

Council Elections Procedures

Date of adoption: 26 February 2024

Date this issue: 27 February 2024

1. Purpose

This procedure sets out the process by which Staff Members will be elected to the Council in accordance with clause 7 of the Council Membership Statute.

2. Definitions

Academic Staff	Means persons employed at the University in a position which the Vice-Chancellor has determined forms part of the academic staff of the University.
Act	Means the Education and Training Act 2020.
Council	Means the Council of the Auckland University of Technology -Te Wānanga Aronui o Tāmaki Makau Rau.
Constitution	Means the Constitution of the Council as published in the Gazette from time to time.
Eligible Elector	A Staff Member as at the time of the relevant election.
General Staff	Means is employed at the University in a position which the Vice Chancellor has determined forms part of the General Staff of the University.
Nomination Form	A form of nomination to stand as a candidate as set out in Appendix A.
Permanent Member	As defined in section 10(1) of the Act in relation to the teaching or general staff ¹ of the University, a member of staff who: <ul style="list-style-type: none">(a) is employed, on a full-time or part-time basis, for a period ending, unless sooner terminated, on the member's resignation or retirement; or(b) has been employed, on a full-time or part-time basis, whether under an employment agreement for a fixed term or otherwise, for at least 3 months; or(c) has been employed, on a full-time or part-time basis, whether under an employment agreement for a fixed term or otherwise, for less than 3 months and whose employment is, in the opinion

¹ The University uses the terms academic staff and allied/professional staff rather than teaching staff or general staff as used in the Education and Training Act 2020.

of the Vice Chancellor, likely to continue for at least 3 months from the date of commencement of that employment.

Returning Officer	The Secretary to Council or such other person as the Council appoints.
University	Means Auckland University of Technology - Te Wānanga Aronui o Tāmaki Makau Rau

3. Notice of Election

- 3.1 Whenever an election is to be held in accordance with clause 7 of the Council Membership Statute the Returning Officer will notify the election within the University in such University communications, as the Returning Officer may require.
- 3.2 A notice of election must include:
- (a) The name of the election;
 - (b) The number of positions to be filled;
 - (c) A call for nomination of candidates;
 - (d) The timing for the election as determined by the Returning Officer, including:
 - (i) the day and hour by which nominations must be received (which must be at least 7 calendar days from the date of the notice);
 - (ii) the day on which the election will begin (which must be at least 10 calendar days from the date of the notice); and
 - (iii) the day and hour on which voting will close.
 - b) That the method of voting will be electronic;
 - c) Criteria for eligibility of electors and candidates;
 - d) The contact details of the Returning Officer to which all correspondence relating to the election must be addressed.

4 Candidates

- 4.1 A potential candidate or nominee must complete a Nomination Form. After a nomination has been accepted, the candidate will be requested to submit a personal statement.
- 4.2 All candidates must return their personal statement to the Returning Officer by the day and time specified in the notice of election.
- 4.3 The Nomination Form must:
- (a) Be in the format specified by the Returning Officer;
- 4.4 The personal statement must:
- (a) Not be more than 200 words;
 - (b) Comply with any restrictions on content and format determined by the Returning Officer;
 - (c) Include information about the candidate that is relevant, accurate and fair; and
 - (d) Relates only to the candidate.
- 4.5 The Returning Officer will acknowledge receipt of each completed Nomination Form and personal statement in such manner as they see fit.

- 4.6 The Returning Officer may allow a candidate who has submitted a Nomination Form and/or personal statement that does not comply with the requirements to revise and resubmit to comply with these requirements.
- 4.7 The Returning Officer may reject any Nomination Form and/or personal statement:
 - (a) Which is incomplete; or
 - (b) Does not meet the above requirements; or
 - (c) Is submitted by a person who is not an eligible candidate; or
 - (d) Not received by the day and time specified in the notice of election.
- 4.8 Where a nomination or candidacy is rejected, the Returning Officer must in writing notify the person who submitted the notice and provide reasons for the rejection.

5 Withdrawal of candidacy

- 5.1 A candidate may withdraw his or her candidacy by notice in writing to the Returning Officer.
- 5.2 A candidate will be deemed to have withdrawn if he or she dies or becomes incapacitated to such an extent that he or she is unable to participate in the election.
- 5.3 Where a candidate has withdrawn in accordance with clauses 5.1 or 5.2, the Returning Officer will take reasonable steps to notify Eligible Electors and, if the voting process permits, remove the candidate's name from the election.
- 5.4 Any vote cast for a withdrawn candidate is void.
- 5.5 If, by the withdrawal of a candidate the number of candidates does not exceed the number of vacancies to be filled, clause 6 of this Procedure will apply.

