

Hallam Students' Union Referendum

Guiding Principles

These principles apply to all referendums at HSU.

Campaigners must:

1. Treat everyone with respect – including other campaigners, voters, and other students, HSU and University staff, and members of the public.
2. Respect the environment in which they campaign – including on and off campus, and online.
3. Respect and uphold the principle of free and fair and be open to challenge from voters.
4. Behave in a manner befitting the reputation of Hallam Students' Union.
5. Not do anything that gives them an unfair advantage.

HSU will:

1. Make sure all referendums are run in a free and fair way.
2. Ensure that all campaigners understand the rules and how to campaign for votes.
3. Promote the referendum to voters as much as possible.
4. Give the voters information they need to make an informed vote.
5. Prioritise the wellbeing of all those campaigning.

RULES AND REGULATIONS

The referendum Guiding Principles should be considered the overarching guidance for all referendum conduct, with the following rules and regulations providing specific details on key areas. If a complaint is made regarding conduct that is not directly referenced within the rules and regulations, the Deputy Returning Officer (Julie Byrd – CEO of Hallam Students' Union) will make any decisions in line with the principles guiding the referendum process.

Adherence to the following rules **and** to the broader guiding principles is required to ensure a free and fair referendum; failure to do so may result in penalties that include, but are not limited to, the suspension of group campaigning activity or the banning of individuals from campaigning.

Where a campaigner's conduct is investigated by the Deputy Returning Officer (DRO), they will be required to attend a meeting with the Deputy Returning Officer or their nominee, and their campaign may be suspended until that meeting is held. Should an individual fail to attend a meeting with the Deputy Returning Officer, then a ruling will be made in their absence.

Should you have any questions on any of these rules, please contact a member of the Representation Team by emailing democracy@shu.ac.uk. Ignorance or misunderstanding of these rules will not be considered a mitigating factor in the event of a breach.

Campaigner Eligibility

All campaigners must fulfil the following criteria. If at any point it is ruled that a campaigner does not fulfil one of these criteria, then the Deputy Returning Officer retains the right to immediately exclude that individual from the referendum.

1. By the date set by the Students' Union, all campaigners **must**:
 - a. Fulfil all eligibility criteria as laid out in [Bye-law 5](#) in the Students' Union's Bye-Laws.
 - b. Express their participation as a campaigner, attend all mandatory training sessions and sign and agree to be bound by these Rules & Regulations for the duration of the campaigning period.
2. By the agreed time and date after the start of the campaign period, and before the specified deadline, all candidates must submit a completed Candidate Budget Declaration form.
3. Dependent on the nature of the referendum, there may be an opportunity for a non-students' union group to engage in a referendum from the perspective of factual information. For example, a referendum on the National Union of Students' (NUS) may result in NUS officers or staff attending to provide information on relevant services.

Budgets and Resources (*The money, materials, and resources that Campaigns may use to promote their position*)

4. Campaign Teams will have a set budget of £50 for use during their campaign. This must be shared by all campaigners on one side of the debate in the referendum and this cannot be exceeded under any circumstance. This money will be reimbursed to the relevant campaigners once Budget Declaration forms and accompanying receipts are submitted to, and approved by, the Representation Team.
5. Any materials or resources used in a campaign should be equally available to all candidates.
6. The Deputy Returning Officer reserves the right to remove, or demand the removal of, campaign material if it is deemed inappropriate.

Campaigning Period

7. For the avoidance of doubt, the campaigning period is defined as being in line with the Voting Period as set out by the Students' Union.

Physical Campaigning (*Campaign activity carried out in person*)

8. Campaigners may not campaign in University Libraries (Adsetts or Collegiate)
9. The use of stickers on Union, University and public property is forbidden.

Digital Campaigning (*Campaign activity carried out on social media or via other digital channels*)

10. Campaigners must not make use of pre-existing mailing lists to promote their campaign. This includes, but isn't limited to, the use of Society membership lists by committee members, and lists of students and Course Reps by Course or Department Reps. This also includes making use of university address books.

