

# Governance (Student Representation) Rule 2007 No.1

## Division 1 Introduction

### 1 Name of Rule

(1) This Rule is the Governance (Student Representation) Rule 2007.

### 2 Commencement

(2) This Rule commences on 17 April 2007.

### 3 Purpose

(3) This Rule is enacted to establish the:

- a. Albury-Wodonga Student Representative Committee;
- b. Mitchell Student Guild;
- c. Dubbo Student Representative Committee;
- d. Orange Student Representative Committee;
- e. Rivcoll Student Representative Committee;
- f. Goulburn Student Representative Sub-Committee (which shall be a sub-committee of the Rivcoll Student Representative Committee); and
- g. Charles Sturt University Student Senate;

and to confer on those bodies certain functions.

### 4 Authority

(4) This Rule is made pursuant to authority granted to the University Council under clause 4 of Schedule 1 of the [Act](#), section 20 and 32 of the Act.

### 5 Definitions

(5) In this Rule, unless the contrary intentions appears:

- a. Academic Senate means the Academic Senate of the the University established under section 16 of the [Act](#).
- b. Act means the [Charles Sturt University Act 1989](#).
- c. By-law means the [Charles Sturt University By-law 2005](#).
- d. casual vacancy in an office means a vacancy that occurs in that office otherwise than because of the expiration of the term of office of the person holding the office.
- e. close of nominations, in relation to an election, means the date and time determined by the returning officer by which nominations must be received by the returning officer for the election.
- f. close of the ballot, in relation to an election, means the date and time determined by the returning officer by which ballot papers must be received by the returning officer for the election.

- g. CPI means the All Groups Consumer Price Index applicable to Sydney kept by the Commonwealth Statistician.
- h. Dispute Resolution Panel means the Dispute Resolution Panel established under section 87 of this Rule.
- i. Executive Committee of Council means the Executive Committee of Council established by the University Council.
- j. Executive Director, Finance means the person occupying the position of Executive Director, Finance, from time to time (or such successor position as may be created by the the University) and, in relation to a particular function of the Executive Director, Finance, includes a person or persons appointed by the Executive Director, Finance who is authorised or directed by the Executive Director, Finance to exercise that function.
- k. Executive Director, Division of Student Services means the person occupying the position of Executive Director, Division of Student Services, from time to time (or such successor position as may be created by the the University) and, in relation to a particular function of the Executive Director, Division of Student Services, includes a person or persons appointed by the Executive Director, Division of Student Services who is authorised or directed by the Executive Director, Division of Student Services to exercise that function.
- l. Finance Manager, Student Services means the person occupying the position of Finance Manager, Student Services from time to time (or such successor position as may be created by the the University) and, in relation to a particular function of the Finance Manager, Student Services, includes a person or persons appointed by the Executive Director, Student Services who is authorised or directed by the Executive Director, Student Services to exercise that function.
- m. former Student Association means:
  - i. Rivcoll Union Incorporated (ABN 53 342 436 133)
  - ii. Charles Sturt University Students Association Bathurst Inc. also known as Mitchell Association of Student Councils Inc. (ABN 78 646 919 899);
  - iii. Charles Sturt University Murray Campus Student Association Inc also known as Charles Sturt University Student Association Albury-Wodonga (ABN 13 734 286 813);
  - iv. Dubbo Students Association of Charles Sturt University Inc. (ABN 48 262 975 526);
  - v. Orange Student Association (ABN 66 759 017 145).
- n. notice means notice in writing.
- o. polling day means:
  - i. in the case of an election conducted by postal ballot-the close of the ballot, and
  - ii. in the case of an on-campus election-the date on which the ballot is held as determined by the returning officer.
- p. returning officer means a person appointed by the Executive Director, Division of Student Services to the position of returning officer under this Rule from time to time and, in relation to a particular function of the returning officer, includes a deputy returning officer, poll officer or other person who is authorised or directed by the returning officer to exercise that function.
- q. Student Representative Committees means the Student Representative Committees established under section 7 of this Rule.
- r. Student Senate means the committee established under section 17 of this Rule.
- s. Student Support Officer means the person occupying the position of Student Support Officer, from time to time (or such successor position as may be created by the the University) and, in relation to a particular function of the Student Support Officer, includes a person or persons appointed by the Executive Director, Division of Student Services who is authorised or directed by the Executive Director, Division of Student Services to exercise that function.
- t. University Council means the Council established under section 9 of the [Act](#).
- u. University Secretary means the Secretary to the University Council appointed under clause 19 of the [By-law](#) and, in relation to a particular function of the University Secretary, includes a person or persons appointed by the University Secretary who is authorised or directed by the University Secretary to exercise that function

- v. Vice-Chancellor means the person occupying the position of Vice-Chancellor of the University from time to time and, in relation to a particular function of the Vice-Chancellor, includes a person or persons appointed by the Vice-Chancellor who is authorised or directed by the Vice-Chancellor to exercise that function.

## **6 Hyperlinks and Headings**

(6) Hyperlinks in the text of this Rule are for guidance only and do not form part of this Rule.

(7) Headings do not form part of this Rule.

## **Division 2 Student Representative Committees**

### **7 Establishment**

(8) There is a:

- a. Albury-Wodonga Student Representative Committee; and
- b. Mitchell Student Guild; and
- c. Dubbo Student Representative Committee; and
- d. Orange Student Representative Committee; and
- e. Rivcoll Student Representative Committee;
- f. Goulburn Student Representative Sub-Committee (which shall be a sub-committee of the Rivcoll Student Representative Committee).

(9) The Vice-Chancellor may establish such other Student Representative Committees or sub-committees from time to time with respect to campuses formally established by the University Council under section 6 of the Act and may determine the composition of the committee.

(10) Where a location ceases to be a campus of the the University under section 6 of the Act, the Student Representative Committee established under clause 8 and 9 will cease to operate effective from that date.

### **8 Definition**

(11) For the purpose of this Division campus student means:

- a. an on-campus student enrolled by the the University at the campus for which a Student Representative Committee has been established under this Rule;
- b. a distance education student enrolled by the the University at the campus for which a Student Representative Committee has been established under this Rule;
- c. a student studying at a third party facility by the the University and deemed by the Executive Director, Division of Student Administration from time to time, to be enrolled at the campus for which a Student Representative Committee has been established under this Rule; and
- d. an international student studying outside Australia and deemed by the Executive Director, Division of Student Administration, from time to time to be enrolled at the campus for which a Student Representative Committee has been established under this Rule.

(12) The Executive Director, Division of Student Administration, will publish on the web site of the the University from time to time a schedule of student enrolment locations for the purpose of this Rule setting out the deemed enrolment location of students.

### **9 Terms of Reference**

(13) The principal function of each of the Student Representative Committees, with respect to the campus for which the Student Representative Committee has been established under this Rule, is to:

- a. identify, advance and promote the interest of campus students and the University; and
- b. promote the participation of campus students in, and the consideration of, matters affecting their interests; and
- c. afford a recognised means of communication between the students and the academic and administrative arms of the University; and
- d. support students, affiliated student organisations, clubs, societies and other recognised campus student bodies; and
- e. prepare and administer the draft Annual Budget for the committee; and
- f. monitor expenditure against the approved Annual Budget and the conduct of campus students, affiliated student organisations, clubs, societies and other recognised campus student bodies who have received funding under the approved Annual Budget; and
- g. publish, from time to time, a journal, newsletter, newspaper or other publications to communicate to campus students; and
- h. conduct events and activities for students and to occupy premises within the University for the purposes of selling liquor on the premises.

## **10 Membership**

(14) Each Student Representative Committee shall consist of the following number of members:

- a. Albury-Wodonga Student Representative Committee - 15;
- b. Mitchell Student Guild - 13;
- c. Dubbo Student Representative Committee - 9;
- d. Orange Student Representative Committee - 10;
- e. Rivcoll Student Representative Committee - 14;
- f. Goulburn Student Representative Sub-Committee - such number as may be determined by the returning officer from time to time.

(15) A Student Representative Committee may, by resolution of a majority of members present, request the University Council to amend this Rule to change the number of members at any time in accordance with section 91 of this Rule.

## **11 Term of Office**

(16) Subject to this Rule, one half of the members of each of the Student Representative Committees shall be elected every year for a term of 2 years ending at one minute to midnight on the last date in the second year following the commencement of the member's term of office.

(17) The date of commencement of a term under clause 16 shall be determined by the returning officer after consultation with the Student Representative Committee.

