

## Election Procedures

### Table of Contents

1. Purpose
2. Definitions
3. Principles
4. Election of Staff and Student Members of Council
5. Appointment of Returning Officer, Administrative Staff and Scrutineers
6. Conduct of the Ballot
8. Nominations and Election Procedure
9. Electronic Ballot and Vote Counting
10. Election Results

### 1. Purpose

- a. These procedures have been established to provide for the conduct of elections for academic and professional staff members and student members of Council, where elections are either required in accordance with the *Flinders University Act 1966* (the 'Act') or pursuant to a decision of Council.
- b. In the event of any inconsistency between these procedures and the Act, the provisions of the Act prevail to the extent of any inconsistency.

### 2. Definitions

<b>academic staff</b>	means academic staff who hold a continuing, convertible or fixed-term appointment and who are the Deputy Vice-Chancellors, or Pro Vice-Chancellors or classified in accordance with the academic classification levels A-E or research staff whose salaries are tied to the academic classification levels.
<b>appointed day</b>	the day appointed by the Returning Officer for the holding of an election.
<b>casual vacancy</b>	a vacancy in the office of a Council member that has arisen before the end of the relevant term due to circumstances prescribed in the Act or otherwise, including: <ul style="list-style-type: none"> <li>• removal from office pursuant to the Act</li> <li>• death</li> <li>• ceasing to continue in the capacity in which they were appointed or elected</li> <li>• resignation</li> <li>• disqualification from managing corporations under Chapter 2D Part 2D.6 of the <i>Corporations Act 2001</i></li> <li>• appointment to the office of Chancellor or Vice-Chancellor.</li> </ul>

<b>current enrolment</b>	<p>a student has a 'current enrolment' if he or she is enrolled for a topic which is identified as to be counted toward the requirements of a course and:</p> <ul style="list-style-type: none"> <li>• the topic is a semester topic for the semester in which the election date falls, or</li> <li>• the topic is a non-semester topic for which the election date falls between the start date and the last date of teaching/assessment of the topic, or</li> <li>• the student is enrolled in a research thesis and the student is enrolled in the topic on the date of the election.</li> </ul>
<b>extraordinary election</b>	an election to fill a casual vacancy.
<b>professional staff</b>	means professional staff who hold a continuing or fixed-term appointment and who are classified in accordance with the professional staff classification levels or hold senior administrative appointments with conditions applying to professional staff or are classified as Research Assistants.
<b>ordinary election</b>	an election of two members of the academic staff and professional staff to serve two year terms under Section 5(3)(f) and 5(3)(g) of the Act or an election of student members to serve two year terms under section 5(3)(h) of the Act.
<b>postgraduate student</b>	<p>a student who has a current enrolment in an award course in one of the following categories:</p> <ul style="list-style-type: none"> <li>• Doctoral Degree by Research</li> <li>• Doctoral Degree by Coursework</li> <li>• Masters Degree by Research</li> <li>• Masters or Extended Masters Degree by Coursework</li> <li>• Graduate Diploma</li> <li>• Graduate Certificate</li> <li>• any other award course deemed by the Deputy Vice-Chancellor (Students) (or equivalent) to be a postgraduate award course</li> </ul> <p>A higher degree by research student who is on a period of approved intermission of candidature, or has submitted their thesis, at the time the election is held will not be regarded as eligible to participate in an election.</p>
<b>Returning Officer</b>	means the University Secretary or any other person deemed by the Vice-Chancellor to be the Returning Officer.
<b>undergraduate student</b>	<p>a student who has a current enrolment in an award course in one of the following categories:</p> <ul style="list-style-type: none"> <li>• Graduate Entry Bachelor Degree</li> <li>• Bachelor Degree Honours</li> <li>• Bachelor Degree, Ordinary</li> <li>• Sub-Bachelor Degree</li> <li>• any other award course deemed by the Deputy Vice-Chancellor (Students) (or equivalent) to be an undergraduate award course.</li> </ul>

### **3. Principles**

- a. Elections will be conducted in accordance with the provisions of the Act and principles of fairness, security and privacy, as outlined below.
- b. Where a ballot is required, it will be a secret ballot, which will enable optional preferential voting, and proportional counting of votes. Only the ballots of valid voters may be included in the count, and each voter will be entitled to vote once only.
- c. The vote counting system will be auditable.
- d. The security of the vote counting system and the privacy of each voter in lodging a vote will be protected by appropriate protocols and procedures.

