

University Council Resolution regarding the election of a student member and a staff member of the Monash University Council

**Resolution for the Election of an Elected Member of Council to be held in October 2020
Made pursuant to regulations 6B(2), 6C(1) and 6E(1) of the Monash University (Council)
Regulations**

1. Purpose of Resolution

1.1 This Resolution is made by the Council pursuant to regulations 6B(2), 6C(1) and 6E(1) of the Monash University (Council) Regulations for the conduct of an election to be held in October 2020 for the election of:

- (a) a student member of the Council; and
- (b) a staff member of the Council.

1.2 The Returning Officer must cause a copy of this Resolution to be published on the University website no later than Monday 7 September 2020.

2. Timelines for the election

2.1 The Returning Officer must give notice of the election on Monday 7 September 2020.

2.2 The period within which nominations for the election may be made to the Returning Officer is between 9 September 2020 and 15 September 2020. Nominations will close at midday (AEST) on 15 September 2020.

2.3 The period within which voting may take place for the election will be between 9am (AEST) 7 October 2020 and 5pm (AEST) 13 October 2020. Voting will close at 5pm (AEST) on 13 October 2020.

3. Definitions

In this Resolution:

Act means the Monash University Act 2009;

campaign principles means the rules approved by the Council that specify the principles to govern campaigning by candidates for the election;

elected member means a member of the Council referred to in section 11(4A) of the Act;

election participant means any person who participates in the election process as a candidate or campaigns on behalf of a candidate;

Regulations means the Monash University (Council) Regulations;

Returning Officer means the person appointed as such for an election by the Council;

staff has the same meaning as in the Regulations;

staff member means an elected member elected by and from the staff;

student has the same meaning as in the Regulations;

student member means an elected member elected by and from the students.

4. Terms of office of elected members

4.1 Subject to the Act and Regulations, pursuant to regulation 6B(2) of the Regulations, the term of office of a student member who is elected pursuant to an election under this Resolution will be two (2) years commencing 1 November in the year in which they are elected.

4.2 Subject to the Act and Regulations, pursuant to regulation 6B(2) of the Regulations, the term of office of a staff member who is elected pursuant to an election under this Resolution will be two (2) years commencing 1 November in the year in which they are elected.

5. Returning Officer

5.1 The Returning Officer for the election will be Mr Gavin Ryan of OGL Group.

5.2 The Returning Officer is responsible for:

- (a) the conduct of the election;
- (b) the counting of votes; and
- (c) the declaration of the results of the election.

5.3 The Returning Officer is to publish on the University website the outcome of the election, specifying the name of each candidate and the votes received by each candidate.

5.4 The Returning Officer may appoint one or more assistant returning officers and, for the purposes of the election, such other election officers as the Returning Officer deems appropriate.

5.5 The Returning Officer may from time to time delegate any of their powers and duties to an officer appointed under paragraph 5.4.

6. Roll of electors

6.1 The Returning Officer is responsible for the preparation and custody of the electoral roll.

6.2 The electoral roll for the election of a student member shall contain all students who are eligible to vote in accordance with the Regulations, except for persons who:

- (a) are enrolled at the University in non-award study or in one or more units of study that do not form part of a course of study;
- (b) are pursuing a course of study or unit of study at the University through an exchange or study program or other arrangement between the University and another educational institution;
- (c) have deferred enrolment in a course of study;
- (d) have completed a course of study but on or to whom the relevant degree or award has not been conferred or awarded;
- (e) are enrolled in one or more units of study which do not lead to an award of the University;
- (f) are enrolled in a course of study leading to an Associate Degree or Diploma; or
- (g) are enrolled at the former Monash South Africa campus.

6.3 The electoral roll for the election of a staff member shall contain all staff who are eligible to vote in accordance with the Regulations.

6.4 The electoral rolls for the election must be prepared by the Returning Officer by Friday,

4 September 2020, based on the information held by the University as at the end of the day on Thursday 3 September 2020.

- 6.5 If a person believes that they are entitled to vote at the election but are not on the electoral roll they may provide written notice to the Returning Officer within 48 hours of voting in the election commencing.
- 6.6 If the Returning Officer receives a notice under paragraph 6.5, the Returning Officer must determine the person's eligibility to vote within 24 hours of receiving such notice.
- 6.7 In the case of a dispute as to a person's eligibility to vote, the determination of the Returning Officer will be final.

7. Notice of election

- 7.1 The Returning Officer must give notice of the election:
- (a) by sending an email to all eligible voters; and
 - (b) by causing the notice to be published on the University website.
- 7.2 The notice of election must include:
- (a) details of the positions to be filled at the election including any eligibility criteria;
 - (b) information on how to nominate for each position, including directions as to how to provide the evidence as required by paragraph 7.2(a) below;
 - (c) the timeline for the election including the dates that nominations open and close and the dates during which voting may occur;
 - (d) a link to the campaign principles;
 - (e) the Returning Officer's contact details;
 - (f) the Electoral Tribunal's contact details; and
 - (g) any other information deemed relevant by the Returning Officer.

8. Nomination of candidates

- 8.1 The nomination of a candidate must be:
- (a) accompanied by evidence to the reasonable satisfaction of the Returning Officer that demonstrates their nomination is supported by at least 5 persons qualified to vote in the particular election;
 - (b) in the form determined by the Returning Officer;
 - (c) lodged within the period specified in paragraph 2.2 and in the manner specified in the notice of election; and
 - (d) accompanied by a statement that the candidate will, during the election period and, if they are the successful candidate, during their term on Council, comply with the requirements of the Monash University Act 2009, the University's statute, regulations, policies and procedures, the Council Charter and the campaign principles.
- 8.2 For the purpose of determining the eligibility of a person to be elected as a student member, where a Withdrawn - COVID (WD-N-COVID) grade is awarded to a student for a unit of study, that unit of study must be counted when determining a student's equivalent full-time study load (EFTSL) under regulation 6D(2)(a)(i) of the Regulations.
- 8.3 Each candidate may supply with their nomination, a supporting statement, of no more

than 250 words, for publication by the Returning Officer. Statements will be accepted up until the Friday 3 weeks prior to the opening of voting for the election.

