Statute 8.3 - Elections to the Academic Board

(1) The Secretary shall have the management and supervision of all elections to the Academic Board and shall appoint from time to time a suitable person (hereinafter referred to as the "Electoral Officer") who shall to that end have and exercise all the powers and duties of a returning officer.

(2) The method of elections of Deputy Chair of Academic Board, Academic Staff members, and Student members will be in accordance with this Statute.

(3) The electorate for an election of the Deputy Chair of Academic Board shall consist of all current members of Academic Board. In accordance with Statute 2.5(8) only Academic Staff Members of the rank of Professor or Associate Professor are eligible to be nominated for the position of Deputy Chair of Academic Board.

(4) The electorate for an election of Professorial members of the Academic Staff to the Academic Board shall consist of continuing and fixed-term full-time and part-time members of the Professoriate of the University employed as Level E Academic Staff, as defined in clause 32.1 of the Constitution (Academic Staff Electorate).

(5) The electorate for an election of non-Professorial Academic Staff members to the Academic Board shall consist of continuing and fixed-term full-time and part-time members of the Academic Staff of the University employed as Level A to D Academic Staff, as defined in clause 32.1 of the Constitution (Academic Staff Electorate).

(6) The electorate for an election of Student members to the Academic Board are all enrolled Students who meet the eligibility criteria in clauses (7) and (8).

(7) All Students currently enrolled in and currently undertaking at least one (1) unit in an award course of study at ACU or who are actively enrolled in a Higher Degree by Research award course are eligible to nominate and vote for the position of Student member of the Academic Board.

(8) A Student who is also a fixed term or continuing employee of the University is precluded from holding a position on the Academic Board. A Student who is an employee of the University on a casual contract is not precluded from holding a position on the Academic Board.

(9) An elected student must remain enrolled in an award course at the University for the entirety of the term of office for the position to which they have been elected. A student who ceases to be enrolled (whether through withdrawal from studies, qualifying to graduate or due to any other cause) is no longer eligible to serve as Student member of the Academic Board.

(10) The Electoral Officer shall not during the period of their appointment as such be eligible to stand for election to the Academic Board.

(11) When a vacancy occurs in an elected position on the Academic Board pursuant to clauses (3) or (6) above, the vacancy is to be filled by an election pursuant to clause (13) of this Statute.

(12) When a vacancy occurs in an elected position on the Academic Board pursuant to clauses (4) or (5) above, where the vacancy occurs six (6) months or less than the end of the term of office of the previous member, the position shall be filled as a casual vacancy pursuant to clause (25) of this Statute.

(13) When a vacancy occurs in a position on the Academic Board pursuant to clauses (4) or (5) above, where the vacancy occurs more than six (6) months from the end of the term of office of the vacating member, the vacancy shall be filled where possible by the candidate who, in the immediately preceding election, polled the next highest number of votes to the member to be replaced. If it is not possible to follow this process, the vacancy shall be filled by an election pursuant to this Statute and the Electoral Officer shall:

a. appoint an election date; and
b. call for nominations of members of the relevant electorate by an Election Notice published not later than five (5) weeks before the election date.

(14) Nominations:

a. must be made by the staff member or student who wishes to be elected via self-nomination;
b. must be made by members of the relevant electorate, as provided in clauses (4), (5) or (6);
c. must be in the form or to the effect of Schedule A: Nomination Form;
d. may be transmitted electronically in accordance with any directions contained in the call for nominations; and
e. must be received at the office of the Secretary not later than the time and date specified in the call for nominations being a day at least three (3) weeks before the last day of the Election Period.

(15) If the number of qualified persons duly nominated is less than or equal to the number of positions available, (or remains so after all the others have withdrawn or ceased to be qualified) the Electoral Officer shall declare those persons duly elected.

(16) If the number of qualified persons duly nominated exceeds the number of positions available, the Electoral Officer shall conduct an election. If before the election date, a person so nominated withdraws their nomination or ceases to be qualified then in either case the Electoral Officer shall remove the name of that person from the election.

(17) Elections may be conducted electronically at the discretion of the Secretary.

(18) The Electoral Officer shall cause the election to be advertised by a Notice of Election in the form of Schedule B: Notice of Election (completed as appropriate) ("the Election Notice") published not later than two (2) weeks before the election date.

(19) Any notice or advertisement required by this Statute shall be published:

a. by email sent to members of the relevant electorate; and
b. by such additional means as the Electoral Officer thinks fit.