### **4. Election of Staff and Student Members of Council**

- a. An ordinary election, or elections, to choose staff and student members of Council, in accordance with the provisions of the Act) shall be held on the appointed day(s) which will be during the second half of the calendar year and approved by the Returning Officer
- b. Academic staff members will be elected by academic staff and professional staff members will be elected by professional staff.
- c. An undergraduate student member will be elected by undergraduate students and a postgraduate student member will be elected by postgraduate students. An undergraduate student who is in their final year as at the relevant election date and who expects to be a postgraduate student in the next calendar year may choose to be elected in the capacity of a postgraduate student member for the purposes of this clause 4.3. However, if they are so elected but fail to become a postgraduate student as expected, their office of postgraduate student member of Council will become vacant and the casual vacancy dealt with in accordance with clause 4.4.
- d. The Returning Officer will endeavour to hold an extraordinary election for an academic or professional staff member or student member of Council within sixty days after the occurrence of a casual vacancy; provided that where the casual vacancy arises due to the member ceasing to continue in the capacity in which they were appointed or elected, and that vacancy occurs less than 3 months before the next ordinary election for their office is due, the position shall remain vacant until the next ordinary election is due.
- e. A person who fills a casual vacancy in accordance with clause 4.4 shall hold office until the expiry of the term of the predecessor's office.
- f. If at any election one or more positions are unfilled, the unfilled positions will be treated as casual vacancies to be filled in accordance with paragraph 4.4 except that the Returning Officer may choose to wait at least 3 months before holding the extraordinary election.
- g. In accordance with the Act (Clause 5(3)(h)), a person in full-time employment of the University is not entitled to stand for election as a student member of Council. Where a full-time staff member is enrolled in an award course of the University, they will be entitled to vote for a candidate in an ordinary or extraordinary election for student members and act as a scrutineer.

### **5. Appointment of Returning Officer, Administrative Staff and Scrutineers**

- a. Each election shall be conducted by the Returning Officer who shall have the authority to make such rules and determinations as they see fit for the good and proper conduct of the election process and/or to resolve any ambiguity in these procedures, provided any such rules or determinations are not inconsistent with the Principles or other provisions of these procedures. Such rules and determinations are final and binding.
- b. The Returning Officer may appoint such other administrative staff as they see fit to conduct any aspect of this election process on their behalf.

- c. For each election, the candidates, when they submit their nominations, are entitled to also nominate one scrutineer from their electorate who is not a candidate for election to be present at the close of nominations and the close of the vote.
- d. 5.4. The Returning Officer and other staff appointed to be involved with the conduct of an electronic ballot will not be included on the electoral roll, and will be ineligible to vote, to stand in an election as a candidate, or act as a scrutineer. In the event that a member of staff who is responsible for this work wishes to vote or to stand as a candidate, the Returning Officer will arrange for a replacement staff member to undertake the relevant operations in accordance with this protocol.

## 6. Conduct of the Ballot

- a. For the purpose of Council elections a ballot will normally be conducted electronically using a computer software package approved by the Returning Officer.
- b. The electronic election system will use a computer program that transfers individual votes into a count or election tally. The characteristics of the electronic system and the methodology to be adopted will be as follows:
  - i. each voter must express a first preference to cast a formal vote
  - ii. duplicate preferences and preferences following interruption in the sequence of a ranking will be deemed informal
  - iii. the count or electronic election tally will allow for optional preferential voting and proportional counting of votes following the methodology used by the [Australian Electoral Commission for counting Senate votes](#).
- c. If it is not practicable to conduct an electronic election for any given election, for that election the ballot will be conducted using a manual election process.

## 7. Election Website

- a. Under the supervision of the Returning Officer, an electronic nomination and voting system will be used to provide information to nominators and voters and to operate as a 'virtual polling booth' accessible via the web.
- b. The Returning Officer will be responsible for authorising all information relating to the election that is to be posted on the web site or emailed to voters, including the nomination form, the closing date for nominations, the names of candidates, the statements of candidates, and voting instructions.