6 Where Number of Candidates does not exceed Vacancies

- 6.1 If the number of candidates received does not exceed the number of vacancies to be filled, the Returning Officer must, as soon as practicable after the nomination notice closing date, declare the candidate selected by giving notice in such University publications as the Returning Officer sees fit that the candidate has been elected in accordance with this Procedure.
- 6.2 The Returning Officer will notify the Council so that the Council can appoint that candidate to Council in accordance with the Council Membership Statute.

7 Where Number of Candidates Exceeds Vacancies

- 7.1 If the number of candidates exceeds the number of vacancies to be filled, the Returning Officer will notify within the University:
 - (a) The day or days on which the election will be held;
 - (b) The names of the candidates; and
 - (c) Send to the University email address of each eligible elector: instructions for voting; and
 - (d) The personal statement for each candidate.

8 Campaigning

- 8.1 The Returning Officer may publish such rules as they consider appropriate to ensure the fair conduct of the election and of campaigning in connection with the election.

- 8.2 Without limitation, such rules may include restrictions on the mode and timing of campaigning, and on the amounts that may be spent in campaigning by or on behalf of any candidate.
- 8.3 Where a breach of any published rule has been established in respect of the candidacy of any candidate and the Returning Officer is satisfied that the breach may have, or may have had, a material effect on the outcome of the election he or she may declare that candidacy or the entire election to be invalid.
- 8.4 Any candidate affected by a declaration of the Returning Officer under Clause 8.3 may appeal the matter by giving written notice to the Vice-Chancellor within 10 days of the Returning Officer's decision. Upon such notice being given, the Vice-Chancellor shall appoint an Appeals Board of the University Council. The Appeals Board being free to regulate its own procedure and determine the appeal as it thinks fit. Unless the Appeals Board otherwise directs, the decision of the Returning Officer shall continue in effect until the appeal is finally determined.

9 Counting of Votes

- 9.1 Votes are tallied electronically as soon as reasonably practicable after the close of voting in the manner determined by the Returning Officer.
- 9.2 Where there is an equality of votes between eligible candidates, the Returning Officer will determine by lot which candidate will be declared elected.

10 Result of election The Returning Officer will, as soon as is reasonably practicable after the close of

voting:

- (a) Inform all candidates of the election results. The Returning Officer will inform candidates of their votes received, and their votes in relation to the winning candidate only.
- (b) Notify the result of the election within the University, giving the name or names of the highest polling candidate and the number of votes gained by each candidate;
- (c) Notify the Council of the highest polling candidate (or candidates if there is more than one vacancy) so that the Council can appoint that candidate or those candidates to Council in accordance with the Council Membership Statute.

11 Re-run

- 11.1 Where an online election fails to give the final result or the result is incorrect due to a technical reason, the Returning Officer may decide to re-run the election.
- 11.2 A re-run must be carried out as soon as reasonably practicable, by such means as the Returning Officer sees fit.
- 11.3 Where the Returning Officer directs a re-run, candidates must be notified of the necessity of a re-run and it must follow the same process as the original election.

12 Recount

- 12.1 Any candidate or person who voted at an election may, by notice in writing delivered to the Returning Officer within 7 calendar days from the closing of the poll for that election, require a recount of the votes cast at the election.

12.2 The Returning Officer, together with another person appointed by the Council, will conduct a recount of the votes cast at the election as soon as practicable following receipt of a notice under clause 12.1.

12.3 On the completion of a recount, the Returning Officer will notify the result of the recount in the same manner as the result was notified under clause 10.

13 Equality of votes

13.1 Where two or more candidates get an equal number of votes, the Returning Officer must determine by lot, in the presence of the Chancellor or some other Member of the Council, which candidate will be declared elected.

14 Decisions of the Returning Officer

14.1 The decisions of the Returning Officer on all questions concerning an election governed by this procedure shall be final.

14.2 The Returning Officer shall have the general power to settle any question that may arise under this Statute and for which no provision is made.

15 Destruction/deletion of votes

15.1 The Returning Officer is to arrange for all records of electors' votes to be destroyed or deleted in a manner which ensures that the confidentiality of voting information is preserved, no earlier than:

- (a) Three months after the declaration of the result of an election; or
- (b) If the Returning Officer has directed an election re-run, three months after the Returning Officer has declared the results of the re-run;

Whichever is the later.

Related Documents

Education and Training Act 2020

Council Membership Statute