(18) Where a member is elected or appointed to fill a casual vacancy in the office of a member of the Student Representative Committee, the term of office shall be the balance of the term of office of the previous member.

## **12 Election of chair**

(19) The Student Representative Committee shall elect from amongst its members a Chair and a Deputy Chair.

(20) Notwithstanding the expiry of the term of office of the member, the term of office of the Chair and Deputy Chair shall not expire until the election of a new Chair and Deputy Chair in accordance with this Rule.

- (21) The returning officer may decide all matters relating to the procedure for the conduct of an election for the Chair and Deputy Chair under this Rule.
- (22) Each candidate for election is entitled to nominate one scrutineer to be present at the counting of any votes.
- (23) An election to fill a vacancy in the office of Chair or Deputy Chair is to be held (where practicable):
- a. in the case of a vacancy that arises because of the expiration of the term of office of the previous office holders - at the first scheduled meeting of the new Student Representative Committee after the election of new members; or
  - b. in the case of a casual vacancy - at an ordinary or special meeting within one month after the vacancy arises.
- (24) The returning officer must give to each member of the Student Representative Committee at least five working days notice of an election to fill a vacancy in the office of Chair or Deputy Chair.
- (25) A nomination for election as Chair or Deputy Chair:
- a. must be in writing, and
  - b. must be signed by the nominee and one other member of the Student Representative Committee; and
  - c. must be delivered to the returning officer before the meeting of the Student Representative Committee at which the election is to be held.
- (26) The returning officer is to preside during any part of a meeting of the Student Representative Committee at which an election of the Chair or Deputy Chair is to be held.
- (27) No business other than the election of the Chair or Deputy Chair may be conducted at a meeting of the Student Representative Committee while the returning officer is presiding.
- (28) If there is only one nomination for election of the Chair or Deputy Chair, the returning officer must declare the nominated candidate to be elected.
- (29) If there are two or more nominations for election of the Chair and Deputy Chair, the returning officer must conduct a poll of members of the Student Representative Committee by secret ballot.
- (30) At a poll for the election of the Chair or Deputy Chair each member of the Student Representative Committee is entitled to cast a vote for one of the candidates only.
- (31) When the poll is finished, the returning officer must count the number of votes cast at the poll for each candidate.
- (32) If one candidate has received more votes than any other, the returning officer must declare that candidate to be elected.
- (33) If two or more candidates receive an equal number of votes cast at the poll and no other candidate receives more votes than those candidates, the returning officer must conduct a further poll.
- (34) A further poll under clause 33 is to be conducted by secret ballot.
- (35) At a further poll each member of the Student Representative Committee is entitled to vote for one of the candidates who received an equal number of votes at the original poll.
- (36) The returning officer must count the number of votes cast for each candidate at the further poll and, if one candidate has received more votes than any other, the returning officer must declare that candidate to be elected.
- (37) If two or more candidates receive an equal number of votes cast at the further poll, and no other candidate

receives more votes at the further poll, the returning officer must decide by lot which of the candidates with an equal number of votes is to be declared elected. For that purpose, the returning officer:

- a. must write the names of the candidates concerned on similar slips of paper; and
- b. must fold the slips so as to prevent identification; and
- c. must mix the slips and draw one of them at random.

(38) The candidate whose name is drawn first following the procedure under clause 37 is to be declared elected.

(39) The election of the Chair is to be held first if both the Chair and the Deputy Chair are to be elected at the same meeting of the Student Representative Committee.

### **13 Conditions for holding office as Chair**

(40) It is a condition on which the Chair and the Deputy Chair each hold office that he or she retains the confidence of the Student Representative Committee.

(41) The Chair or the Deputy Chair (as the case may be) ceases to hold office as such if the Student Representative Committee resolves by resolutions passed by a majority of at least two thirds of the Student Representative Committee members present and entitled to vote that he or she does not have the confidence of the members.

(42) Upon the passing of a resolution of no confidence in accordance with clause 41, the office of the Chair or Deputy Chair (as the case may be) shall become vacant and the returning officer shall conduct an election for a new Chair or Deputy Chair (as the case may be) in accordance with this Rule.

### **14 Removal of member**

(43) The Student Representative Committee may remove a member from office for:

- a. conduct which brings the Student Representative Committee, the Student Senate, the University, the students or an associated student body in disrepute;
- b. disruptive or inappropriate behaviour at a meeting of the Student Representative Committee;
- c. a breach of these Rules.

(44) The removal from office may be effected only at a meeting of the Student Representative Committee of which notice (including notice of the motion that the member concerned be removed from office specifying the reasons for the motion) was duly given.

(45) The removal from office may be effected only if the motion for removal is supported by at least a two-thirds majority of the total number of members for the time being of the Student Representative Committee.

(46) The motion for removal must not be put to the vote of the meeting unless the member concerned has been given a reasonable opportunity to reply to the motion at the meeting, either orally or in writing.

(47) If the member to whom the motion for removal refers does not attend the meeting, a reasonable opportunity to reply to the motion is taken to have been given if notice of the meeting has been duly given.

### **15 Vacation of office**

(48) The office of a member of the Student Representative Committee becomes vacant if the member:

- a. dies;
- b. resigns the office by writing under his or her hand addressed to the Committee Secretary;

- c. is removed from office by the Student Representative Committee pursuant to section 14 of this Rule;
- d. is absent from three consecutive scheduled meetings of the Student Representative Committee of which reasonable notice has been given to the member personally or in the ordinary course of post or electronic communication; or
- e. ceases to be qualified for election.

(49) If the office of a member of the Student Representative Committee becomes vacant, a person shall be appointed or elected to fill the casual vacancy in accordance with this Rule.

## **16 General procedure**

(50) The procedure for the calling of meetings of the Student Representative Committee and for the conduct of business at those meetings shall be as set out in Division 5 of this Rule.

## **Division 3 Student Senate**

### **17 Establishment**

(51) There is a Charles Sturt University Student Senate.

### **18 Terms of Reference**

(52) The principal function of the Student Senate is to:

- a. identify, advance and promote the interest of all of the students of the University;
- b. promote the participation of students across the University in, and the consideration of, matters affecting their interests;
- c. consult with, and make representations to the Vice-Chancellor, Academic Senate and senior executive of the University on matters of interest or concern to the student body;
- d. support the effective operation of the Student Representative Committees;
- e. publish, from time to time, a journal, newsletter, newspaper or other publications to communicate to the students of the University;
- f. collate and forward the draft Annual Budgets from the Student Representative Committees and Student Senate for approval by the University Council;
- g. make recommendations on the allocation of income generated from the Student Special Funds Account for approval by the University Council;
- h. review and monitor the performance and administration of the approved Annual Budgets of the Student Representative Committees and Student Senate;
- i. ensure equity and fairness to all students of the University in decision making regardless of the category of student, mode of study or study location within the University;
- j. consult with the University on the development of rules, regulations, policies, procedures and guidelines relevant to the administration of funds and conduct of student activities;
- k. comply with, and ensure compliance with, the rules, regulations and policies of the University relevant to the administration of funds and conduct of activities;
- l. petition the Academic Senate on any matter affecting the teaching or discipline of the University; and
- m. petition the Vice-Chancellor on any matter affecting the students other than a matter affecting the teaching or discipline of the University.
- n. appoint students to the membership of University committees and bodies as required.

## **19 Membership**

(53) The Student Senate shall comprise two members from each of the Student Representative Committees appointed by resolution of the Student Representative Committee - for a term ending on the date on which the member's term as a member of the Student Representative Committee expires.

(54) Each member appointed by the Goulburn Student Representative Sub-Committee may appoint a member of the Student Senate as a proxy for the purpose of voting on motions of the Student Representative Committee. Notwithstanding any other provision of this Rule, a member appointed as a proxy may cast one vote in their own right and one vote on behalf of the member for whom they hold proxy.

(55) A document appointing a proxy under clause 54 must be in writing and signed by the relevant member and should direct the member appointed to exercise the proxy (hereafter the proxy) how to vote on each resolution on which the member is authorised as proxy to vote. Where a proxy is appointed in accordance with this clause, but a written direction is not made to the proxy with respect to a vote on a resolution, the proxy may vote as the proxy sees fit.

(56) A member will be deemed to have attended a meeting of the Student Representative Committee or the Student Senate where:

- a. the member is entitled to appoint a proxy under clause 54;
- b. the member appoints a proxy in accordance with clause 54; and
- c. the proxy attends the meeting in accordance with this Rule.

