

Elections Policy

Section 1 - Purpose and Context

(1) The purpose of this policy is to provide an overall framework for elections conducted by the University. It does not apply to elections for student representative bodies or organisations.

(2) Where requirements for the conduct of specific elections are determined in legislation, other policies or instruments (such as the [By-law](#) in the case of Board of Trustees elections), or by an authorised committee, those requirements shall prevail over this policy to the extent of any inconsistency.

Section 2 - Definitions

(3) For the purpose of determining eligibility in University elections unless otherwise prescribed:

- a. Academic staff means an academic employee holding a substantive academic position of 0.5 full-time equivalent or above where the contract length is 12 months or longer.
- b. General (professional) staff means an employee holding a substantive general (professional) position of 0.5 full-time equivalent or above where the contract length is 12 months or longer.
- c. Graduate means a person who is the recipient of a degree or diploma, or of such other award or certificate as may be prescribed by the by-laws, conferred or awarded:
 - i. by the University; or
 - ii. by or on behalf of any institution or body that has, pursuant to the [Western Sydney University Act 1997](#) or otherwise, become a part of the University; or
 - iii. by any predecessor of any such institution or body.
- d. Postgraduate student means a person who is enrolled at the University as a candidate proceeding to a postgraduate degree, diploma or certificate, but who is not a member of the academic or general (professional) staff of the University.
- e. Undergraduate student means a person who is enrolled at the University as a candidate proceeding to an undergraduate degree, diploma or certificate but who is not a member of the academic or general (professional) staff of the University.

Section 3 - Policy Statement

Conduct of Elections

(4) The University will conduct elections as required to elect members of Academic Senate, its standing committees and of other established committees, working parties and task forces of the University.

(5) All elections must be undertaken by secret ballot.

(6) The University acknowledges that the right to vote of all eligible persons should not be limited by language, disability or circumstance.

(7) To support the University's sustainability objectives, all elections will be conducted electronically using University email addresses unless the Returning Officer determines that it is not practicable to do so.

(8) The optional preferential voting system will be used for recording votes in elections unless special circumstances require that an alternative method be used, as determined by the Returning Officer.

(9) An election conducted under this policy is not invalidated only because:

- a. of a breach of the provisions of this policy unless the Returning Officer is satisfied that, except for such a breach, variation to the declared electoral result may have been possible; or
- b. a person whose name is on the relevant roll of eligible voters did not see a notice or a copy of a notice.

Returning Officer

(10) The Returning Officer for University elections covered by this policy is the Director, Governance Services, or nominee.

(11) The Returning Officer is responsible for ensuring that the election and election campaign are conducted with fairness and integrity and in accordance with any other procedures, directions or regulations applicable to the election or election campaign.

(12) A candidate for an election may not act as a Returning Officer in the election.

(13) The Returning Officer may appoint:

- a. persons to act as Deputy Returning Officers to assist in carrying out the duties of this policy. A Deputy Returning Officer may carry out the role and functions of the Returning Officer under this policy except for the appointment of a Deputy Returning Officer;
- b. election officials to officiate at an election, whether conducted electronically or by paper ballot.

(14) The Returning Officer must determine the timetable for holding an election, having regard to the timeframes specified in this policy for the receipt of nominations, voting, and for declaring the result of the election. The timeframes contained in this policy are designed to ensure that sufficient time is provided to enable participation in elections by eligible staff and as such prescribe minimum standards. As the complexity of elections will vary, the timeframes prescribed in this policy may be varied, with the approval of the Director, Governance Services.

(15) The Returning Officer must, subject to this policy, decide all matters relating to the procedure for conducting an election under this policy.

(16) A decision of the Returning Officer relating to an election is final. However, a complaint about the process of conducting an election under this policy may be reviewed under the [Complaint Management Policy](#).

Section 4 - Procedures

Calling of Election

(17) The Returning Officer must give notice of an election and invite nominations by publishing a notice on the University's website and/or in such other places and in such manner as the Returning Officer considers appropriate.

(18) The Returning Officer must ensure that sufficient notice is provided to each person eligible to vote in the election. The notice of election is to be published no less than seven days before the day nominations close in an election.

(19) The notice of election must:

- a. state that an election is to be held for the position or positions concerned;
- b. specify the term of office of the position or positions;
- c. specify the eligibility requirements for candidature and voting in the election;
- d. specify the form in which nominations must be made and the date and time by which nominations must be received;
- e. provide any other information about the election that the Returning Officer considers it appropriate to provide.

Nominations

(20) Elections will be conducted on the basis of candidates nominating themselves. The Returning Officer may determine whether nominations must be supported by one or more eligible voters.

