

**ELECTORAL (2020)**

**RMIT Student Union  
REGULATIONS**

Approved by SUC 20 August 2020

# Contents

<b>SECTION 6:</b>	<b>ELECTORAL</b> .....	<b>39</b>
Section 6.1	Applicability .....	39
Section 6.2	Conduct of Elections .....	39
Section 6.3	Appointment of Returning Officer(s) and Deputy Returning Officer(s) .....	40
Section 6.4	Duties of Returning Officer(s) and Deputy Returning Officer(s) .....	40
Section 6.5	Polling & Polling Platform .....	41
Section 6.6	Nominations .....	41
Section 6.7	Verification of eligibility .....	44
Section 6.8	Policy statements and Photographs .....	44
Section 6.9	Candidates Publicity Material: .....	45
Section 6.10	Campaign Assistants .....	46
Section 6.11	Official Publicity .....	47
Section 6.12	Student Union Publications and the elections .....	48
Section 6.13	Voting Procedure .....	48
Section 6.14	Election Resources .....	51
Section 6.15	Declaration of the Poll .....	52
Section 6.16	Disputes .....	53
Section 6.17	SUC appeals committee .....	54
Section 6.18	Forbidden Practices .....	56
Section 6.19	Discipline .....	57
Section 6.20	Defamation .....	57
Section 6.21	Indemnity .....	57
Section 6.22	Definitions and abbreviations .....	57

## SECTION 6: ELECTORAL Regulations for RUSU 2020 Annual Elections (Covid-19 Impacted Elections)

Section 6.1	Applicability
6.1.1	These Regulations apply to the 2020 Student Union Annual Elections and NUS delegate elections. These Regulations replace Section 6 of the RUSU Regulations specifically for the 2020 elections impacted by and held remotely due to COVID-19.
Section 6.2	Conduct of Elections
6.2.1	Student Union Council Elections
	All Elections shall be held according to the rules laid down in the Constitution (with the variations noted at the RUSU AGM to enable remote elections to be held in 2020), and these Regulations.
6.2.2	National Union of Students Delegate Elections
	Election of NUS delegates shall be conducted in conjunction with the Annual Student Union elections and in accordance with provisions of the NUS Constitution and regulations and the RMIT Student Union Constitution (with the variations noted at the RUSU AGM to enable

remote elections to be held in 2020) and these Regulations.

**Section 6.3 Appointment of Returning Officer and Deputy Returning Officer(s)**

- 6.3.1 The Returning Officer is to be appointed by the SUC at least four (4) weeks before the election.
- 6.3.2 The Returning Officer may appoint (and remove) Deputy Returning Officers
- 6.3.3 Deputy Returning Officers are subject to the direction of and have duties determined by the Returning Officer.
- 6.3.4 The Returning Officer and Deputy Returning Officers, must not be candidates, elected representatives, or campaign assistants.
- 6.3.5 The Returning Officer may delegate any responsibilities to the Deputy Returning Officers and where required (and consistent with contractual requirements) to the appointed online election platform provider.

**Section 6.4 Duties of Returning Officer and Deputy Returning Officer(s)**

**6.4.1 The Returning Officer shall:**

- 6.4.1.1 Be responsible for the conduct of the elections;
- 6.4.1.2 Ensure that the elections of the SUC are conducted in accordance with these Regulations and the Constitution;
- 6.4.1.3 Advertise the opening and closing of nominations;
- 6.4.1.4 Advertise the polling times and electronic voting process and encourage students to vote;
- 6.4.1.5 Provide clear written instructions to and hold information sessions for all candidates and candidate assistants. Organise the publication of the official election publication and candidate materials/speeches as per these regulations
- 6.4.1.6 Authorises all candidates' and Team campaign material;
- 6.4.1.7 Engage with the Student Union staff and resources for the purposes of administering the elections;
- 6.4.1.8 Keep a register of all material authorised, including time and date of receipt and authorisation; and
- 6.4.1.9 Direct the Deputy Returning Officer(s) to complete tasks as required.

**6.4.2 The Deputy Returning Officer(s);**

Shall undertake all duties directed by the Returning Officer, consistent with these Regulations and the Constitution.

**Section 6.5 Polling & Polling Platform**

- 6.5.1 Polling shall be via an independent electronic voting platform, with polls accessible to all eligible students.
- 6.5.2 The independent polling platform provider is to be appointed by the SUC at least four (4) weeks before the election.

- 6.5.3 Electronic polling shall be open for no less than five (5) consecutive days for Annual Elections.
- 6.5.4 The Returning Officer shall advertise the hours of opening and process to access the online voting platform.
- 6.5.5 The Returning Officer shall publicise an appropriate contact point for students who have queries about how to access the voting platform or who experience technical difficulties accessing the platform. The Returning Officer shall respond to such enquiries promptly.

