

# Election of Council Members - Governing Policy

## 1. Purpose of policy

1.1 This policy outlines the requirements for the conduct of elections for Council members in accordance with the *University of the Sunshine Coast Act 1998* (Qld).

## 2. Policy scope and application

2.1 This policy applies to members of full-time and part-time academic staff, members of full-time and part-time general staff, and to all students.

## 3. Definitions

Refer to the University's Glossary of Terms for definitions as they specifically relate to policy documents.

## 4. Policy Statement

4.1 The University will undertake all elections required under Section 15 of the *University of the Sunshine Coast Act 1988* (Qld) (the *Act*) in accordance with the applicable provisions of the *Act*. The University is committed to encouraging inclusion and diversity on the Council.

## 5. Policy

### 5.1 Elected members on University Council

5.1.1 In accordance with Section 15 of the *Act*, there will be five elected members on Council.

5.1.2 The elected members are:

- (a) two members of full-time and part-time academic staff;
- (b) one member of full-time and part-time general staff; and
- (c) two students, other than persons who are employed by the University in either a full or part time capacity.

5.1.3 For the purposes of Council elections, staff who are employed by the University on a casual basis, or as a sessional, are not considered to be full-time or part-time staff. Therefore, staff who are employed at the University as casuals or sessionals are not eligible to be Council members in the categories limited to full-time and part-time staff.

5.1.4 Each elected member is to be elected by a Council election.

### 5.2. Eligibility

5.2.1 A person is eligible to be nominated as a candidate, or nominate a candidate, in an election for a particular class of elected members mentioned in clause 5.1.2 only if the person:

- (a) is an eligible person for the class of elected members; and
- (b) otherwise meets any requirements under the election policy for eligibility to be nominated.

5.2.2 A person is eligible to vote in an election for a particular class of elected members mentioned in clause 5.1.2 only if the person:

- (a) is an eligible person for the class of elected members; and
- (b) otherwise meets any requirements under the election policy for eligibility to vote.

5.2.3 A person is ineligible to become an elected member of Council under Section 23 of the *University of the Sunshine Coast Act 1998* (Qld) if the person:

### APPROVAL AUTHORITY

Council

### RESPONSIBLE EXECUTIVE MEMBER

Vice-Chancellor and President

### DESIGNATED OFFICER

Council Secretary

### FIRST APPROVED

11 October 1995

### LAST AMENDED

6 September 2023

### REVIEW DATE

13 June 2028

### STATUS

Active

(a) is disqualified from managing corporations under the *Corporations Act 2001* (Cth), part 2D.6; or

(b) has a conviction for an indictable offence, other than an offence in relation to which the person is not eligible under paragraph (a).

5.2.4 The Returning Officer is responsible for determining the eligibility of nominators, nominees and voters in conjunction with the Director, People and Culture and Academic Registrar and Director, Student Services.

5.2.5 The Returning Officer will request the Director, People and Culture and Academic Registrar and Director, Student Services to produce electoral rolls to support the conduct of academic staff, general staff and student elections to Council.

5.2.6 Anyone wishing to determine their eligibility to nominate, be nominated or vote in a Council election is entitled to view the relevant electoral roll and may organise to do so by contacting the Returning Officer.

### 5.3. Election timeline

5.3.1 Not more than four months prior to the expiration of the term of office of an elected member, the Returning Officer will conduct an election.

5.3.2 In the conduct of an election the following intervals must be allowed:

(a) between the date of publication or display of the notice of election and the date for the close of nominations - not less than 14 days and not more than 28 days;

(b) between the date for the close of nominations and the date of voting commencing - not more than 14 days; and

(c) between the date of voting commencing and concluding - not less than 14 days and not more than 28 days.

### 5.4. Returning Officer

5.4.1 The Council Secretary will be the Returning Officer for Council elections unless Council requests otherwise. In the absence of the Council Secretary, the General Counsel, or a suitable senior person nominated by the Vice-Chancellor and President will fulfil the role of the Returning Officer. The Council Secretary may appoint persons to assist with the conduct of elections and the performance of duties of the Returning Officer.

5.4.2 The Returning Officer for Council elections:

(a) will coordinate and oversee the conduct of elections including:

(i) determining a suitable electronic platform for nomination process or the conduct of elections;

(ii) conducting background checks to determine the eligibility of persons to nominate or vote; and

(iii) approving the use of any call for nominations or nomination form.

(b) must maintain an attitude of impartiality in relation to candidates;

(c) will be the arbiter of any issue which arises as a result of the conduct of any election held under this policy and will determine how to resolve the matter;

(d) is not permitted to nominate, be nominated or vote in Council elections; and

(e) will also be the Returning Officer for the election of the Chancellor/Deputy Chancellor unless Council requests otherwise.

### 5.5. Nominations for candidature

5.5.1 Where a vacancy for an elected position exists, an official call for nominations for that position will be made within the timeframe prescribed under this policy.

5.5.2 The Returning Officer will email the relevant electorate advising that a call for nominations is made.

5.5.3 The call for nominations will directly link relevant parties to the Council elections section of the relevant electronic platform, or will otherwise provide instructions on, where the following information will be available:

(a) the qualifications for candidature;

(b) the process for nomination;

(c) the form of the nomination; and

(d) a date and time at which nominations close.