## **20 Election of President and Deputy President**

(57) The Student Senate shall elect from amongst its members a President and a Deputy President.

(58) The term of office of the President and Deputy President shall expire upon the election of a new President or Deputy President, notwithstanding the expiry of the term of a member holding that office.

(59) The returning officer may decide all matters relating to the procedure for the conduct of an election for the President and Deputy President under this Rule.

(60) Subject to this Rule, a decision of the returning officer relating to an election under this Rule, including a decision relating to the eligibility of a candidate or a voter, the conduct of the election or the result of an election, is final.

(61) An election to fill a vacancy in the office of President or Deputy President is to be held (where practicable):

- a. in the case of a vacancy that arises because of the expiration of the term of office of the previous office holders - at the first scheduled meeting of the new Student Senate after the election of new members; or
- b. in the case of a casual vacancy - at an ordinary or special meeting within 1 month after the vacancy arises.

(62) The returning officer must give to each member of the Student Senate at least 5 working days notice of an election to fill a vacancy in the office of President or Deputy President.

(63) A nomination for election as President or Deputy President:

- a. must be in writing, and
- b. must be signed by the nominee and 1 other member of the Student Senate; and
- c. must be delivered to the returning officer before the meeting of the Student Senate at which the election is to be held.



(64) The returning officer is to preside during any part of a meeting of the Student Senate at which an election of the President or Deputy President is to be held.

(65) No business other than the election of the President or Deputy President may be conducted at a meeting of the Student Senate while the returning officer is presiding.

(66) If there is only 1 nomination for election of the President or Deputy President, the returning officer must declare the nominated candidate to be elected.

(67) If there are 2 or more nominations for election of the President and Deputy President, the returning officer must conduct a poll of members of the Student Senate by secret ballot.

(68) At a poll for the election of the President or Deputy President each member of the Student Senate is entitled to cast a vote for 1 of the candidates only.

(69) When the poll is finished, the returning officer must count the number of votes cast at the poll for each candidate.

(70) If one candidate has received more votes than any other, the returning officer must declare that candidate to be elected.

(71) If two or more candidates receive an equal number of votes cast at the poll and no other candidate receives more votes than those candidates, the returning officer must conduct a further poll.

(72) A further poll under clause 71 is to be conducted by secret ballot.

(73) At a further poll each member of the Student Senate is entitled to vote for one of the candidates who received an equal number of votes at the original poll.

(74) The returning officer must count the number of votes cast for each candidate at the further poll and, if one candidate has received more votes than any other, the returning officer must declare that candidate to be elected.

(75) If two or more candidates receive an equal number of votes cast at the further poll, and no other candidate receives more votes at the further poll, the returning officer must decide by lot which of the candidates with an equal number of votes is to be declared elected. For that purpose, the returning officer:

- a. must write the names of the candidates concerned on similar slips of paper, and
- b. must fold the slips so as to prevent identification, and
- c. must mix the slips and draw one of them at random.

(76) The candidate whose name is drawn first following the procedure under clause 75 is to be declared elected.

(77) The election of the President is to be held first if both the President and the Deputy President are to be elected at the same meeting of the Student Senate.

## **21 Conditions for holding office as President and Deputy President**

(78) It is a condition on which the President and the Deputy President each hold office that he or she retains the confidence of the Student Senate.

(79) The President or the Deputy President (as the case may be) ceases to hold office as such if the Student Senate resolves by resolutions passed by a majority of at least two thirds of members present and entitled to vote at a scheduled meeting that he or she does not have the confidence of Student Senate.

(80) Upon the passing of a resolution of no confidence in accordance with clause 79, the office of the President or

Deputy President (as the case may be) shall become vacant and the returning officer shall conduct an election for a new President or Deputy President (as the case may be) in accordance with this Rule.

## **22 Role of President**

(81) The President is responsible for representing and promoting the interests of students to the University and the wider community.

(82) The President is also responsible for:

- a. providing leadership to the Student Senate;
- b. taking responsibility for the Student Senate's development and that of individual members,
- c. planning and conducting Student Senate meetings effectively;
- d. following up on actions or resolutions of the Student Senate;
- e. getting all members involved in the Student Senate's work;
- f. engaging the Student Senate in assessing and improving its performance;
- g. overseeing the induction and development of new members;
- h. liaising with the Vice-Chancellor and members of the senior executive (as the case may be) on material matters arising from the deliberations of the Student Senate including issuing invitations to members of the senior executive of the University to attend meetings of the Student Senate at least twice per year ;
- i. consulting with the University on the Annual Budget;
- j. consulting with the administrative staff responsible for day to day operation of the Annual Budget; and
- k. approving the agenda and minutes of the Student Senate.

(83) The President shall have a right to attend meetings of the University Council (except where the University Council meets in confidential session) and shall have the right to raise matters of interest to the student body.

## **23 Leave of the President**

(84) On application in writing to the appropriate Dean of Faculty, the President of the Student Senate may be granted leave of absence from a course for which he or she is enrolled.

(85) Notwithstanding any other Rule or regulation of the University, the President of the Student Senate shall be deemed to be an enrolled student of the University during any period of leave of absence granted under clause 84.

## **24 Vacation of office**

(86) The office of a member of the Student Senate becomes vacant if the member ceases to be a member of the Student Representative Committee.

(87) Where a member's office becomes vacant under clause 86 and the member also holds the office of President or Deputy President, the member ceases to hold that office as the case may be upon ceasing to be a member of the Student Representative Committee.

(88) Where the office of a member of the Student Senate becomes vacant, the Student Representative Committee shall appoint a member to replace the previous member for the remainder of the term of the previous member.

## **25 Advisory Sub-Committees**

(89) The Student Senate may establish advisory sub-committees to assist it in connection with the exercise of any of its functions.

(90) It is not necessary that members of advisory sub-committee be members of the Student Senate or Student

Representative Committees.

(91) The procedure for the calling of meetings of an advisory sub-committee and for the conduct of business at those meetings shall be as determined by the Student Senate.

## **26 General meeting procedure**

(92) The procedure for the calling of meetings of the Student Senate and for the conduct of business at those meetings are set out in Division 5 of this Rule.

## **Division 4 Election to the Student Representative Committee**

### **27 Operation of Division**

(93) This Division sets out the method of the election of members of the Student Representative Committees.

### **28 How election is to be conducted**

(94) An election is to be conducted by secret ballot using the preferential system of voting as prescribed by this Division.

(95) Nomination as a candidate for election and voting in an election conducted under this Division is voluntary.

### **29 Returning officer**

(96) Subject to this Rule, the returning officer may decide all matters relating to the procedure for the conduct of an election.

(97) A decision of the returning officer relating to an election, including a decision relating to the eligibility of a candidate or a voter, the conduct of the election or the result of an election, is final.

### **30 Rolls of electors**

(98) The returning officer is to prepare, at least one week before the close of nominations for an election, a Roll of Students for each campus of the University

(99) A person is entitled to have his or her name entered on the Roll of Students for a particular campus if that person is enrolled at that campus as a candidate proceeding to an award.

(100) A person is not entitled to have his or her name and address entered on more than one Roll of Students at the same time.

(101) Where a person is eligible to have his or her name on more than one Roll of Students at the same time, the returning officer may record the name of the person on the roll that the returning officer determines, in his or her absolute discretion, is the most appropriate in the circumstances.

(102) The returning officer must remove from a Roll of Students the name and address of a person on being satisfied that the person is no longer eligible to have his or her name and address entered on that roll.

### **31 Determination of enrolment campus**

(103) Each student, including students studying by distance education and international students studying at third party facilities, shall be deemed to be enrolled on one of the campuses for which a Student Representative Committee has been established.

(104) The campus location at which a student is deemed to be enrolled shall be determined by the Executive Director,

Student Administration, in accordance with ordinary University processes.

(105) For the purpose of an election under this Rule, a student shall not be eligible to vote, nominate or be a candidate in an election for more than one campus. A student enrolled in two or more courses of the University offered at different campuses will be deemed to be enrolled at the campus determined by the Executive Director, Student Administration from time to time.

### **32 Qualifications for candidates and voters**

(106) The qualification for election and voting for a member of a Student Representative Committee are that the student's name is currently entered on a Roll of Students at the close of nominations for the election.

### **33 Timing of election**

(107) An election for the members of a Committee that arises because of the expiration of the term of office of the current members must be held at least one month before the term of office of the current members expire.