## .Section 6.6 Nominations

### 6.6.1 Notification

- 6.6.1.1 Notification of nomination period dates and how to access and complete nomination forms shall be as per section 11.2 of the Constitution, noting that the official notice board shall be the official RUSU website.
- 6.6.1.2 Each student enquiring about or submitting a nomination form shall be provided with a copy of the Election Regulations and section 11 of the Constitution (and the official notice of variations to section 11 of the constitution required to enable the election to be held remotely and in accordance with the direction of the Chief Health Officer and Victorian Government restrictions). They shall be provided with written instructions from the Returning Officer outlining key issues related to electoral conduct, health and safety requirements, expenditure and consequences for breaches of electoral rules. Both may be provided electronically.

### 6.6.2 Nomination Forms

- 6.6.2.1 Nomination forms shall be electronically submitted and in the form determined by the Returning Officer providing that as a minimum the following information is:
  - 6.6.2.1.1 Provided:
    - a) Process to lodge a Nomination Form,
    - b) Returning Officer contact details
    - c) Closing time of nominations
    - d) Advice about how confirmation of receipt and approval of nomination by the Returning Officer will be provided.
  - 6.6.2.1.2 Requested:
    - a) Position Candidate is being nominated for
    - b) Candidates - name, address, student email address, phone number, campus, course, student number, RUSU financial membership status and electronic signature (or alternative verification method approved by the Returning Officer)

- c) Nominators (2 nominators required)- name, address, student email address, phone number, campus, course, student number, RUSU financial membership status and signature (or alternative verification method approved by the Returning Officer
- d) Where applicable, the registered team name
- e) In the case of candidates for the Indigenous Officer position, permission to verify eligibility.

6.6.2.2 Candidates shall sign a declaration, which shall be part of the nomination form, prior to the nomination being accepted, that they will abide by the RMIT Student Code of Conduct, the Constitution, these Regulations, State Government coronavirus restrictions and directions of the Returning Officer. This declaration shall include an acknowledgement that they may be required to undergo probity checks where and as they are defined in the Regulations and Constitution.

6.6.2.3 Candidates must sign a declaration confirming that they intend to be an enrolled RMIT student for the duration of the term of office (if elected).

### 6.6.3 Nomination of candidates:

6.6.3.1 Candidate nominations must be completed on the official nomination form as prescribed by the Returning Officer as per section 6.6.2 of these regulations.

6.6.3.2 Candidates must use only one nomination form per position

6.6.3.3 Candidates must include their name, address, student email address, phone number, signature (or alternative verification method approved by the Returning Officer) and student number, campus, course, evidence of Student Union financial membership and team name if running in a team.

6.6.3.4 Candidates must be nominated and seconded by students who are current financial members of the RMIT Student Union and are eligible to vote for the position that they are nominating a candidate for.

6.6.3.5 Nominators and Seconders must include their names, address, student email address, phone number, campus, student number, evidence of Student Union financial membership and signature (or alternative verification method approved by the Returning Officer)

6.6.3.6 No candidates may nominate or second themselves

6.6.3.7 The Returning Officer may require appropriate evidence from a candidate of their enrolment and Student Union financial membership if their eligibility cannot be verified by other means. Candidates, nominators and seconders authorise the Returning Officer to contact RMIT University to confirm details of student enrolment if required.

### 6.6.4 Registration of Electoral Teams

6.6.4.1 If a number of students wish to stand for election on a common platform,

they may apply to register a team name with the Returning Officer. For a team to be approved by the Returning Officer it must consist of a minimum of eight (8) valid candidates for positions on the Student Union Council by the close of nominations.

6.6.4.2 In the case of the election of Catalyst editors a minimum of 2 individuals may form a Team.

6.6.4.3 In the case of the election of NUS delegates a minimum of 2 individuals may form a Team.

6.6.4.4 Applications for team regulations shall close 48 hours prior to the close of nominations and shall include:

- a) The name of the team (to be no longer than five words) and any abbreviation thereof;
- b) The logo and colour scheme, if any, to be used by the team;
- c) Two registering officers for the team who shall be the contact points between the team and Election Officials. They must be a candidate for that team and a current financial member of the Student Union.

6.6.4.5 The application must contain the name, contact details, student number and signatures of at least twenty-five (25) current RMIT students who endorse the team and who must be current financial members of the Student Union.

6.6.4.6 No student may endorse (via signature or approved electronic verification) more than one team application and no candidate standing on a team may sign an application for a different team.

