

## ELECTION POLICY

<b>Responsible Officer:</b>	TUSA General Manager
<b>Approved By:</b>	Board of Management
<b>Approval Date:</b>	August 2024
<b>Review Date:</b>	March 2025

### 1. Purpose and Scope

The Tasmanian University Union, commonly known as the Tasmanian University Student Association (TUSA) holds annual student representative elections in semester 2 each year to elect positions on State Council for the next council term as per the TUSA Constitution. This election and any by-election held to fill vacancies during the year, are normally conducted by an online ballot system with a provider which has an arrangement with the University of Tasmania.

This policy applies to:

- a. TUSA State Council candidates, scrutineers, and their campaigners, who all need to be enrolled University of Tasmania students per Section 2.3(b);
- b. Candidates, scrutineers and campaigners in other elections approved by the TUSA Board of Management to be held in conjunction with TUSA elections;
- c. Currently enrolled University of Tasmania students; and
- d. TUSA election officers during the running of annual State Council elections and any subsequent by-elections.

This policy should be read alongside the TUSA Constitution and TUSA Election Procedure.

## 2. Key Requirements

### 2.1 Overview

The objectives of this policy are to:

- a. Provide a framework to ensure a fair and equitable election for all candidates, irrespective of their decision to run as part of a ticket or independently.
- b. Communicate clearly to candidates and their campaigners, the election rules and consequences for breaching these rules.

### 2.2 Election Officers

The TUSA Board of Management shall appoint the following:

- a. Returning Officer
  - may be internally appointed as per the TUSA Constitution or outsourced.
  - the Returning Officer shall exercise their functions and powers (and are limited by) the provisions stated in Division 3 of the Electoral Act 2004. The role requires the Returning Officer to accept nominations and conduct the ballot in accordance with the TUSA Constitution.
- b. TUSA Electoral Officer
  - Chair of TUSA Election Tribunal.
  - A TUSA Electoral Officer shall appoint a TUSA Assistant Electoral Officer to sit on the TUSA Election Tribunal, as per Clause 2.2.c.
- c. TUSA Election Tribunal
  - Appointed to receive complaints, investigate alleged breaches of electoral rules, and determine appropriate disciplinary action.
  - Shall consist of TUSA Electoral Officer, TUSA Assistant Electoral Officer, and at least one other from a pool of appropriately skilled persons. It is the responsibility of the TUSA Electoral Officer to appoint these other persons to the Tribunal.
  - Members of the tribunal selected to hear any particular complaint must declare any conflict of interest, in which case an alternate member of the tribunal pool will be selected to hear the complaint.

### 2.3 Candidate Eligibility for Nomination

To be eligible to be a candidate, students must adhere to the following:

- a. Role required eligibility criteria as per the position descriptions for each position.
- b. Valid enrolment under Clause 18.1 of the University of Tasmania Student Participation and Attendance Ordinance.
- c. Students must not be currently personally subject to any proceedings under a University of Tasmania Ordinance for Student Behaviour and Conduct, or where the students' conduct has been determined to be misconduct or serious misconduct in accordance with such an Ordinance on Student Behaviour and Conduct. Unsuitable conduct also includes where the student has been charged with a serious criminal offence,

until the charge or charges have been finalised, or has been convicted of a serious criminal offense.

d. Candidates will be assessed during the election nomination period against the University of Tasmania Academic Progress Review classifications. To be eligible for candidacy, candidates must hold an academic status of either:

- Good Standing; or,
- Supported (Advice) Status

e. Individuals who hold the following University of Tasmania Academic Progress Review classifications at the time of the TUSA election nomination period are ineligible for Candidacy:

- Conditional (Managed) Status
- Excluded

f. Candidates holding an academic status of Supported (Advice) Status as defined by the University of Tasmania Academic Progress Review classifications, if appointed, must consent to the shared development of a support plan between themselves and their direct manager.

g. A Candidate may request an appeal of their eligibility in relation to academic status through the TUSA Election Tribunal.

## 2.4 Candidate Eligibility during Elected Term

- Elected Candidates must maintain their enrolment as defined by Clause 18.1 of the University of Tasmania Student Participation and Attendance Ordinance for the duration of their term.
- Should an elected Candidate be advised that their Status as classified by the University of Tasmania Academic Progress Review classifications has changed to Conditional (Managed) Status, a review of eligibility for Presidency will be initiated. The elected Candidate will need to follow the advice outlined within their support plan (2.3.f), which may include termination of the Presidency.
- Should an elected Candidate be advised that their Status as classified by the University of Tasmania Academic Progress Review classifications has changed to Excluded, their role as elected representative will be terminated.