- 8.4 The Returning Officer may, before publication and without notice to the candidate, edit a supporting statement insofar as he or she, acting reasonably, considers necessary to avoid a breach of the campaign principles.

9. Withdrawal of nomination

- 9.1 A candidate for an election may, before the Friday 3 weeks prior to the opening of voting for the election, withdraw their nomination by notice either in writing signed by the candidate or from the candidate's University email account and sent to the email address of the Returning Officer.

10. Number of nominations

- 10.1 Where the number of nominations:

- (a) does not exceed the number of positions to be filled, the Returning Officer must declare the nominated candidate or candidates duly elected;
- (b) exceeds the number of positions to be filled:
 - (i) voting for the election must be held; and
 - (ii) the Returning Officer must publish notice of the details for voting in the form, time and manner as they determine.

11. Voting

- 11.1 The optional preferential system of voting will be used for the election.
- 11.2 A person who is eligible to vote may cast a valid vote by placing the number 1 against the name of the candidate of first preference, and consecutively higher numbers against the names of as many other candidates of lower preference in order as they wish.

12. Form of Voting

- 12.1 Voting for the election will be conducted by electronic voting.
- 12.2 Electronic voting will be by means of a computer software package or an online system approved by the Returning Officer.

13. Campaigning

- 13.1 Election participants must comply with the campaign principles.

14. Vote Counting

- 14.1 Votes must be counted by the Returning Officer in accordance with the following procedure:
- (a) each ballot must be given the value of 1;
 - (b) the value of each ballot must be allocated to the continuing candidate against whose name appears the lowest number on the ballot;
 - (c) a quota must be calculated at each stage of counting by dividing the total number of ballots allocated to continuing candidates by two and adding one to the result;
 - (d) if at any stage of counting a continuing candidate is allocated a value in excess of the quota, that candidate must be declared elected; and
 - (e) if at any stage of counting no continuing candidate is allocated a value in excess

of quota the candidate with the lowest value must be eliminated. If there are two or more candidates with an equal value to be eliminated then the Returning Officer must go through the values at the earlier stages of counting for these candidates starting with the most recent and working in reverse order until a candidate with a higher value is found, and the lower value candidate therefore being eliminated. If they still cannot be separated by value, the Returning Officer must determine by lot which of these candidates is eliminated.

14.2 For the purposes of paragraph 14.1 of this Resolution:

- (a) "continuing candidate" means a candidate who has not been eliminated; and
- (b) "stage of counting" means when all ballots which have not been exhausted have been allocated to continuing candidates.

14.3 The Returning Officer must declare the results for an election by the Monday of the week after the close of voting for the election. The results must be sent out to all persons who are eligible to vote and published on the University website.

15. Outcome of election being declared void

15.1 The Returning Officer has the power to declare any of the results of an election void if the Returning Officer is satisfied that the terms of this Resolution have not been complied with to an extent that materially compromises the proper outcome of an election in accordance with regulation 6C(2) of the Regulations.

16. Complaints

16.1 The Returning Officer has the following powers in relation to any conduct or complaint about the election or an election campaign:

- (a) to make inquiries about the conduct or complaint as they consider appropriate in the circumstances; and/or
- (b) to dismiss the matter or complaint (in whole or in part); and/or
- (c) to do one of the following things if the matter or complaint is substantiated (whether in whole or part) and depending on what is reasonable in the circumstances:
 - (i) issue a written or verbal warning to a candidate or other election participant;
 - (ii) prohibit a person or group of persons from campaigning on behalf of a candidate or place restrictions on their campaigning;
 - (iii) report a person or group to the Safer Community Unit;
 - (iv) disqualify a candidate from the election if that candidate commits a serious breach or repeated breaches of the University's regulations, policies, procedures or campaign principles;
 - (v) void an election in accordance with regulation 6C(2) of the Regulations.

16.2 Complaints in relation to the conduct of elections should, as far as practicable, be lodged with the Returning Officer prior to the close of voting for the election.

17. Appointment of Electoral Tribunal

17.1 An Electoral Tribunal for the election must be appointed by the Returning Officer before the notice of election is given for the election.

17.2 The Electoral Tribunal must be constituted by an individual who:

- (a) has been admitted to practice as a barrister or solicitor of the Supreme Court of Victoria for at least 5 years;
- (b) is not currently a student of Monash University;
- (c) is not currently employed by Monash University; and
- (d) will not otherwise be affected by a potential, perceived or actual conflict of interest if they constitute the Electoral Tribunal.

17.3 The Electoral Tribunal shall have the power to hear and determine:

- (a) appeals against decisions of the Returning Officer in respect of the election;
- (b) appeals against the result of the election.

17.4 Any student or staff affected by a decision of the Returning Officer may lodge an appeal with the Electoral Tribunal on the grounds provided in 17.3.

17.5 In hearing an appeal, the Electoral Tribunal must:

- (a) give the appellant an opportunity to present their case; and
- (b) give the Returning Officer an opportunity to respond.

17.6 The Electoral Tribunal may ask for submissions from any other interested person as it determines.

17.7 In making a decision on an appeal of a decision of the Returning Officer or an appeal against the result of the election, the Electoral Tribunal will have the power to:

- (a) confirm or amend the decision; or
- (b) set aside the decision and substitute its own decision.