

**Extract from unconfirmed Minutes of Council Meeting 6/2020 held on  
Wednesday, 7 October 2020**

**12. General Business**

**12.2 Review of Academic Board Election Procedures**

RESOLUTION CL6/2020/201

Council:

- **resolved**, pursuant to regulation 15(1) of the Monash University (Council) Regulations, that the 2020 election of members of the Academic Board under regulation 12(1)(c) be conducted in accordance with the Academic Board - Election Procedures; and
- **resolved**, pursuant to regulation 15(1) of the Monash University (Council) Regulations, that future Academic Board elections be conducted in accordance with the Academic Board – Election Procedures unless otherwise provided for in a resolution of Council; and
- **noted** the intention of the Deputy Vice-Chancellor and Senior Vice-President (Enterprise and Governance) and the Secretary to Council to brief the Department of Education and Training, National Tertiary Education Union and certain of the recognised student associations of the University in relation to the proposed amendments.

*For action or noting by: Deputy Vice-Chancellor & Senior Vice-President (Enterprise and Governance); General Counsel; President – Academic Board; Secretary to Academic Board; President & Pro Vice-Chancellor, Monash University Malaysia; Chief Human Resources Officer; Senior Director, Student and Education Business Services; Associate Director, Enrolment and Graduation (Interim); Secretary to Council*

## Academic Board – Election Procedures

### 1. Purpose of Resolution

Pursuant to subregulation 15(1) of the *Monash University (Council) Regulations*, Council, may by resolution determine the requirements and procedure for the election to the Academic Board of members under subregulation 12(1)(c)

### 2. Interpretation

Unless a contrary intention appears –

“**academic staff**” has the meaning as in the Regulations;

“**Campaign Principles**” means the document titled ‘Principles governing campaigning by election participants for student and staff elections to the University Council and the Academic Board’ approved by the Monash University Council from time to time;

“**coursework graduate student**” has the same meaning as in the Regulations;

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

“**higher degree by research**” has the same meaning as in the Regulations;

“**higher degree by research student**” means a student enrolled in a higher degree by research or doctoral degree of the University;

“**Regulations**” means the Monash University (Council) Regulations, as amended from time to time; and

“**undergraduate student**” has the same meaning as in the Regulations.

### 3. Returning officer

**3.1** For each election, the Council may appoint a returning officer. Unless otherwise resolved by Council, the returning officer is the head of the office responsible for central secretariat services.

**3.2** The returning officer is responsible for –

**3.2.1** the conduct of an election;

**3.2.2** the counting of votes;

**3.2.3** determining the timing of the election;

**3.2.4** the determination, and declaration, of the results of an election; and

**3.2.5** dealing with any other matter necessary for the conduct of an election.

**3.3** 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.

**3.4** The returning officer may appoint one or more assistant returning officers and, for the purposes of a particular election, such other election officers as the returning officer deems appropriate.

**3.5** The returning officer may from time to time delegate any of their powers and duties to an officer appointed under subsection 3.4.

#### **4. Election eligibility**

- 4.1** To be eligible for election as an academic staff member of the University, a person must:
- 4.1.1** at all times during the period of twelve months prior to the date of commencement of the person's term of office be employed by the University and hold a continuing or fixed-term appointment of at least 0.5 equivalent full-time (EFT); and
  - 4.1.2** reside in Australia.
- 4.2** To be eligible as an undergraduate student member of the University, a person must:
- 4.2.1** during the calendar year in which the election is held either:
    - a)** be enrolled at an Australian campus or Australian teaching location at no less than 0.5 equivalent full-time student load (EFTSL); or
    - b)** been granted an intermission from a course of study at an Australian campus or Australian teaching location pursuant to regulation 70 of the Monash University (Council) Regulations; or
    - c)** a combination of a) and b); and
  - 4.2.2** if also an employee of the University, not hold a continuing or fixed-term appointment exceeding 0.5 equivalent full-time (EFT).
- 4.3** To be eligible as a coursework graduate student member or higher degree by research student member of the University, a person must:
- 4.3.1**
    - a)** be enrolled at an Australian campus or Australian teaching location at no less than 0.5 equivalent full-time student load (EFTSL or equivalent); or
    - b)** be granted an intermission from a course of study at an Australian campus or Australian teaching location pursuant to regulation 70 of the Monash University (Council) Regulations; or
    - c)** a combination of a) and b); and
  - 4.3.2** if also an employee of the University, not hold a continuing or fixed-term appointment exceeding 0.5 equivalent full-time (EFT).
- 4.4** For the purpose of determining the eligibility of a student member, under paragraphs 4.2 or 4.3 above, 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).
- 4.5** To be eligible for election as a director of a non faculty-based research institute or centre under regulation 12(1)(c)(iii) of the Regulations, be a director as at the date nominations close;