(21) The Returning Officer must determine the method or methods by which nominations for an election can be received, which may include any, or all, of the following:

- a. in writing;
- b. by email or electronic means;
- c. using a nomination form.

(22) The Returning Officer must, as soon as practicable and ideally before the close of nominations, notify candidates of the acceptance or rejection of their nomination.

(23) Where a candidate for an election is eligible to nominate for more than one category of position on a committee or other body, the candidate may only nominate for one of the positions for which they are eligible.

(24) A candidate may withdraw their nomination by writing to the Returning Officer at any time up until the close of nominations, following which nominations cannot be withdrawn.

Candidate Statements

(25) A candidate may provide, with their nomination, a candidate statement which must not exceed 200 words. The statement may contain information about the candidate that they wish to provide for the information of voters. That information may include, for example:

- a. Full name;
- b. School or unit;
- c. Program and academic year;
- d. Qualifications and experience;
- e. Positions or offices held at any time in public bodies, clubs and institutions (including University clubs and societies) with dates of tenure.

(26) The Returning Officer may, at their discretion, request a candidate to amend the statement if, in the opinion of the Returning Officer, the statement contains inappropriate information or comment. Refusal to comply, or delay in complying, with a request will result in non-distribution to voters of the information supplied by the candidate.

(27) Candidate statements that exceed the word limit will be truncated by the Returning Officer.

Dealing with Nominations

(28) At the close of nominations, where the number of nominations of persons for election in each elected

membership category is fewer than or the same as the positions to be filled, the Returning Officer must declare the person or persons nominated to be elected. If there are more nominations than positions to be filled in an elected membership category, there must be a ballot.

(29) Where a ballot is required, the Returning Officer must provide information to candidates about the election process.

(30) If, at the close of nominations, no nominations are received, the Returning Officer is to conduct a second call for nominations. If no nominations are received after a second call for nominations, then the position can be filled in accordance with the requirements of clauses under Filling of Casual Vacancies.

Form of Ballot

(31) As far as practicable, ballots will be conducted electronically using an electronic voting system that has been approved by the Director, Governance Services. The current approved system is provided by [BigPulse](#).

(32) Where required, ballots may be conducted by post or by attendance at a polling booth.

(33) The Returning Officer must determine which method or methods shall be used for any particular ballot.

Notice of Ballot

(34) If a ballot is required, the Returning Officer must publish a notice of ballot on the University's website and/or in such other places and in such manner as the Returning Officer considers appropriate.

(35) The notice of ballot must:

- a. state that there will be a ballot for the position or positions concerned;
- b. specify how people will be able to vote in the ballot;
- c. specify the date and time by which votes in the ballot must be lodged;
- d. provide any other information about the ballot that the Returning Officer considers appropriate.

(36) The notice of ballot must be published no less than seven days before the ballot closes.

Electoral Rolls

(37) The Office of the Chief People Officer is responsible for maintaining and providing electoral rolls for staff elections according to the eligibility criteria applied to the election.

(38) Student Management Systems in Information Technology and Digital Services (ITDS) is responsible for maintaining and providing electoral rolls for student elections according to the eligibility criteria applied to the election.

(39) Electoral rolls must be provided to the Returning Officer at the close of nominations for the particular election or at such other time before the close of nominations as prescribed by the Returning Officer.

(40) Determinations about the eligibility of persons to be listed on an electoral roll shall be made by the Returning Officer, after seeking advice from, and consultation with, the following areas:

- a. the Office of the Chief People Officer in relation to staff electoral rolls; and
- b. Student Management Systems in Information Technology and Digital Services in relation to student electoral rolls.

Voting

(41) A ballot must remain open for at least three working days.

(42) In any election, a voter may only vote once in any individual ballot and must not vote on behalf or in substitution of another voter or allow another voter to vote on their behalf.

(43) The Returning Officer may arrange for reasonable assistance to be provided to electors if satisfied that the elector is unable to vote without reasonable assistance.

Campaign Rules

(44) The Returning Officer must make determinations and/or publish guidelines or directions about candidates' conduct during the election, including campaigning. Such determinations ensure fairness, maintain order, and preserve the integrity of the election.

(45) Where guidelines or directions apply to an election, they must be published on the University's website and in such other places and in such manner as the Returning Officer considers appropriate.

Counting of Votes

(46) The Returning Officer must count the number of first preference votes for each candidate.

(47) If the candidate who has the highest number of first preference votes has an absolute majority of votes, the Returning Officer must declare that candidate elected.

(48) If no candidate has an absolute majority of votes, the Returning Officer must exclude the candidate who has received the fewest number of first preference votes and each vote counted to that candidate is to be counted to the continuing candidate next in order of the voter's preference.

