APPENDIX 3: ELECTION TO THE POSITION OF CHAIR OF COURT

In respect of elections to the position of Chair of the governing body, the Higher Education Governance (Scotland) Act 2016 (The Act), states: "The election process is to be conducted in accordance with rules made by the governing body of the institution."

The Act (Part 7) states: "These persons are entitled to vote in an election under section 6 for the position of senior lay member of the governing body of a higher education institution — (a) the members of the governing body, (b) the staff of the institution, (c) the students of the institution."

The Act also states that in the Act, any reference to the students of a higher education institution "includes all persons holding sabbatical office in a students' association of the institution (whether or not they remain as students of the institution during their period of office)." No other definition of students is provided in the Act.

The following guidance agreed by the Court defines the staff and student electorates with a franchise in such elections.

Voting Electorate: Staff

The electorate for voting in the election for the position of Chair of Court shall include:

persons who have a contract of employment with the University on the given census date* at:

- Heriot-Watt UK campuses
- Heriot-Watt Dubai Campus
- Heriot-Watt Malaysia Campus

and persons who have a contract of employment with the Edinburgh Business School.

(*the census date should not normally be set more than two calendar months before the intended date of the election)

Voting Electorate: Students

The electorate for voting in the election for the position of Chair of Court shall include:

persons who on the given census date* are captured on the student administration system and are registered active students (active being defined in terms of the University’s return to the Higher Education Statistics Agency) at:

- Heriot-Watt UK campuses
- Heriot-Watt Dubai Campus
- Heriot-Watt Malaysia Campus
- Edinburgh Business School
- At an institution with whom the University has a teaching agreement, such as an approved learning partner

such students above following a programme of study which has been approved by the Senate, and falling into one or more of the following categories:

a) a new or continuing student studying on a campus-based programme of study in the current academic year;
b) a new or continuing student following a campus-based programme of research study in the current academic year;

c) a continuing student following a campus-based programme of research who has “writing up” status in the current academic year;

d) a new or continuing student studying on a campus-based Foundation Degree programme in the current academic year;

e) a new or continuing student studying in the current academic year on a joint programme established between the University and another institution(s) where the University is one of the awarding bodies;

f) a new or continuing “associate” student studying in the current academic year for a Heriot-Watt award through a partnership agreement with another institution (whether that person is based at the University or the partner institution);

g) a new or continuing student following a programme of study in the current academic year with an Approved Learning Partner;

h) an outgoing exchange student studying in the current academic year;

i) an incoming exchange student or “non graduating” status student studying in the current academic year who is registered at the census point;

j) a person undertaking a pre-sessional English course, who is registered at the census point;

k) a person registered on a distance learning programme of study who has either enrolled for or taken an assessment in courseware for their programme of study within the previous twelve months of the given census date.

or, a person who on the given census date is captured on the student administration system in the category of Student Sabbatical Officer Bearer in the current academic year.

For clarification, the following persons shall be excluded from the student census:

1) a person classified in the student administration system in the current academic year as: out of the University with assessment resits; on an elected temporary suspension of studies; a person who has permanently withdrawn from the University;

2) a person undertaking a non-degree/non-diploma CPD or other short course which requires no student registration;

3) a “visiting” scholar who does not fall into the “exchange” or “non-graduating” student category in the University’s HESA return;

4) a person studying at the University as part of a partnership agreement where the award will be awarded wholly by another institution(s);

5) a person who might have purchased, enrolled for or taken an assessment in distance learning courseware within the period of twelve months before the given census date, but who in the current academic year and at the census date are not enrolled on a programme of study by distance learning. For example, the Edinburgh Business School provides the opportunity to persons to qualify for entry to the distance learning MBA programme through prior passing of three stand-alone courses;

6) a person enrolled on a postgraduate Academic Practice programme (such persons, being members of staff will be captured in the staff census record).