#### **Election eligibility for academic staff and students of Monash University Malaysia**

- 4.6** To be eligible for election as an academic staff member for Monash University Malaysia under regulation 12(1)(c)(ii) of the Regulations, a person must meet the criteria in paragraph 4.1 above, replacing any reference to:
- 4.6.1** 'the University' with 'Monash University Malaysia' and
  - 4.6.2** 'Australia' and 'Australian' with 'Malaysia' and 'Malaysian'.

**4.7** To be eligible for election as a student member for Monash University Malaysia under regulation 12(1)(c)(vii) of the Regulations, a person must meet the relevant criteria in paragraphs 4.2, 4.3 or 4.4 above as an undergraduate student, coursework graduate student or higher degree by research student, and replacing any reference to:

**4.7.1** 'the University' with 'Monash University Malaysia' and

**4.7.2** 'Australia' and 'Australian' with 'Malaysia' and 'Malaysian'.

**4.8** For the purpose of determining the eligibility of a student member under paragraphs 4.2, 4.3 or 4.7 above, where a student is eligible under paragraph 4.7, that person is not eligible under paragraphs 4.2 or 4.3.

## **5. Roll of electors**

**5.1** The returning officer is responsible for the preparation and custody of the electoral roll.

**5.2** In respect of the election of a student member, the electoral roll shall contain all students who are eligible to vote in an election in accordance with the Regulations, provided they are a student at the date on which the electoral roll is prepared for that election, other than persons who have deferred enrolment in a course of study.

**5.3** In respect of the electoral roll for the election of a student member a student who is eligible to vote under Regulation 12(1)(c)(vii) is not eligible to vote under Regulation 12(1)(c)(iv), 12(1)(c)(v) and/or 12(1)(c)(vi).

**5.4** For the purposes of eligibility for an academic staff member, the electoral roll shall contain all staff who are eligible to vote in an election in accordance with the Regulations, provided they are academic staff at the date on which the electoral roll is prepared for that election, other than those specified by Council in these election procedures as being ineligible.

**5.5** The electoral roll for the election must be prepared based on the information held by the University and Monash University Malaysia at the end of the day two working days prior to the notice of the election.

**5.6** 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.

**5.7** If the returning officer receives a notice under paragraph 5.6, the returning officer must determine the person's eligibility to vote within 24 hours of receiving such notice.

**5.8** In the case of a dispute as to voting qualification, the determination of the returning officer is final.

## **6. Nomination of candidates**

**6.1** The nomination of a candidate must be –

**6.1.1** in the case of academic staff, accompanied by evidence to the reasonable satisfaction of the returning officer that demonstrates their nomination is supported by two persons qualified to vote in the election for which the candidate is seeking nomination;

**6.1.2** in the case of the director of a non faculty-based research institute or centre, accompanied by evidence to the reasonable satisfaction of the returning officer that demonstrates their nomination is supported by two persons qualified to vote in the election for which the candidate is seeking nomination;

**6.1.3** in the case of undergraduate students, accompanied by evidence to the reasonable satisfaction of the returning officer that demonstrates their

nomination is supported by 10 persons qualified to vote in the election for which the candidate is seeking nomination;

- 6.1.4** in the case of coursework graduate students and higher degree by research students, accompanied by evidence to the reasonable satisfaction of the returning officer that demonstrates their nomination is supported by 5 persons qualified to vote in the election for which the candidate is seeking nomination;
- 6.1.5** in the case of students of Monash University Malaysia, accompanied by evidence to the reasonable satisfaction of the returning officer that demonstrates their nomination is supported by 10 persons qualified to vote in the election for which the candidate is seeking nomination;
- 6.1.6** in the form determined by the returning officer;
- 6.1.7** lodged within the period and in the manner specified in the notice of election; and
- 6.1.8** accompanied by a statement that the candidate will, during the election period and, if they are the successful candidate, during their term on the Academic Board, 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.