(108) An election for the members of a Committee that arises because of a casual vacancy in the office of an individual member must be held no later than one month after the vacancy arises.

### **34 Publication of notices**

(109) Where an election for membership of the Student Representative Committee is necessary, the returning officer must publish a notice on the web site of the University and by electronic communication to each student.

(110) A notice referred to in clause 109 must:

- a. state that an election is necessary;
- b. specify the eligibility to vote and to nominate as a candidate for election,
- c. set out the number of vacancies to be filled;
- d. invite nominations for election;
- e. specify the form in which nominations are to be made; and
- f. prescribe the date and time by which nomination papers must be received by the returning officer.

(111) The notice may contain such other information relating to the election as the returning officer thinks fit.

### **35 Nomination of candidates for election**

(112) Subject to this Rule, the returning officer shall determine the form and method of nomination from time to time.

(113) A nomination paper must:

- a. be signed by two persons entitled to vote at the election for which the person is nominated as a candidate; and
- b. be endorsed with, or accompanied by, the written consent of the person being nominated.

(114) There is to be a separate nomination paper for each person nominated.

(115) The returning officer must reject a nomination paper if the returning officer is satisfied that:

- a. it is not made in accordance with this clause,
- b. the person nominated is not eligible to be elected; or
- c. the nomination is not received by the date and time prescribed by the returning officer.

### **36 Procedure after close of nominations**

(116) If the number of candidates duly nominated for an election is not more than the number of vacancies to be filled, the returning officer must declare the candidate or candidates to be elected.

(117) If the number of candidates duly nominated for an election is more than the number of vacancies to be filled, the returning officer must conduct an election to fill the vacancies. The election is to be conducted by secret ballot as prescribed by this Division.

### **37 Conduct of ballot of student members**

(118) If a poll is required for an election under this Rule, the returning officer is to arrange an on-campus poll.

(119) The returning officer is to arrange:

- a. for the poll to be held on the polling day, and
- b. for a poll officer to attend on that day at the polling places during the hours for polling specified in the notice of election for the purpose of issuing ballot papers to the electors.

### **38 Requirements for ballot papers**

(120) There shall be a separate ballot paper for each election on each campus.

(121) Where a group of candidates wish to run for election on a ticket, the returning officer will provide for candidates to nominate the ticket on the nomination form for election. The returning officer may decline to allow the use of a ticket where the naming of the ticket is offensive, contrary to law or likely to cause confusion among electors.

(122) All ballot papers must specify the full names of each of the candidates and, where specified in accordance with clause 121, the ticket on which the candidate is running. A ballot paper may also include another name by which the candidate is ordinarily known within the University in brackets below the candidate's full name. The returning officer may decline to include another name on the ballot paper where the returning officer is of the view that the inclusion of the name is offensive, contrary to law or likely to cause confusion among electors.

(123) The returning officer must arrange for the order in which those names are to appear on ballot papers to be decided by lot and for those names to appear on all ballot papers in that order.

(124) The returning officer must initial each ballot paper at the time it is issued.

### **39 How ballot paper is to be completed**

(125) An elector must cast a vote by placing the number "1" opposite the name of the candidate to whom the elector wishes to give the elector's first preference vote. The elector must then give contingent votes to the remaining candidates by placing the numbers "2", "3", "4" and so on, as the case requires, opposite the names of the other candidates so as to indicate unambiguously by numerical sequence the order of the elector's preference for those other candidates.

### **40 Procedure for voting by post**

(126) This clause applies to a postal ballot.

(127) Each elector must, after completing the postal ballot paper that was sent or delivered to the elector:

- a. enclose and seal that ballot paper in the envelope marked "Ballot Paper";
- b. enclose and seal that envelope in the envelope that is addressed to the returning officer, together with the

personal declaration; and

- c. send by post or deliver to the returning officer the envelope so addressed so as to ensure the returning officer will receive it not later than the close of ballot.

(128) However an elector may, instead of complying with clause 127, deposit the completed ballot paper in a ballot box at a polling place on polling day where a ballot box has been established for that election by the returning officer.

#### **41 Procedure for voting at on-campus ballot**

(129) This clause applies to an on-campus ballot.

(130) The returning officer shall issue a ballot paper on request to each student whose name appears on the Roll of Students and shall cross off the name of the student upon issue of the ballot paper.

(131) An elector who is issued with a ballot paper must, after completing the ballot paper, deposit the ballot paper in the ballot box provided for the purpose at the polling place.

(132) Such a ballot paper must be deposited in the presence of a poll officer and as soon as the elector has recorded his or her vote.

(133) A ballot paper received by a poll officer is, for the purposes of this Rule, taken to be sent or delivered to, or received by, the returning officer.

#### **42 Envelopes and ballot papers not to be opened**

(134) The returning officer must take all reasonable steps to ensure that all envelopes received by the officer remain unopened until the close of the poll concerned.

#### **43 Candidate may appoint scrutineer**

(135) Each candidate for election is entitled to nominate one scrutineer to be present at any counting of votes.

(136) A person is qualified to be appointed as a scrutineer at an election only if the person is eligible to vote in that election.

(137) A candidate for election is not eligible to be appointed as a scrutineer at the election.

(138) Candidates must nominate a scrutineer at least 5 days prior to the time and date advised by the returning officer for the counting of the vote. The scrutineer (if any) is responsible for attending the place for the counting of the vote at the time and date advised by the returning officer. The returning officer shall not delay a count solely because a scrutineer is not present.

#### **44 Determination of election result where only one candidate is to be elected**

(139) In this clause, absolute majority of votes means a number greater than one half of the total number of formal ballot papers counted.

(140) If at an election only one candidate is to be elected, the method of counting votes is as provided by this clause.

(141) The total number of first preference votes given to each candidate must be counted.

(142) If at the election a candidate has an absolute majority of votes, the returning officer must declare the candidate to be elected. However, if at the election no candidate has an absolute majority of votes, then:

- a. the candidate who has the fewest votes must be excluded, and

- b. each ballot paper allocated to the excluded candidate must be reallocated to the continuing candidate next in order of the elector's preference.

(143) The returning officer must then conduct a second count. If any candidate then has an absolute majority of votes, the returning officer must declare the candidate to be elected. However, if no candidate then has an absolute majority of votes, the processes of:

- a. excluding the candidate who has the fewest votes, and
- b. allocating each voting paper counted to the excluded candidate to the continuing candidate next in order of the elector's preference, and
- c. conducting a further count,

must be repeated until one candidate has an absolute majority of votes. The returning officer must then declare that candidate to be elected.

(144) If, after any count other than the final count, two or more candidates have an equal number of votes and one such candidate has to be excluded, the returning officer must determine by lot which of them is to be excluded. The determination by lot is to be conducted as follows:

- a. the name of each of the candidates is to be written on separate and similar slips of paper,
- b. those slips must then be folded so as to prevent identification,
- c. those slips are then to be mixed and one slip is to be drawn at random,
- d. the candidate whose name is drawn is to be excluded.

(145) If, at the stage when only two continuing candidates remain, those candidates have an equal number of votes, the returning officer must determine by lot which of them must be elected. The determination by lot is to be conducted as follows:

- a. the name of each candidate concerned is to be written on separate and similar slips of paper,
- b. the slips must then be folded so as to prevent identification,
- c. those slips are then to be mixed and one slip is to be drawn at random,
- d. the candidate whose name is drawn is to be elected.

(146) The candidate so elected is taken to have received an additional vote.

#### **45 Determination of election result where more than one candidate is to be elected**

(147) If at an election more than one candidate is to be elected, the method of counting votes is as provided by this clause.

(148) The returning officer must count the total number of first preference votes given to each candidate.

(149) The candidate who has the fewest votes must then be excluded.

(150) If the number of continuing candidates is then equal to the number to be elected, the returning officer must declare those continuing candidates to be elected. However, if the number of continuing candidates is greater than the number to be elected, each ballot paper allocated to the excluded candidate must be reallocated to the continuing candidate next in order of the elector's preference.

(151) The returning officer must then carry out a second count.

(152) The candidate who has the fewest votes must then be excluded. If the number of continuing candidates is then

equal to the number to be elected, the returning officer must declare those continuing candidates to be elected. However, if the number of continuing candidates is still greater than the number to be elected, the processes of:

- a. allocating the continuing candidate next in order of the elector's preference, and
- b. conducting a further count, and
- c. excluding the candidate who has the fewest votes,

must be repeated until the number of continuing candidates is equal to the number to be elected. The returning officer must then declare those continuing candidates to be elected.