5.5.4 The Returning Officer will not accept a nomination unless:

- (a) the nomination is in the form specified in the official call for nominations;
- (b) the nominee is eligible to be nominated as a candidate for a particular class of elected members;
- (c) the nomination of an eligible nominee is supported by two persons who are eligible to vote at the election in respect of which nomination is made;
- (d) the person nominated has consented to stand for election; and
- (e) the nomination is received by the Returning Officer before the date and time specified in the notice of election for the close of nominations.

5.5.5 To ensure that voters are not improperly influenced in voting or subject to excessive or unsolicited campaigning messages, and that no candidate obtains an unfair advantage, any evidence of inappropriate behaviour by a candidate may result in the Returning Officer disqualifying that candidate. The requirements for student and staff behaviour are set out in the Election of Council Members - UniSC Candidate Behaviour Guides, Student Charter, Student Conduct – Governing Policy and the Staff Code of Conduct – Governing Policy.

5.5.6 If, following the close of nominations, the number of nominations does not exceed the number of persons to be elected, the Returning Officer will declare the persons nominated to be elected.

5.5.7 Where the number of nominations is less than the number of persons to be elected, the Returning Officer must declare an appropriate number of casual vacancies, which will be dealt with in accordance with provisions contained in the Act.

5.5.8 If, following the close of nominations, the number of nominations exceeds the number of persons to be elected, a ballot will be held using a suitable electronic platform or an alternative method to be determined by the Returning Officer.

## 5.6. Voting

5.6.1 In line with the University's commitment to adopting sustainable work practices, where possible voting in Council elections will be conducted electronically.

5.6.2 The Returning Officer may permit voting to be conducted by an alternative method if considered more practicable to do so.

5.6.3 To protect the integrity of the elections process, in determining which online voting system to use, the Returning Officer will thoroughly research an electronic platform or alternative method for voting before recommending it to Council for approval. The system must allow for the voting to be conducted by secret ballot.

5.6.4 The Returning Officer, or their delegate appointed under clause 5.4.1, is responsible for entering into the electronic platform any information required to facilitate the online voting process.

5.6.5 The Returning Officer will authorise an email to each member of the relevant electorate which contains a unique link to the electronic platform, where they may log in and vote, anonymously.

5.6.6 A member of the electorate who is entitled to vote, but is unable to vote electronically, may apply to the Returning Officer in writing to lodge a postal vote.

5.6.7 An eligible voter may only cast one vote in an election and cannot vote on behalf of another person.

5.6.8 The Returning Officer will decide on the appropriate course of action in the event that voting is interrupted due to a technological or other unforeseen issue.

## 5.7. Counting of Votes

5.7.1 The Returning Officer will advise Council of the method of vote counting to be used where a Notice of a Council Election has been issued.

5.7.2 The Returning Officer will oversee the electronic counting of the votes.

5.7.3 Each candidate in a Council election will be entitled to appoint a scrutineer to liaise with the Returning Officer to confirm the integrity of the vote counting process.

5.7.4 The Returning Officer, or their delegate appointed under clause 5.4.1, will manually add any postal votes to the final count in the presence of the nominated scrutineers.

5.7.5 The result of the Council election must be ascertained by the Returning Officer as soon as practicable after the date and time for the return of voting papers in the election.

5.7.6 Following the electronic counting of votes, a report will be generated through the electronic platform and a copy captured in an approved Records Management System (RMS) for auditing purposes. A summary of any postal votes added to the final count will be appended to the Report.

#### 5.8. Declaration of Election

5.8.1 Within three working days of determining the result of an election the Returning Officer must declare the result of the election by:

(a) providing advice of the outcome to each candidate; and

(b) advising the relevant electorate of the outcome and placing the outcome on the Council Elections section of the relevant electronic platform.

#### 5.9. Complaints

5.9.1 Complaints about the conduct of a Council election, are to be made in writing to the Returning Officer, who will review all of the available facts and decide on the appropriate course of action. Where the complaint is regarding the conduct of the Returning Officer, the complaint will be referred to the Vice-Chancellor and President.

5.9.2 Entitled individuals not receiving notice of the election or an invitation to vote is not a valid reason for an election result to be deemed invalid.

5.9.3 Council will be informed of the outcome of any complaints made relating to the conduct of Council elections.

### 6.0. Authorities / Responsibilities

The following authorities are delegated under this policy and associated procedures:

ACTIVITY	UNIVERSITY OFFICER/S
Act as the Returning Officer for Council elections, unless Council requests otherwise. Appoint persons to assist with the conduct of elections and the performance of duties of the Returning Officer.	Council Secretary
Conduct Council elections in accordance with this Policy.	Returning Officer
Review complaints about the conduct of an election, held under this policy and decide on the appropriate course of action.	Returning Officer
Review complaints regarding the conduct of the Returning Officer.	Vice-Chancellor and President

END

#### RELATED DOCUMENTS

- Conflict of Interest - Governing Policy
- Governance Framework - Governing Policy
- Resolution of Complaints (Staff) - Guidelines
- Staff Code of Conduct - Governing Policy

#### RELATED LEGISLATION / STANDARDS

- University of the Sunshine Coast Act 1998 (Qld)
- Corporations Act 2001 (Cwlth)