**6.2** Each candidate may supply with their nomination, a supporting statement, of no more than 250 words, for publication by the returning officer. Supporting statements will be accepted up until the Friday 3 weeks prior to the opening of voting for the election.

**6.3** The returning officer may, before publication, edit a supporting statement insofar as they, acting reasonably, consider necessary to avoid a breach of the Campaign Principles.

## **7. Withdrawal of nomination**

**7.1** A candidate may withdraw their nomination by notice in writing signed by the candidate.

**7.2** A notice of withdrawal must be lodged with the returning officer in the time specified in the nomination of candidate form.

## **8. Number of nominations**

Where the number of nominations –

**8.1** does not exceed the number of positions to be filled, the returning officer must declare the nominated candidate or candidates duly elected;

**8.2** exceeds the number of positions to be filled –

**8.2.1** voting in the election must be held; and

**8.2.2** the returning officer must publish notice of the election in the form, time and manner they determine.

## **9. Voting**

**9.1** The optional preferential system of voting will be used for the election.

**9.2** 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.

## **10. Form of voting**

- 10.1** Voting for the election will be conducted by electronic voting.
- 10.2** Electronic voting must be by means of a computer software package approved by the returning officer.

## **11. Notice of Election**

- 11.1** The returning officer must give notice of the election:
  - 11.1.1** by sending an email to all eligible voters; and
  - 11.1.2** by causing the notice to be published on the University website.
- 11.2** The notice of election must include:
  - 11.2.1** details of the positions to be filled at the election including any eligibility criteria;
  - 11.2.2** information on how to nominate for each position;
  - 11.2.3** the timeline for the election including the dates that nominations open and close and the dates during which voting may occur;
  - 11.2.4** a link to the Campaign Principles;
  - 11.2.5** the returning officer's contact details; and
  - 11.2.6** any other information deemed relevant by the returning officer.

## **12. Campaigning**

- 12.1** Election participants must comply with Campaign Principles.

## **13. Vote counting**

- 13.1** Votes must be counted by the returning officer in accordance with the following procedure:
  - 13.1.1** each ballot must be given the value of 1;
  - 13.1.2** the value of each ballot must be allocated to the continuing candidate against whose name appears the lowest number on the ballot;
  - 13.1.3** 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;
  - 13.1.4** 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
  - 13.1.5** 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.
- 13.2** For the purposes of paragraph 13.1 of this Procedure:
  - 13.2.1** "continuing candidate" means a candidate who has not been eliminated; and

**13.2.2** “stage of counting” means when all ballots which have not been exhausted have been allocated to continuing candidates.

**13.3** The returning officer must declare the results for an election by 5pm on 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.

#### **14. Void election**

**14.1** Where the returning officer is satisfied that the provisions of these procedures have not been complied with to an extent that materially compromises the proper outcome of an election, the returning officer may declare the election void; and in this event a casual vacancy is deemed to have occurred.

#### **15. Complaints**

**15.1** The returning officer has the following powers in relation to any conduct or complaint about the election or an election campaign:

**15.1.1** to make inquiries about the conduct or complaint as they consider appropriate in the circumstances; and/or

**15.1.2** to dismiss the matter or complaint (in whole or in part); and/ or

**15.1.3** to do one or more 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:

- a)** issue a written or verbal warning to a candidate or other election participant;
- b)** prohibit a person or group of persons from campaigning on behalf of a candidate or place restrictions on their campaigning;
- c)** report a person or group to the Safer Community Unit or other appropriate area of the University;
- d)** 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;
- e)** void an election in accordance with regulation 15(2) of the Regulation.

**15.2** Complaints in relation to the conduct of elections should, as far as practicable, be lodged with the returning officer as soon as possible and prior to the close of voting for the election.