(153) If, after any count, two or more candidates have an equal number of votes and one of those candidates has to be excluded, the returning officer must determine by lot which of them is to be excluded. The determination by lot is to be conducted as follows:

- a. the name of each of the candidates is to be written on separate and similar slips of paper,
- b. those slips must then be folded so as to prevent identification,
- c. those slips are then to be mixed and one slip is to be drawn at random,
- d. the candidate whose name is drawn is to be excluded.

#### **46 Votes not to be disclosed**

(154) A person must not in any way disclose or aid in disclosing the manner in which any voter has voted.

#### **47 Withdrawal, death or ineligibility of candidate**

(155) If, before the close of nominations, a candidate withdraws his or her nomination, the candidate's name should be removed from the ballot paper (if practicable).

(156) If, before the declaration of the poll for an election, a candidate at the election dies, becomes no longer eligible for election or withdraws his or her nomination (and it was not practicable to remove the candidate's name from the ballot paper), the election is to proceed as if:

- a. the candidate had not been nominated for election, and
- b. that candidate's name had not been included on the ballot papers printed for the election, and
- c. any vote for that candidate had not been cast.

#### **48 Procedure where no candidate nominates for election**

(157) If, at the close of nominations for an election, no candidates nominate for election or less candidates nominate than there are available positions, the returning officer may:

- a. extend the date for close of nominations and call for further nominations; or
- b. continue with the conduct of the election and declare those positions not filled to be a casual vacancy in which case section 50 of this Rule shall apply.

#### **49 Election not invalidated because of certain errors**

(158) An election is not invalid only because:

- a. at the close of nominations or on polling day, the name of a person who is entitled to have his or her name entered on a Roll of Students is omitted from that roll;
- b. a ballot paper has not been issued to a person whose name is eligible to be entered on the relevant Roll of



Students but the name has not been so entered;

- c. a person whose name is on a Roll of Students did not receive a ballot paper or did not see a notice of election;
- d. an objection to a decision of the returning officer regarding the designation of a campus for a student;
- e. such a person's vote has not been accepted at the election,
- f. any or all of the documents referred to in this Rule were not issued to a person eligible to cast a postal ballot,
- g. a person eligible to vote at an on-campus poll did not see or receive any available candidate's statements; or
- h. a person eligible to vote did not see a notice required to be sent under this Rule.

(159) A candidate who is aggrieved by a decision of the returning officer under this clause may lodge a complaint in writing to the Dispute Resolution Panel. The Dispute Resolution Panel will determine any complaint in accordance with this Rule. The Dispute Resolution Panel may validate an election, notwithstanding a failure to comply with the procedures set out under this Rule, where it forms the view that this is fair and reasonable in all the circumstances.

### **50 Filling of casual vacancies after an election**

(160) After the exercise of the procedures in section 48 of this Rule, if there is a casual vacancy in the office of a member arising from less candidates nominating than available positions, the returning officer shall refer the matter to the first scheduled meeting of the new Student Representative Committee.

(161) The Student Representative Committee may, by resolution:

- a. request the returning officer to conduct a further poll for the vacant positions in accordance with the procedures set out in this Rule for elections; or
- b. appoint a person who is qualified to hold that office to hold the office of that member for the residue of the term.

### **51 Filling of casual vacancy during term**

(162) If there is a casual vacancy in the office of a member during the term of a Student Representative Committee the returning officer must, if that person consents, appoint the runner up in the most recent election for that position to hold the office of that member for the residue of the term.

(163) If the office cannot be filled in accordance with clause 162 the Student Representative Committee must appoint a person who is qualified to hold that office to hold the office of that member for the residue of the term.

(164) In this clause:

- a. runner up in an election means the person who, in the vote counting process at the election, was the last remaining candidate for election aside from the person or persons declared elected.

### **52 Electronic voting**

(165) The returning officer may conduct an election under this Division by electronic voting.

(166) Where the returning officer determines to conduct an election by electronic voting, the requirements set out in this Division apply only to the extent practicable to the conduct of an election by this method.

## **Division 5 Meeting Procedure**

### **53 Application**

(167) This Division applies to meetings of the Student Senate and Student Representative Committees.

(168) For the purpose of this Division, a reference to:

- a. Committee shall include the Student Representative Committee and Student Senate.
- b. Chair shall mean the President in respect of the Student Senate and the Chair in respect of the Student Representative Committees.
- c. Deputy Chair shall mean the Deputy President in respect of the Student Senate and the Deputy Chair in respect of the Student Representative Committees.

#### **54 Scheduled Meetings**

(169) The Committee shall hold at least 4 scheduled meetings each year at a time and date to be determined by resolution of the Committee.

#### **55 Meeting timetable**

(170) The Committee will determine by resolution the time and date of meetings from time to time.

#### **56 Quorum**

(171) At any meeting of the Committee, a majority of the total number of current representatives for the time being of the Committee constitutes a quorum.

#### **57 Voting**

(172) Except as otherwise provided in this Rule, a resolution supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.

#### **58 Committee Secretary to be appointed**

(173) The Committee shall appoint, by resolution, one of their members to be the Committee Secretary.

#### **59 Committee Secretary to give notice of ordinary meetings**

(174) The Committee Secretary must (where practicable) send a notice of the date, time and place of each scheduled meeting to each member of a Committee, and the Executive Director, Student Services, at least five working days before the meeting in the form of an agenda.

(175) A Committee Secretary must call for agenda items from members of the Committee, and such persons with a right to audience and debate, at least 10 days prior to the scheduled meeting.

(176) A notice under clause 174 or 175 may be sent to the electronic address provided by the member for that purpose.

(177) The agenda is to be accompanied by a copy of the business papers for the meeting and any relevant supporting documents.

(178) Notice of a meeting is not required to be given to a member where that member:

- a. has been given leave of absence by the Chair of the Committee; or
- b. is absent from Australia and has not provided the Committee Secretary with an electronic address at which that member may be given notice, or
- c. has not otherwise provided the Committee Secretary with an electronic address at which that member may be given notice.

## **60 Special meetings of the committee**

(179) The Committee Secretary must convene a special meeting of a committee for the consideration of urgent business on receipt of a written request to do so from:

- a. the Chair, or
- b. at least three members of the Committee; or
- c. the Executive Director, Student Services; or
- d. the Vice-Chancellor.

(180) A request under clause 179 is to specify the purpose of the meeting, the items to be considered and any business papers to be considered at the meeting (if any).

(181) The date of the special meeting convened under clause 179 is to be a date as soon as reasonably practicable after the request to hold the meeting is made.

## **61 Right of Audience and Debate**

(182) The:

- a. Executive Director, Student Services;
- b. Executive Director, Financial Services;
- c. University Secretary;
- d. Vice-Chancellor;
- e. Student Support Officer assigned responsibility by the University for the campus; and
- f. the student members of the University Council appointed under section 9 (1) (f) of the Act;

shall have a right to attend and be heard at any meeting of the Committee (right of audience and debate).

## **62 Form of meeting**

(183) The Committee will ordinarily meet together for the dispatch of its business.

## **63 Use of technology in meetings**

(184) The Chair may approve:

- a. the convening or holding of a committee meeting using technology, or
- b. the attendance of a member of members of a committee at a meeting using technology.

(185) Notwithstanding clause 184, a member who is a distance education student or an international student outside Australia or a member with a disability or a member with a reasonable basis for not being able to attend a meeting in person shall have a right to attend meetings using technology and the Chair shall not decline a reasonable request in these cases.

(186) The contemporaneous linking together of members sufficient to constitute a quorum using technology constitutes a meeting of the members and the rules relating to meetings of members apply, so far as they are able to, to that meeting.

(187) A member participating in a meeting using technology is to be considered present in person at the meeting.

(188) A meeting using technology is to be taken to be held at the place determined by the chair of the meeting

provided that at least one member was present at that place for the duration of the meeting.

(189) A member may not leave a meeting using technology by disconnecting his or her link to the meeting unless that member has previously notified the chair.

(190) A member is conclusively presumed to have been present and to have formed part of a quorum at all times during a meeting using technology unless that member has previously obtained the express consent of the chair to leave the meeting.