## 2.5 National Union of Students Delegate Elections

Election of National Union of Students (NUS) delegates shall be conducted in conjunction with the annual TUSA elections and in accordance with provisions of the NUS Constitution and regulations, and the TUSA Constitution and Election Policy and Procedures.

## 2.6 Voter Eligibility

To be eligible to vote, students must adhere to the following:

- Valid enrolment under Clause 18.1 of the University of Tasmania Student Participation and Attainment Ordinance, excepting the Ordinance requirement for students to have met all financial obligations for fees, penalties and charges. Students may be permitted to vote in the event of outstanding fees, penalties and charges.

- b. Good conduct standing – Students must not be currently personally subject to any proceeding under a University of Tasmania Ordinance for Student Behaviour and Conduct, of where the students’ conduct has been determined to be misconduct or serious misconduct in accordance with such an Ordinance on Student Behaviour and Conduct. Unsuitable conduct also includes where the student has been charged with a serious criminal offence, until the charge or charges have been finalised, or has been convicted of a serious criminal offence.

## 2.7 Complaints

Complaints regarding conduct during campaigning or alleged breaches of election rules should be directed to the TUSA Electoral Officer as chair of the Election Tribunal who may issue, or delegate authority to a member of the Election Tribunal to issue an initial warning to a candidate who breaches election rules. Repeat breaches or more serious breaches will be referred to the TUSA Election Tribunal for investigation, and if deemed necessary, appropriate penalties.

All complaints should be lodged with the TUSA Electoral Officer at [TUSA.elections@utas.edu.au](mailto:TUSA.elections@utas.edu.au) and must be:

- a. in writing;
- b. state specific election rules breached;
- c. concise statement of the facts;
- d. supported by evidence of the breach;
- e. lodged before the declaration of the poll; and
- f. not be frivolous or vexatious.

## 2.8 Consequences of Breaches

Penalties that may be imposed for the breach of any election rule will be determined by the TUSA Electoral Tribunal, and may include the following depending on seriousness of the breach:

- a. Official warning;
- b. Suspend candidate from campaigning for a period of time determined by the tribunal;
- c. Disqualify candidate from the election; or
- d. Disqualify candidate from being elected if election results already declared.

Candidates are responsible for the actions of any students authorised to campaign on their behalf. Any breach of an election rule that is applicable to a nominated election ticket, may result in penalties for all candidates nominated as members of that ticket.

## 2.8 Appeal Process

A candidate may appeal a penalty imposed by the TUSA Election Tribunal. Appeals will be heard by the TUSA Board of Management, and should be forwarded to the secretary of the Board of Management and must be:

- a. in writing;
- b. state specific election rules breached;
- c. state penalty imposed;

- d. provide grounds for appeal;
- e. provide supporting evidence for appeal; and
- f. lodged within 24 hours of notification of penalty.

The appeal will be considered by the TUSA Governance Committee and candidate advised of the decision, within 48 hours of the appeal being received.

### 3. Responsibilities

TUSA community members must comply with all relevant laws, regulations and TUSA governance instruments.

### 4. Relevant Documentation

TUSA community members are encouraged to read this policy in conjunction with other relevant documentation, as detailed below.

TUSA governance instruments:

- TUSA Constitution
- TUSA Code of Conduct Statement
- TUSA Election Procedure
- NUS Constitution and Regulations

### 5. Review

This policy will be reviewed every three years, or as needed. Any amendments deemed necessary will be approved by the TUSA Board of Management.

### 6. Versioning

TITLE	PARA. AMENDED	BOM APPROVAL DATE
Policy approval		10/09/2015
Policy review	1, 2, 3, 4, 6.1, 6.2, 6.3	26/07/2016
Policy review	3, 4, 6.1, 6.3, 6.5, 6.6	25/07/2017
Policy review	1, 4(a), 5, 6.2(b), 6.2(c), 6.2(d), 6.2(e), 6.3(a), 6.3(i), 6.3(m), 6.3(n), 6.3 (o), 6.3(p), 6.4(c), 6.4(d), 6.6(c), 6.6(d), 6.6(e).	31/08/2020

Policy review	6.1(b)(i), 7(a), 7(b), 7(c)	26/07/2021
Policy review	1, 3, 4, 5, 6, 7, 8, 9, 10	25/07/2022
Policy approval		7/08/2023
Policy review	1, 2.2(c), 2.3, 2.4, 2.6	22/08/2024