

Fair Representation

Changes to NUS National Conference delegations

At National Conference 2014, delegates passed a policy to ensure that delegations to National Conference would be made up of 'at least 50% self-defining women, rounded down'. NUS have produced this guidance for students' unions to provide support for implementing changes to how National Conference delegations are elected.

What does the motion mean?

'Fair Representation on NUS Conference delegations' is a motion that was passed at National Conference 2014, changing NUS' rules on the make-up of delegations to National Conference. The motion means that all delegations will have to have at least 50% self-defining women on them (rounded down).

The most important thing to bear in mind as we implement the policy, is that the outcome is more important than the process. In other words, the Democratic Procedures Committee of NUS (DPC) will be very strict on ensuring that:

- Higher education students' unions are carrying out cross-campus ballots to choose their delegates (subject to the usual allowance of one ex-officio delegate and the appeals procedure)
- All students' unions register a delegation for National Conference that includes at least 50% women (rounded down)

We will recommend a system for conducting cross-campus ballots that produce delegations that meet these requirements, and we will make functionality available on UnionCloud to support that recommended system.

However, it is for students' unions to decide what election systems, counting procedures and related rules they wish to use. As long as a students' union conducts a cross-campus ballot and registers a delegation with 50% women (rounded down), then this will satisfy the requirements.

If a union does not meet the requirements to conduct a cross campus ballot and *actually register* a delegation that includes at least 50% women (rounded down), DPC will refuse credentials to the whole delegation. The committee recognises, however, that this is a new requirement and some transitional easement of the requirements may be allowed; details are set out below.

Only one delegate?

If your union is only eligible to send one voting delegate to National Conference, you will be allocated one free observer place. If your single delegate is not a self-defining woman, then your free observer place must be allocated to a self-defining woman. If your single delegate is a self-defining woman, your free observer place can be allocated to any student. You do not have to elect observers, although you can do so if you wish.

Running elections for fair representation

This section explains our guidance for running fair representation elections.

Accessible by design

For some students' unions, especially those with poor representation of women on delegations and officer teams over a sustained period, the first step for ensuring fair representation might be to return to first principles and look critically at their elections to evaluate whether or not they are 'accessible by design'. For example, running hustings in late night alcohol based settings may contribute to inaccessibility. An online process for submitting nominations may improve accessibility. The timing of nominations may be relevant (too soon after the start of term and some groups of first year students may not have found their confidence). A specific promotional campaign for the elections, aimed at women, may be useful. There are other similar factors, and we can advise informally on how to improve the overall accessibility of elections.

Identifying women candidates

To conduct a fair representation election, you need to identify women candidates in the election at the outset. It is very important that you ask candidates to define their own gender identity at the point of nomination. NUS believes that self-definition of gender is the only way someone's gender identity should be labelled. You should never 'work out' who is a woman based on people's names or their physical appearance. For example, someone's self-identified gender may not correlate with society's presentations of gender.

The election campaign

Should be conducted in the normal way. All candidates are equal in the campaign and are competing for the same votes from the same electorate. However, bear in mind the notes

above on accessibility – there can be features of campaigning that can create a 'hothouse' environment that may be inaccessible if not well managed.

The count

You should run two separate counts using the same ballot papers.

In the first count, you should exclude all candidates who are *not self-defining women* and elect a number of candidates to equal *50% of delegation size rounded down*. So for example, if your delegation size overall is 8, you should elect 4 candidates here (all of them will be women). If your delegation size is 9, you also elect 4 candidates here ($9/2=4.5$; rounded down = 4). When counting, you pass over all the excluded candidates when you see a preference for them, so that votes are only reallocated to the reserved candidates. This process elects your reserved places.

In the second count, you should exclude all candidates who were elected in count one and elect a number of candidates to equal *50% of delegation size rounded up*. By passing over the women elected in the reserved count, you elect the remaining places on the delegation from the remaining candidates, whether they are men or women. This process completes the election.

Running two separate counts in this manner means that there will be at least 50% self-defining women elected to a delegation, but does not limit delegations to just 50% women candidates. It is the same method NUS has used for several years to elect reserved Further Education spaces on some of our committees.

This counting logic is not the only way to achieve the required outcome, but it is our recommended approach and it is the way returning officers provided by NUS will count elections, unless specifically instructed to count in another manner by a body with that power set out in your constitution to do so (e.g. by a local elections committee or union council). This does not apply in all students' unions.

Ex-officio places

The motion states that all delegations must include at least 50% women. This is your total delegation, including an ex-officio place if your union appoints one.

If the person filling your ex-officio place self-defines as a woman, reduce the number of reserved places. For example:

Odd number: (e.g. delegation size = 7, elected places = 6, reserved places = 3)

Even number: (e.g. delegation size = 6, elected places = 5, reserved places = 2)

Where a union's ex-officio place does not self-define as a woman and the union has an odd number of delegates, remove the ex-officio place the number of women's reserved places. The number of reserved places you need is still 50% rounded down (e.g. delegation size = 7, elected places = 6, reserved places = 3).