#### **64 Standing over of unfinished business**

(191) If, at a meeting of a Committee, a quorum is not present:

- a. within half an hour after the time fixed for the meeting, or
- b. within such further time as the chair may reasonably allow,

all business that should have been transacted at the meeting is to be stood over until the next ordinary meeting, and is to take precedence at that meeting, unless a special meeting is convened in the meantime for the transaction of that business.

#### **65 Adjournment of meetings**

(192) The Committee may, by resolution, adjourn a meeting of the Committee to a later time or date or to the same or another place.

#### **66 Motions to be put to the meeting**

(193) A motion submitted by a member of the Committee and seconded by another member of the Committee in accordance with this Rule will be put to the meeting by the Chair.

#### **67 Voting procedures**

(194) At any meeting of a Committee a motion put to the vote of the meeting will be decided on the voices unless a member requests a vote by show of hands prior to, or immediately after, the taking of the vote.

(195) Where a vote is requested by show of hands under clause 194, the Chair shall put the proposed resolution to a vote by show of hands.

(196) The Chair will declare whether a vote is carried or lost.

(197) A motion carried by a majority of the Committee present and eligible to vote shall become a resolution of the Committee.

(198) Members who vote against the motion, or abstain from voting, must bring their vote to the attention of the Secretary at the time the vote is taken to ensure that their vote is recorded accurately into the official minutes.

(199) An entry into the official minutes as to the vote cast by members will be sufficient evidence of that fact without a requirement for further proof.

(200) No objection may be made to the validity of any vote except at the meeting at which the vote is tendered, and every vote not disallowed at that meeting is valid for all purposes.

#### **68 Casting vote**

(201) If on any motion an equal number of votes are cast for and against a motion, the Chair has a casting vote in

addition to any vote cast by the Chair as a member.

(202) Where only two members are present and form a quorum or when only two members present are able to vote on the question at issue, the Chair does not have a casting vote and the proposal must be laid on the table until the next scheduled meeting of the Committee.

(203) A motion lapses if the person presiding declines to exercise a casting vote when the votes for and against the motion are equal.

### **69 Secretary to keep official minutes**

(204) The Committee Secretary will keep the official minutes of each meeting of a Committee.

(205) The official minutes shall record:

- a. attendance at the meeting;
- b. each motion;
- c. whether the motion was carried or lost;
- d. any member who voted against the motion;
- e. any member who abstained from voting; and
- f. a concise summary of the deliberations of the Committee on relevant issues.

(206) A member will be deemed to have abstained from voting on a motion if:

- a. the member was in attendance at the meeting, but was granted express approval from the chair to be absent during that part of the meeting at which the vote was taken, or
- b. the member requests that their abstention to be noted.

### **70 Confirmation of official minutes**

(207) Within a reasonable time after the end of each meeting, the Committee Secretary shall prepare the draft official minutes of the meeting for approval by the Chair.

(208) After approval by the Chair under clause 207 the unconfirmed minutes will be included on the agenda of the next meeting of the Committee for confirmation by the members.

(209) Upon confirmation by the members, the chair of the next Committee meeting must sign the minutes.

(210) The confirmed minutes shall be conclusive evidence of the business of the meeting.

### **71 Publication of agendas and official minutes**

(211) Confirmation of the minutes of the previous meeting will be on the agenda of the following meeting.

(212) A copy of the agenda and confirmed minutes of the Committee shall be forwarded to:

- a. the Executive Director, Student Services;
- b. the Finance Manager, Student Services; and
- c. the Student Support Officer designated by the University as responsible for the campus;

at the same time as they are sent to the members.

## **72 Private and confidential matters**

(213) The Committee and its members must comply with the requirements of the Privacy and Personal Information Act 1988, the Health Records and Information Privacy Act 2002, their common law obligations of confidentiality and all University rules, regulations, policies, plans and procedures relating to the management of private and confidential information.

(214) The Committee Secretary shall ensure that private and confidential matters (such as references to individual named persons) are recorded in a separate confidential agenda and minute and are not published on the University's intranet for staff and students.

## **73 Meetings in-camera**

(215) The Chair shall move a meeting 'in-camera' at the request of any two members supported by a majority of members for the discussion of matters pertaining to the private and personal information of an individual.

(216) Persons who are not members of the Committee shall not remain for discussions held in-camera except at the invitation of the Chair.

(217) The Committee Secretary shall not record matters discussed in-camera unless approved by the majority of members at the meeting.

## **74 Attendance at Meetings**

(218) Attendance at meetings by persons other than members and the persons specified in section 61 of this Rule shall be restricted to students of Charles Sturt University. All other attendees shall be at the discretion of the Chair.

(219) The Chair shall close a meeting to persons other than members for the discussion of matters listed by the Committee Secretary as private or confidential or "in camera".

## **Division 6 Student Representation**

### **75 Procedures for appointment to University bodies**

(220) Except as provided in the Act and By-law, where a policy, procedure or academic regulation of the University refers to a requirement for the appointment of a student from the former Student Associations to a body of the University, an appointment of a student by the Student Senate shall be accepted in satisfaction of this requirement.

(221) The University Council and Academic Senate may, by resolution, determine from time to time the entitlement to student representation and how student representatives are to be selected and appointed to any body of the University.

## **Division 7 Student Special Funds Account**

### **76 Student Special Funds Account**

(222) The University shall establish a Student Special Funds Account to hold the net assets of the former Student Associations.

(223) The Student Special Funds Account may be invested together with other University funds.

(224) No part of the Student Special Funds Account shall be appropriated for any other purpose except as provided in this Rule.

(225) The University will contribute each year to the Student Special Fund Account an amount equal to CPI for the

preceding year.

(226) The University will allocate an amount equal to 8% interest on the net value of the Student Special Funds Account on the 1 January each year, after allocation of CPI under clause 225, to fund the annual operation of the Student Representative Committees and Student Senate.

(227) The University will provide to the Student Senate and the Student Representative Committees a statement of account setting out the pro rata distribution of the interest payable under clause 226 based on the net value of assets contributed to the Student Special Funds Account by each of the former Student Associations.

### **77 Allocation of Annual Funding**

(228) Upon receipt of the statement of account under section 76 of this Rule, the Student Senate shall advise each of the Student Representative Committees of their budget allocation for the coming year.

(229) Notwithstanding clause 228, the Student Senate may, prior to the allocation of budgets to the Student Representative Committees:

- a. deduct from the total interest payable under clause 227 an amount not greater than 2% to cover the annual operating expenses of the Student Senate; and
- b. by a resolution of 2/3 of the members present and eligible to vote allocate interest payable under clause 227 to:
  - i. fund cross-institutional activities; and
  - ii. development activities for a Student Representative Committee.

(230) After allocation of funds under clause 229, the remaining funds will be allocated to the Student Representative Committees based on the net value of assets contributed to the Student Special Funds Account by each of the former Student Associations.

### **78 Preparation of draft budget by Student Representative Committee**

(231) Upon receipt of the budget allocation from the Student Senate, the Student Representative Committees will prepare a draft Annual Budget for the expenditure of funds.

(232) The draft Annual Budget shall not exceed the funds allocated by the Student Senate.

(233) The Student Representative Committee may approve the allocation of funds consistent with the functions of the Committee set out in section 9 of this Rule.

(234) Nothing in clause 233 shall prevent the Student Representative Committee from allocating funds to meet its reasonable operational expenses.

### **79 Budget and Expenditure Guidelines**

(235) The University Council may approve policies, procedures and guidelines for the preparation of Annual Budgets and the expenditure of funds under this Rule (including compliance with the Public Finance and Audit Act 1983) that shall be binding on the Student Representative Committees and Student Senate.

### **80 Finance Manager, Student Services to assist in budget preparation**

(236) The Finance Manager, Student Services shall assist each Student Representative Committee and the Student Senate in the preparation of a budget in the form required by the University.

## **81 Submission of draft Annual budgets**

(237) The Student Representative Committees will send to the Student Senate the draft Annual budgets for collation and submission to the University Council no later than the last day in October each year.

## **82 Approval of Annual budgets**

(238) The University Council may approve the Annual Budget for the Student Representative Committees and Student Senate if satisfied that:

- a. the draft Annual budget is consistent with the functions of the Student Representative Committee as set out in section 9 of this Rule;
- b. the allocation for the Student Senate (if any) is reasonable to meet its operational expenses; and
- c. any other allocation (if any) is consistent with the functions of the Student Senate under section 18 of this Rule.