(20) Voting papers shall be distributed to all persons qualified to vote by such means as the Electoral Officer may specify in the Election Notice.

(21) The expression "voting papers" in this Statute shall mean:

a. a Candidate Statement for each person nominated; and
b. a ballot paper in the form or to the effect of Schedule C: Ballot Paper (completed as appropriate), which may be provided electronically.
c. a candidate may also provide a suitable photograph to accompany their candidate statement (suitability to be determined by the Electoral Officer).

(22) The manner of voting will be option preferential, according to the following principles

a. Persons voting shall indicate the order of their preference among the candidates by placing on the ballot paper a number against the name at least three candidates, all candidates being given a different number. The candidate most preferred shall be indicated by the number one and the one next preferred by the number two and so on sequentially for the number of candidates against which the voter chooses to indicate a preference.
b. The ballot may be cast electronically.

(23) Receipt of votes shall be determined as follows:

a. Subject to paragraph b., no vote cast after 4:00pm (stated in AEST or AEDT) on the election date shall be examined or counted in the election.
b. Should any two of the Chancellor, the Pro-Chancellor, the Vice-Chancellor and President and the Secretary form the opinion in respect of a particular election that the operation of any part of this Statute has been affected by any strike, lockout or similar action, they may direct that ballot papers received up to a time nominated by them, being no more than seven days after 4:00pm (AEST or AEDT) on the election date, may be examined and counted in the election.
c. The votes may be counted electronically at the discretion of the Secretary.

(24) The manner of counting the votes shall be as follows:

a. Voting instructions will be provided during the election process and only wholly valid ballot papers shall be counted.
b. For each vacancy there shall be a process of counting the votes cast ("a ballot").
c. Ballots shall be counted using an optional preferential system. The first preference votes for each candidate shall be tallied and if any candidate has a clear majority of votes, that candidate shall be declared elected.
d. If, following the count of first preference ballots no candidate has more than half of the votes, the candidate with the fewest votes shall be excluded. This candidate's votes are transferred to the other candidates according to the second preferences of voters for the excluded candidate. If still no candidate has more than half the votes, the candidate who now has the fewest votes shall be excluded and the votes transferred according to the next preference shown. This process continues until one (1) candidate has more than half the total number of formal votes and this candidate shall be declared elected.
e. If no candidate receives more than half of the votes, all preferences shall be counted and the candidate with the most votes shall be declared elected.
f. If the election is for more than one position, the process of distributing preferences shall be continued in accordance with d. and e. until only the number of candidates required to fill the vacancies remain.
g. If there is a tie and the number of tied candidates is greater than the number of positions remaining unfilled, the ballots allocated to each such tied candidate shall be compared and the tied candidate with the greatest number of first preference votes shall be elected, or if no one tied candidate has a greater number of first preference votes than any other tied candidate then the tied candidate with the greatest number of second preference votes shall be elected; and so forth until available positions are filled.
h. If, following steps c. to g. above there is a tied outcome, then the successful candidate is to be determined by the drawing of lots by the Electoral Officer. The name first drawn shall be declared elected.

(25) In the event that there are no nominees for the election of Academic Staff members identified in clauses (4) and / or (5) of this Statute for any position on the Academic Board or where a casual vacancy arises six (6) months or less than the end of the term of office of the vacating member, then the Executive Dean of the relevant Faculty shall appoint such Academic Staff members from the categories identified in clauses (4) and / or (5) (as required) to fill any vacant position. Any such person appointed to the Academic Board in accordance with this clause (25) shall hold that position as if that person were duly elected in accordance with this Statute.

(26) In the event that there are no nominees for the election of Deputy Chair identified in clause (3) of this Statute, the Electoral Officer shall repeat the process as set out in clause (12).

(27) In the event that there are no nominees for the election of the Student members identified in clause (6) of this Statute, the Electoral Officer shall repeat the process as set out in clause (12).

(28) A member appointed or elected to fill a vacancy in the offices identified in clauses (3), (4), (5) or (6) shall hold office for the remainder of the vacating member's term of office.

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Responsible Executive	Diane Barker Chief Legal Assurance and Governance Officer
Responsible Manager	Diane Barker Chief Legal Assurance and Governance Officer
Enquiries Contact	Matthew Charet National Manager, Governance Legal, Assurance and Governance Directorate