## 8. Nominations and Election Procedure

- a. All candidates and voters must satisfy the eligibility criteria specified in the Act, any other applicable legislation and these Procedures. This includes the requirement in section 25A of the *Tertiary Education Quality and Standards Agency Act 2011* (TEQSA Act) that members of Council must be fit and proper persons.
- b. The Returning Officer will request that an electronic electoral roll for the relevant electorate be generated from the staff records system and student information system, together with an email address for each individual on the electoral roll. The information provided by the staff records system and student information system is deemed to be correct, notwithstanding any errors or omissions.
- c. The Returning Officer will, not less than twenty-one calendar days before the appointed day, notify each member of the relevant electorate of the election and invite nominations, normally by way of an email notification to all members of the electorate.
- d. Nominations for election will be lodged with the Returning Officer by a time to be specified by the Returning Officer which will be no less than 14 days after members of the electorate are notified of the election. Each nomination will be submitted using the electronic form provided, and must be accompanied by the Fit and Proper Person declaration form provided. A candidate who wishes to support their nomination with a profile must, before close of nominations, include in the electronic form provided, a statement that:

- i. is in the English language and does not exceed 150 words in length (or such other number determined by the Returning Officer); and
- ii. is confined to a description of the candidate and of the candidate's qualifications, skills and experience relevant to the Council and does not contain information that the Returning Officer considers to be false, misleading or defamatory.

A candidate who fails to submit or properly or accurately complete the electronic form or Fit and Proper Person form may be deemed to be ineligible by the Returning Officer whose decision will be final.

- e. The Returning Officer will determine the eligibility of voters and, in the presence of the scrutineers who choose to be present, the candidates, by reference to the information provided by the Staff Records System and Student Information System. In determining whether a candidate is a fit and proper person as required by the TEQSA Act, the Returning Officer may have regard to any other relevant information which the Returning Officer becomes aware of in addition to the information in the Fit and Proper Person Declaration form. The Returning Officer's ruling on such eligibility will be final.
- f. If upon the closing of nominations the number of eligible candidates does not exceed the number of positions to be filled, the Returning Officer will declare such candidate or candidates elected. If the number of candidates exceeds the number of positions to be filled, the Returning Officer will arrange for electronic notification to be sent to each member of the relevant electorate, and electronic access to be given to:
  - i. a ballot form
  - ii. instructions concerning the method of voting and the return of the ballot using the electronic voting procedure.
- g. For each election, the order of the candidates' names appearing on the ballot form shall be determined by random selection, either electronically or under the supervision of the Returning Officer and in the presence of the scrutineers who choose to be present.
- h. Each member of the relevant electorate who wishes to record a vote shall lodge their ballot form by a time on the appointed day to be specified by the Returning Officer, in accordance with the electronic lodgement process instructions provided to voters.

## 9. Electronic Ballot and Vote Counting

- a. At each election, votes shall be counted electronically.
- b. Only the ballots of valid voters will be included in the count. Voter validation will be achieved at the time of log-in to the voting site.
- c. Each voter may vote once only. Voters must place the number 1 against a candidate's name to cast a formal vote, and may list the other candidates in order of preference.
- d. Once a voter logs off the web site the ballot will be permanently cast and cannot be altered.
- e. Prior to the poll closing, the Returning Officer may authorise the addition to the electoral roll of the name of an eligible voter, who for technical or other reasons, was not included in the roll or was unable to vote on the web site. The Returning Officer's decision shall be final.
- f. No postal ballots will be provided for.
- g. In the event that polling is interrupted by a temporary breakdown or temporary unavailability, there will be no extension of the polling period, except if the interruption occurs on the final day. In the latter event, the polling period will be extended to a time determined by the Returning Officer. Where a serious breakdown occurs, the Returning Officer will approve another appointed day, and arrange for the whole or part of the election process to be run again. The Returning Officer's decisions under this section are final.

## 10. Election Results

- a. At the completion of the tally, the tally reports will be forwarded to the Returning Officer. The Returning Officer will review and verify the reports, with those scrutineers who choose to be present, and then declare the result of the election.
- b. As soon as possible after the counting of votes has been completed the Returning Officer shall:
  - i. inform each candidate individually, in confidence, of the result of the election prior to making a declaration to the relevant electorate, and on request, inform the candidate of the number of votes cast for each candidate; and
  - ii. declare and notify members of the relevant electorate of the names of the candidate(s) elected.

## 11. Withdrawal or Cancellation of Elections

The Returning Officer may withdraw, cancel or revoke any election which has been called in error or for any other reason deemed appropriate by the Returning Officer. The Returning Officer's decision is final.

<b>Approval Authority</b>	Council
<b>Responsible Officer</b>	General Counsel and University Secretary
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\* Unless otherwise indicated, this policy or procedures still apply beyond the review date.

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