## **83 Allocation of University Facilities**

(239) The University may charge, and the Student Representative Committees and/or the Student Senate will be responsible for paying, a fee for the allocation or use of any facilities or service as determined by the University from time to time (excluding accommodation).

## **Division 8 Complaints**

### **84 Lodgement**

(240) A complaint may be lodged under this Rule regarding a Student Representative Committee or the Student Senate (or a member thereof) by:

- a. a student of the University;
- b. a member of the staff of the University; or
- c. a member of the public.

(241) Except as provided in this Rule, complaints shall be lodged with the President of the Student Senate in the first instance.

(242) A complaint lodged by a member of the public shall be referred to, and dealt with, by the Executive Director, Student Services in accordance with the policies and procedures of the University. The Executive Director shall, in investigating, making findings and determining appropriate action with respect to a complaint under this clause, have all the powers of the Dispute Resolution Panel under section 87 of this Rule.

(243) The Student Senate shall establish a policy and procedure for the management of complaints lodged with the President under clause 241 consistent with the University's Complaints Policy and Procedure and this Rule shall publish this on the web site of the University.

### **85 Complaints to Executive Director, Student Services**

(244) Where a complaint cannot be resolved under the complaint management policy and procedures approved by the Student Senate, or where it is not appropriate for the complaint to be lodged through this mechanism, a complaint may be lodged to the Executive Director, Student Services.

(245) Complaints shall be lodged using the form determined by the Executive Director, Student Services, from time to time.

(246) The Executive Director, Student Services, may:



- a. refer the matter to the President of the Student Senate (where it has not been previously considered under the complaint management procedures of the Student Senate and it is appropriate to do so);
- b. investigate and seek to resolve the complaint;
- c. refer the complaint to the Dispute Resolution Panel; or
- d. decline the complaint.

## **86 Declining complaints**

(247) The Executive Director, Student Services may decline a complaint at any time where he or she forms the view that:

- a. it is lodged more than six months after the matters subject of complaint;
- b. it is principally concerned with matters of student policy or politics;
- c. the matter has been appropriately dealt with by the Student Senate;
- d. it can more appropriately be dealt with by an external agency; or
- e. it is frivolous, vexatious, misconceived or lacking in substance.

## **87 Dispute Resolution Panel**

(248) Where a complaint cannot be resolved by the Executive Director, Student Services, the complaint must be referred to the Dispute Resolution Panel.

(249) The Dispute Resolution Panel shall comprise:

- a. the University Secretary, who shall be Chair;
- b. the Executive Director, Financial Services; and
- c. a student member of the University Council under section 9 (1) (f) of the Act appointed by the University Secretary (or in the absence of a student member willing or able to serve, another member of the University Council).

(250) The Chair of the Dispute Resolution Panel shall determine the procedures for the investigation and determination of the complaint consistent with the principles of natural justice and procedural fairness.

(251) The Dispute Resolution Panel may make any finding it deems appropriate and determine the any action to be taken, or sanction to be imposed, on the relevant body in response to the complaint.

(252) A decision of the Dispute Resolution Panel shall be by a majority and shall be final.

## **88 Reserve Powers**

(253) Notwithstanding any other provision of this Rule, the Student Representative Committees and Student Senate remain subject at all times to the control, direction and discipline of the Vice-Chancellor.

(254) The Vice-Chancellor may, at any time, appoint the University Auditor or an external auditor to carry out an investigation into alleged financial, electoral or other governance irregularities concerning a Student Representative Committee or the Student Senate and which the Vice-Chancellor believes may be of a serious nature.

(255) Any investigation under clause 254 must be reported to the University Secretary for notification to the University Council at its next scheduled meeting.

(256) Members of Student Representative Committee and Student Senate must provide any person appointed under clause 254 with all such information and documentation required.

(257) Upon completion of the investigation, a report shall be submitted to the Vice-Chancellor and University Secretary setting out the findings and any recommendations.

(258) The Vice-Chancellor may take any one or more of the following actions having regard to that report and/or recommendations submitted under clause 257:

- a. appoint, for a specified temporary period, a person to undertake the ongoing monitoring and appraisal of the relevant Student Representative Committee or Student Senate — such person to perform such duties and have such rights as may be determined by the Vice-Chancellor notwithstanding any other provision of this Rule; or
- b. direct the carrying out of a fresh election for all or any office bearers of the Student Representative Committee and/or Student Senate; or
- c. implement such other steps which take account of the findings or recommendation of the investigation.

(259) The Executive Committee of the University Council may exercise the authority granted to the Vice-Chancellor under clause 258 without requirement for an investigation where, in the opinion of the Executive Committee of the University Council, there is prima facie evidence of:

- a. serious irregularities in the administration or governance of a Student Representative Committee and/or Student Senate;
- b. a serious failure to comply with an obligation under this Rule; or
- c. engagement in conduct that brings the University into serious disrepute or exposes the University to substantial liability.

(260) A decision of the Executive Committee of the University Council under clause 259 shall be final.

## **Division 9 Miscellaneous**

### **89 Role of Finance Manager, Student Services**

(261) In supporting the operation of the Student Senate and Student Representative Committees, the Executive Director, Student Services will appoint staff to relevant student groups who shall:

- a. provide advice and recommendations with respect to the governance, financial arrangements and administration of the Student Senate and Student Representative Committees;
- b. obtain information from the University that is necessary for the decision-making of the Student Senate or Student Representative Committees (subject to any privacy or confidentiality obligations of the University);
- c. provide advice to the Student Senate and Student Representative Committees on matters relating to the University's and their legal, financial and procedural obligations;
- d. liaise with the Division of Financial Services; and
- e. provide guidance on the duties and responsibilities of members.

### **90 Payment of Honoraria**

(262) Members of the Student Representative Committee and Student Senate may be reimbursed for expenses incurred in the performance of their functions on presentation of receipts in the form determined by the University from time to time.

(263) A Student Representative Committee and the Student Senate may approve the payment of an honoraria with respect to members or officeholders of that Student Representative Committee or Student Senate.

(264) Unless otherwise approved by resolution of the University Council, an honoraria approved under clause 263 may be paid on the following terms:

- a. for a Chair of a Student Representative Committee or President of the Student Senate - \$10.00 per hour for a maximum of 40 hours per month;
- b. for a Deputy Chair of a Student Representative Committee or Deputy President of the Student Senate - \$10.00 per hour for a maximum of 30 hours per month;
- c. for an officeholder of a Student Representative Committee or Student Senate - \$10.00 per hour for a maximum of 20 hours per month;
- d. for a student appointed to edit or produce publications - an amount not greater than the amount provided under clause 264a on a per issue basis.

(265) The amounts specified in clause 264a-c may be changed on 1 January each year by an amount equal to CPI for the preceding year.

(266) Where an honoraria is paid under this clause, claims must be submitted to the next schedule meeting of the Student Representative Committee or Student Senate including a written report detailing the work completed and length of time taken.

(267) Payments approved under this clause shall be paid from the funds allocated to the Student Representative Committee or Student Senate approving the payment from the Annual Budget.

(268) Payments shall not be approved that exceed the Annual Budget for that year.

(269) Recipients of a payment under this clause shall be solely responsible for obtaining relevant advice on the receipt of payments, including with respect to taxation, and shall be solely liable for any claim, action or liability arising there from.

(270) Payment of reimbursement or honoraria under this Rule shall be made to the claimant and not to any other person.

(271) A claimant may not claim an honoraria more than once (for example, where an officeholder holds more than one office with respect to a Student Representative Committee or Student Senate).

## **91 Amendment to Rule**

(272) Without limiting the rule amending authority of the University Council under the Act, this Rule may also be amended after a request approved by a majority of the Student Senate.

(273) A request under clause 272 will be in writing specifying the amendments to be made and the purpose of the amendments.

(274) A request under clause 273 will be submitted to the Executive Director, Student Services for referral to the University Secretary. The Executive Director, Student Services, may consult with the Student Senate on the terms and purpose of the amendment.

(275) Upon receipt of a request from the Executive Director, Student Services, the University Secretary will prepare a draft of the proposed amendments to give affect to the changes requested by the Student Senate, including engaging in negotiations (if necessary) to give affect to the changes proposed by the Student Senate.

(276) Where, in the opinion of the University Secretary, a proposed amendment is contrary to the best interests of the University or the law, the University Secretary may defer the drafting of the amendments and refer the request to the University Council for consideration. The University Council will invite the President of the Student Senate and one other delegate as nominated by the Student Senate to present his or her case for the amendments. A decision of the University Council on a request shall be final.