Where a union's ex-officio place does not self-define as a woman and the union has an even number of delegates, you must round up the reserved places, not down. (e.g. delegation size = 6, elected places = 5, reserved places = 3 **not** 2)

Conference Document 2 (Delegate Entitlement) states each union's delegate entitlement but it also lists the number of reserved places for self-defining women.

Sending a full delegation

You are not required to send a full delegation to National Conference in order to attend the event. If you need to send fewer delegates you may do so – but you must ensure that whatever number you send has at least 50% women represented in the delegation.

Electronic counting

NUS has developed functionality within its digital platform UnionCloud to allow users to run electronic serial counts, as explained above, in the same election. More detailed instructions about running a reserved space election in UnionCloud can be found as an appendix to this briefing.

Not all digital platforms will be enabled with the functionality to run separate counts. NUS believes that the best alternative would be to run two separate paper counts; most digital platforms for students' union elections allow users to print ballot papers off. NUS has some written guidance on how to manage paper ballot STV counts that you can use to administer these.

Transitional easement

The Democratic Procedures Committee recognises that this is a new requirement, and will allow easement of the rules in certain circumstances for this year only.

Not enough women candidates

If simply not enough women candidates stand in your election to fill your reserved places, then DPC may allow an exemption provided that you extended the nominations deadline on at least one occasion, and ran a promotional campaign aimed specifically at women either during the extension period or beforehand. DPC will require evidence that serious steps were taken in pursuit of increasing the number of women candidates and any exemption request along with your suggested solution must be submitted to executiveoffice@nus.org.uk for DPC to make a decision on.

Unable to conduct appropriate counts

If you are unable to count a single election in a suitable manner (this doesn't have to be the way we recommend, but it must be fair and produce a delegation that meets the requirements), then DPC will allow an open election for half the delegation (rounded up), followed by a *separate by-election that is only open to self-defining women*, to fill any remaining reserved places (based on the number of women elected in the first election). This is not ideal as it means running two separate elections and turnout is likely to suffer in the second election, and the two elections will have two different quotas and some delegates will have been elected on a lower voting power.

Cross-campus ballot exemption

Students' unions in the further education sector are automatically exempt from the requirement to elect delegates by a cross-campus ballot, although we would strongly encourage them to do so wherever possible. DPC will consider appeals for exemption from higher education students' unions, as usual. If you wish to use your automatic exemption or are allowed an exemption, then:

- You may appoint a delegation that has exactly 50% women rounded down (rather than a minimum of 50% women rounded down)
- You must appoint your delegates via a democratic alternative. Delegates should only be chosen by Executive Committees or union Presidents as an absolute last resort. Some alternatives might include:
 - An AGM
 - An open meeting specifically for the purpose of choosing your delegation
 - Students putting themselves forward for election at student council

Force majeure

If you need to make a last minute change to your delegation, for example due to illness or family emergencies, then DPC will consider this on a case-by-case basis, and will generally allow an exemption.

If you wish to apply for any allowance or exemption detailed in this section, please contact executiveoffice@nus.org.uk in the first instance.

Frequently Asked Questions:

We appreciate that a change to our rules will impact upon election counts within students' unions – we've put together some frequently asked questions to support you in implementing this change.

- Why is NUS telling students' unions how to run their elections?

National Conference voted to change NUS' rules regarding the make-up of conference delegations; this change has been democratically decided. We are not imposing any specific technical requirements – the only requirements are that elections should be open and fair, conducted by cross-campus ballot wherever possible, and produce a delegation with at least 50% women (rounded down).

- What happens if we don't register enough women to meet the requirement of 50% of our delegation (rounded down)?

In this situation, DPC will not issue credentials to any member of your delegation. We need you to certify that by the close of registration, at least 50% of your delegation (rounded down) are self-defining women. The only way to avoid this

is to apply in advance for an allowance or exemption (except in the case of *force majeure*, which DPC will consider at Conference itself).

Note that DPC will not generally resolve this problem by refusing credentials to individual delegates who are not women, until the delegation meets the requirements, because that would effectively mean that DPC is choosing the makeup of your delegation (by exclusion).

- What if some of our women delegates just don't turn up on the day?
Registration at the event is individual, and provided that you *register a delegation* that meets the requirements, absent delegates on the day will not affect you. Note also the allowance for *force majeure* if there is a good reason for an absence, and you wish to replace a delegate.

- We only have a delegate entitlement of one – does this mean that we will always have a woman delegate?

No – if you are only entitled to one delegate and a woman is not elected to that position, your free observer space must be taken by a woman.

- We have an odd numbered delegation, how many reserved spaces for women do we need?

The number is 50% rounded down so a delegation of five would need to have at least two women in their delegation.

- We don't have UnionCloud. Can I count electronically?

NUS has developed the ability for these elections to be counted electronically on Union Cloud – we do not believe that other platforms can do this. We would recommend printing ballot papers and do the two counts manually.

- We don't know how or have the capacity to do a paper count, what should we do?

NUS has some written guidance on how to do a STV paper count which you should consult in the first instance. If you need further assistance then speak to your NUS Contact. In circumstances where a union will struggle to manage this count we may be able to help you run a paper count, or arrange an allowance or exemption.

- How can we determine who is a woman?

You should never assume someone's gender based on their name or appearance so this should be determined at the nomination stage by asking candidates if they self-define as women.