Campaign Conduct (*General conduct requirements for the campaign*)

11. Comments or criticism regarding other campaigners must never be personal nor include any false statement in relation to the approach. Any reference to a campaigner's personal traits, character, or religious or partisan views are not allowed. However, criticism of the other side of the debate of a referendum, is allowed.
12. As per the Guiding Principles, campaigners may not interfere with students when they are casting their vote. To comply with this, campaigners must not attempt to influence, observe or help a student in the act of voting on an electronic device.
13. Campaigners must stop engaging with a student if the student so requests.

Accessibility

14. The Deputy Returning Officer and the Representation team reserve the right to make concessions for campaigners on the grounds of accessibility. The aim of these concessions is to 'level the playing field' for individuals with disabilities, or other conditions which may impact their ability to campaign.

COMPLAINTS, APPEALS AND SANCTIONS

Complaints

Any member of the Students' Union is entitled to submit a complaint about a campaigner or a member of their campaign team.

All complaints must:

- Be submitted using the Elections Complaint form, which can be found at www.hallamstudentsunion.com/elections/complaints.
 - For the purposes of a referendum – the elections complaint form will be used.
- Explain clearly which rule or guiding principle is alleged to have been broken.
- Include sufficient evidence to investigate the complaint.

Complaints that do not fulfil these criteria will not be investigated.

- Providing the complaint fulfils the criteria, the Representation team will respond to the complaint within 24 hours.
- If the Deputy Returning Officer (Julie Byrd – CEO of Hallam Students' Union) has grounds to believe that a breach of the Rules & Regulations has occurred, the Deputy Returning Officer will request a meeting with the candidate to discuss the nature of the complaint.
- The Deputy Returning Officer may also request additional information from relevant parties such as other Students' Union teams or the University.
- The candidate must respond as soon as is reasonably possible to any meeting request. If the candidate does not respond, then a meeting may be held in their absence, and the candidate will not have the opportunity to provide any mitigating evidence.
- After the meeting, the Deputy Returning Officer will consider the available evidence and decide whether, on the balance of probability, a rule breach has occurred.
- If a rule breach is deemed to have occurred, the Deputy Returning Officer may apply a sanction as outlined below. The sanction will be communicated to the candidate to the email addressed during the application process.

Complaints may be received up to 5 working days after the close of voting.

- Complaints made after 5 working days of the close of voting will only be addressed if the rule break is deemed serious enough to have changed the outcome of the referendum.
- The Deputy Returning Officer may also instigate investigations into breaches of Referendum Rules Regulations without the need for a complaint to be submitted, where there is reasonable cause to believe a breach has been committed.
- Complaints regarding relevant non-students' union groups should also still be submitted through the process above.

Sanctions

If a complaint is upheld by the Deputy Returning Officer, a sanction may then be applied. The exact nature of the sanction is at the complete discretion of the DRO. The sanction could include, but is not limited to:

- Suspension of campaigning activities for a period of time
- A formal caution, several of which can result in removal of an individual/campaign team.
- Restriction of campaign budget
- Restriction of inclusion in SU publicity
- Requiring a formal public apology from an individual/campaign team
- Disqualification

It is worth noting that ignorance of a rule will not be considered a mitigating factor in deciding on a sanction. If in doubt, candidates should always ask for advice from the Representation Team.

Aggravating Factors

Campaigners will be punished more harshly if the DRO considers there to be aggravating factors at play. These could include, but are not limited to:

- Dishonesty or deception
- Repeat offences
- Abuse of power
- Discrimination based on protected characteristics

If an aggravating factor is present, then the rule breakage will be dealt with more severely. This could include instant disqualification.

Appeals

An individual may appeal any sanction applied to them by the Deputy Returning Officer. The appeals process will be laid out in the email containing information of the sanction. Appeals will be dealt with by the Returning Officer (Peter Robinson – National Union of Students' Chief Executive) of the Election.

Appeals must be received within 24 hours of receipt of the sanction. Rulings from the Returning Officer will be communicated in a timeframe set out by the Returning Officer upon receipt of the appeal. The role of the Returning Officer in the appeal is to consider whether the complaints process was correctly followed, and whether the outcome was reasonable. The Returning Officer will not typically consider the nature of the complaint again or order further investigation of the complaint.

Results

All results shall remain provisional until the Returning Officer is satisfied with the conduct of the referendum and following the closure of any complaints.

As with all rules and guidelines, if you are unsure if an action would break the rules, you should first contact the Representation Team at democracy@shu.ac.uk.