(277) Where the University Secretary is satisfied under clause 275, or otherwise approved by the University Council under clause 276, the University Secretary will prepare a recommendation containing the proposed amendments to the University Council for consideration. The University Council may take such action as it deems appropriate, having due regard to the purpose for which the Rule has been established and the law, including:

- a. approve the amendments,
- b. approve the amendments with variations,
- c. approve the amendments in part, or
- d. decline to approve the amendments.

(278) A decision of the University Council under clause 277 shall be final.

## **92 Use of University Logo or Name**

(279) Any use of the name of the University, its logos or trade marks must be authorised under the University's Policy on the Use of the University Name and Logo from time to time.

## **93 Publications**

(280) A reference in this clause to a Committee includes the Student Senate and the Student Representative Committees.

(281) The Committee may appoint a person or persons as responsible, on behalf of the Committee, for the approval of publications of the Committee.

(282) A decision by a person validly appointed under clause 281 shall be deemed to be a decision of the Committee.

(283) Notwithstanding an appointment under clause 281, the Committee will be accountable for each publication authorised by the Committee, or on behalf of the Committee, including but not limited to:

- a. ensuring that no publication contains any defamatory, vilifying or otherwise unlawful or actionable material; and
- b. ensuring that each publication complies with the relevant obligations of the University, including without limitation relevant privacy laws, fair trading laws, copyright laws, intellectual property laws, discrimination laws and trade practices laws.

(284) The Committee, or a person appointed by the Committee under clause 281, is under a good faith obligation to obtain appropriate legal advice where it is reasonable to believe that a publication may be unlawful, actionable or otherwise in breach of this Rule.

(285) The University Secretary may, where he or she forms the view that a publication may be in breach of this Rule, the law or the best interests of the University, prohibit the publication.

(286) The Executive Director, Student Services, or University Secretary may direct the Committee to withdraw any publication that, in their individual opinions, are in contravention of this Rule, the law or the best interests of the University.

(287) A publication will not be deemed to be against the interests of the University solely because the publication is critical of the University, its management or programs.

## **94 Public Comment**

(288) The Student Senate and Student Representative Committee, or any member thereof, shall not make any public comment for, or on behalf of, the University under any circumstances.

(289) The Student Senate and Student Representative Committee may make public comment on behalf of the Student Senate and Student Representative Committee (as the case may be) subject to the law.

### **95 Rule against commercial activities**

(290) The Student Representative Committees and Student Senate will not:

- a. open any banking account;
- b. invest any monies of the body;
- c. borrow any money;
- d. employ any person;
- e. enter into any agreement, contract or legal undertaking;
- f. buy, sell, lease, rent or deal in any manner with land or property;
- g. engage in any commercial activity (either in its own right or through a third party) including without limitation any charitable fundraising activity or activity involving the sale for a fee of goods or services without the prior approval of the Executive Director, Student Services in accordance with the Act.

(291) Notwithstanding clause 290, the Executive Director, Student Services may approve Guidelines for Student Events and Related Activities from time to time.

(292) In approving the Guidelines for Student Events and Related Matters, the Executive Director, Student Services, will consult with the Student Senate.

(293) The Guidelines for Student Events and Related Activities will include:

- a. an agreed calendar of student events and activities;
- b. the distribution of income after costs between the University and Student Special Funds Account established under section 76 of this Rule; and
- c. such other matters as may be determined from time to time relating to student events and activities.

(294) The Student Senate may request amendments to the Guidelines for Student Events and Related Activities from time to time.

### **96 Association of student bodies**

(295) The Student Representative Committees and Student Senate may approve the association of any club, society or body operated by and for students of the University to the Student Representative Committees or Student Senate in accordance with Guidelines approved by the Executive Director, Student Services after consultation with the Student Senate.

(296) A student club, society or body approved for association under clause 295 is eligible to apply for, and receive, funding by way of grant from the Student Representative Committee or Student Senate to promote the development of the activities for which the club, society or body have been approved. Funding shall not be provided to any club, society or body for which association has not been approved under this clause.

(297) Association under this clause does not confer on the club, society or body any status or authority within of the University except as may be provided in the Guidelines.

(298) Clubs, societies and bodies approved under this clause shall comply with the Guidelines approved under clause 295 in the control and management of any grant and the conduct of their activities.

## **97 Liability of members**

(299) Except as provided in clause 268 or otherwise in this Rule, no matter or thing done or omitted to be done by:

- a. a Student Representative Committee;
- b. the Student Senate;

(300) shall, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this Rule, subject a member of the Student Representative Committee or the Student Senate personally to any action, liability, claim or demand.

## **98 Rule against requiring membership of student organisation or payment of certain amounts**

(301) In accordance with section 19-37 of the Higher Education Support Act 2003 nothing in this Rule shall require any person to:

- a. be or to become a member of an organisation of students, or of students and other persons; or
- b. pay to the University or any other entity an amount in respect of an organisation of students, or of students and other persons.

## **Division 10 Transitional provisions**

### **99 Elections**

(302) For the purpose of the first election of Student Representative Committees under this Rule, the election shall occur within 12 months of the commencement of this Rule.

(303) Until elections are conducted in accordance with clause 301, the current elected student members of the former Student Associations with respect to each campus will be the members of the Student Representative Committees with respect to the same campus. The President and Vice-President (with respect to the Rivcoll Student Representative Committee, the Vice-President (Publications)) of the former Student Associations will be the Chair and Deputy Chair of the Student Representative Committees respectively.

(304) In the conduct of the first election under this Rule, students elected to a Student Representative Committee shall be divided by the returning officer into two classes as nearly equal in number as practicable based on the order in which the student is elected (the students first elected to be in the first class and the students last elected to be in the second class).

(305) The places of the members of the second class shall become vacant one year after the date of commencement of the term of office and the places of those of the first class shall become vacant two years after the date of commencement of the term of office and afterwards the places of members shall be vacant at the expiration of 2 years from the beginning of their term of office in accordance with section 11 of this Rule.

(306) The returning officer will ensure that elections for all Student Representative Committees will be held on the same date on each campus of the University with effect from 2010. Notwithstanding clause 16, the returning officer may reduce the term of a member elected under this Rule to less than 2 years where it is necessary to give effect to the requirements of this clause.

(307) The returning officer may suspend the operation of Division 4 and clauses 303-305 of this Rule with respect to an election on a particular campus to allow for the conduct of elections in accordance with the rules, by-laws or processes of a former Student Association for a period up to 31 December 2009 where after the provisions of Division 4 and clauses 303-305 shall apply. Notwithstanding any provision of the rules, by-laws or processes of the former Student Association, the returning officer and poll officers (or equivalent officers) shall be the returning officer under

this Rule. A decision of the returning officer under the rules, by-laws or processes of the former Student Association shall be final. An election conducted under the rules, by-laws or processes of the former Student Association shall not be invalidated only because of an error made by the returning officer.

### **100 Transition Working Group**

(308) There will be a Transition Working Group which will operate for at least 24 months from the date of commencement of this Rule to consult on the introduction of this Rule, the transition of student services, consider proposals and make recommendations to the University.

(309) The Transition Working Group will comprise:

- a. the Executive Director, Student Services or nominee;
- b. the Executive Director, Financial Services or nominee;
- c. up to three University officers appointed by the Executive Director, Student Services from time to time; and
- d. the President of the Student Senate; and
- e. the Deputy President of the Student Senate; and
- f. up to three other members of the Student Senate as may be appointed by the President from time to time.

(310) The Transition Working Group will aim to meet, where practicable, every two months.

(311) Matters to be raised at meetings of the Transition Working Group will be submitted to the Executive Director, Student Services, at least ten working days prior to the scheduled meeting.

### **101 Review**

(312) The Transition Working Group established under section 100 of this Rule will review clause 229a no later than 31 October 2007 and make recommendations, if required, to the University.

### **102 Guidelines for Student Events and Related Activities**

(313) The Executive Director, Student Services, will cause to be approved Guidelines for Student Events and Related Activities under clause 291 upon commencement of this Rule.

### **103 Repeals**

(314) Clause 229, 230 and 306 are repealed with affect from 31 December 2009.

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	24th May 2014
<b>Review Date</b>	24th January 2015
<b>Approval Authority</b>	University Council
<b>Approval Date</b>	24th May 2014
<b>Expiry Date</b>	8th January 2015
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