concerned, and thereupon an election meeting shall be held, on a day appointed by the Council's Chair. In the case of a vacancy for the Ridings of Tipperary, the meeting shall be held alternately at Nenagh and at Clonmel, and the first of such meetings shall be held at Nenagh. The election shall be held not less than two months nor more than three months after receipt of such notice in writing, except that it shall not be in July, August, or September; and if the day which would have been appointed for the election but for this proviso would have fallen in any of these three months, the election shall be in the following October.

11 Repeal of earlier regulations

The following regulations are hereby revoked: "Regulations relating to the election by certain categories of staff ..." (1997); "Election by the Graduates" (25 September 1997); and "Regulations relating to the election by certain categories of staff" (12 December 2000).

12 Date in force

This regulation shall come into effect immediately on the date of its enactment by Governing Body and any amendment to this regulation shall come into effect on the date of enactment of such amended regulation by Governing Body.