(49) If on any count two or more candidates have an equal number of votes and one of them has to be excluded, the candidate to be excluded must be determined as follows:

- a. if the count is the first made in connection with the ballot, the Returning Officer must determine by lot which of those candidates is to be excluded;
- b. if the count is the second or subsequent count made in connection with the ballot:
 - i. that candidate must be excluded who had the least number of votes at the last count at which one of those candidates received fewer votes than each of the others; or
 - ii. the Returning Officer must determine by lot which of those candidates is to be excluded, if at all preceding counts no one of those candidates received fewer votes than each of the others.

(50) The process of excluding the candidate who has the fewest votes and counting each of the votes counted to that candidate to the continuing candidate next in order of the voter's preference must be continued until:

- a. one continuing candidate has an absolute majority of votes, in which event that candidate must be declared by the Returning Officer to be elected; or
- b. all candidates but one have been excluded, in which event the remaining candidate must be declared elected.

Scrutiny of Voting Process

(51) In the context of electronic voting, there is no provision for traditional scrutineering whereby a candidate's authorised representative physically inspects elements of the electoral process.

(52) The Returning Officer will provide, if requested by a candidate, relevant information pertaining to an election contested by a candidate in order to confirm the integrity of election processes.

Declaration of Results

(53) At the conclusion of the election, the Returning Officer must declare the result of the election by publishing a notice on the University's website and/or in such other places and in such manner as the Returning Officer considers appropriate, in order to ensure that voters are informed of the outcome of the election.

(54) Declaration of those elected must take place not more than seven days after voting has concluded.

Filling of Casual Vacancies

(55) A casual vacancy occurs when an elected member resigns, graduates from the University (if a student), dies or is no longer eligible to be included on the relevant electoral roll.

(56) Where possible, a casual vacancy will be filled by the person who, in the immediately preceding election, polled the next highest number of votes to the member to be replaced.

(57) If that person cannot fill that casual vacancy, the Chair of the Committee must:

- a. appoint an eligible member as required to fill the vacancy; or
- b. request the Director, Governance Services to conduct another election.

Chair and Deputy Chair Elections

(58) Call for nominations for Chair and Deputy Chair positions on Committees may be held concurrently.

(59) If, after the close of nominations, there are no eligible nominations for the Deputy Chair position, the member who polls the next highest number of votes to the member who is voted as Chair of the Committee will be offered the Deputy Chair position.

(60) If the person who polls the next highest number of votes declines to accept the Deputy Chair position, the Chair of the Committee must:

- a. appoint an eligible member as required to fill the vacancy; or
- b. request the Director, Governance Services to conduct another election.

Complaints

(61) The Returning Officer has the following powers in relation to any complaint about the conduct of the election or election campaign to:

- a. make inquiries about the complaint as they consider appropriate in the circumstances;
- b. dismiss the complaint (in whole or in part); or
- c. do one of the following things if the complaint is substantiated (whether in whole or part) and depending on what is reasonable in the circumstances:
 - i. issue a written warning to a candidate or that candidate's supporters;
 - ii. prohibit a person from campaigning on behalf of a candidate or place restrictions on campaigning;
 - iii. disqualify a candidate from election if that candidate commits a serious breach or repeated breaches of this policy or the Campaign Rules (and only after first consulting with the Director, Governance Services);or

iv. void an election.

(62) Complaints in relation to the conduct of elections should be lodged with the Returning Officer prior to the close of the ballot, as far as practicable.

Challenges

(63) The Returning Officer has the following powers in relation to any challenge to an election result:

- a. to make inquiries about the challenge as they consider appropriate in the circumstances;
- b. to dismiss the challenge; or
- c. if the Returning Officer upholds the challenge, to declare a different result according to the election procedures for that election (and only after first consulting with the Director, Governance Services). In such circumstances, the Returning Officer will provide reasons for declaring a different result.

Section 5 - Guidelines

Associated Information

(64) [Student Election Campaign - Code of Conduct](#).

(65) [Elections Request Form](#).

Status and Details

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Glossary Terms and Definitions

"Program" - A program of study consisting of at least four subjects or 40 credit points leading to an award of the University (Foundation Studies Program, Undergraduate Preparation Program, Diploma, Advanced Diploma, Undergraduate Certificate, Associate Degree, Bachelor Degree, Bachelor Honours Degree, Graduate Certificate, Postgraduate Certificate, Graduate Diploma, Postgraduate Diploma and Masters by Coursework Degree) which when successfully completed is conferred on the graduand by the Board of Trustees.