6.6.4.7 When a team is registered the Returning Officer must post the details of the team name, logo, colour scheme on the official election notice board (RUSU Website) within 24 hours (on business days) of the registration application being received.

6.6.4.8 Team names must not include the name of a club or society affiliated with the Student Union or any RMIT Student Life or RMIT University Club, Collective or Society.

6.6.4.9 If the proposed name of a team includes the name of a team used in any RMIT election in the past three years,

a) The application must include the consent of the team's most recent registering officer,

b) If the consent of the team's most recent registering officer has been gained, the use of the name may be disputed by other candidates. A dispute to the right to use the name must be made in writing to the Returning Officer and must outline clearly why the use of the name would be misleading or confusing to voters or misrepresentative. The written dispute must be made by a candidate running in the current election and have the signed support of at least one candidate who previously ran as a candidate under the team name being disputed. The dispute must be lodged within 24 hours (business days) of the team name being posted in official channels by the Returning Officer as per 6.6.4.7. If the Returning Officer finds that the dispute has merit, then they may refuse to register the team name to any team for the elections and shall give the team that registered the name the option of choosing another name.

6.6.4.10 The Returning Officer may refuse to register a team name, that is misleading, offensive, or that is so similar to another proposed team name or names as potentially to cause confusion amongst voters and shall give the applicant the option of choosing another name.

6.6.4.11 The Returning Officer may refuse to register a team logo or colour scheme that is misleading, offensive, or that is so similar to another proposed team logo or colour scheme as potentially to cause confusion amongst voters and shall give the applicant the option of choosing another team logo or colour scheme.

6.6.4.12 If a team name is proposed by more than one applicant, the team who first submitted the name shall be approved, all other criteria being in order as determined by the Returning Officer, and the other applicant shall be given the option of choosing another name.

6.6.4.13 The Returning Officer must afford the same rights and responsibilities to all teams.

6.6.4.14 Each candidate standing on a team must include an acknowledgement (with their nomination form) of their affiliation with the team, confirmed by a registering officer of the team.

6.6.4.15 A candidate may not stand on more than one team in the same ballot. This does not prevent other candidates or teams supporting the candidature of that candidate in election material.

6.6.4.16 Ballot papers must display the team a candidate is standing on, if any, adjacent to that candidate's name.

6.6.4.17 No candidate or group of candidates shall use the logo, colour scheme or name, or any such part thereof as may be misleading, of another electoral team that has been duly registered by the Returning Officer.

6.6.4.18 Registering officer/s of a Team may submit a Statement of Distribution of Preferences, clearly outlining the distribution of preferences for each ballot paper for when voters vote for that team as per 6.13.1.3 b. The form of this statement shall be in the form prescribed by the Returning Officer.

6.6.4.19 The Returning Officer shall display the Statement of Distribution of Preferences with the election information on the RUSU Website within 24 hours of receiving them.

## Section 6.7 Verification of eligibility

6.7.1 The Returning Officer must verify that each person who has been nominated or who has nominated or seconded a student is eligible to do so no later than 5 pm one (1) academic day after the close of nominations;

6.7.2 Candidates for the position of Indigenous Officer must identify as Indigenous. This means that they must meet three recognised forms of identification of Aboriginal or Torres Strait Islander heritage. These are:

- a. being of Aboriginal or Torres Strait Islander descent
- b. identifying as an Aboriginal or Torres Strait Islander person
- c. being accepted as such by the community in which they live, or formerly lived.

The Returning Officer will verify the above at the time of nomination through the contact designated by the Ngarara Willim Centre.

## Section 6.8 Policy statements and Photographs

6.8.1 Candidates and teams may submit a policy statement and photos at the time of submitting nomination forms.

6.8.2 No policy statement or photo will be accepted after the close of nominations, without the specific approval of the Returning Officer.

6.8.3 No policy statement shall be accepted if it is in breach of section 6.18 of these regulations

6.8.4 Where candidates and Teams choose to submit policy statements, they shall be as follows;

6.8.4.1 The registering officer of a duly registered team may submit a policy statement of no more than 400 words.

6.8.4.2 Candidates for all positions may submit a policy statement of no more than 200 words.

6.8.4.3 Short digital video clip – no more than 90 seconds for individual candidates and no more than 3 minutes for a Team.

6.8.5 The Returning Officer may specify an electronic format or formats in which the statements, photographs and digital video clip shall be submitted.

English translations must be made available to the Returning Officer of all policy statements or parts thereof produced in languages other than English prior to them being authorised for inclusion.

## Section 6.9 Candidates Publicity Material:

### 6.9.1 Forms of Publicity

6.9.1.1 Allowable publicity material shall include:

- a) Printed material
- b) Banners
- c) E-mails
- d) T shirts, badges
- e) Authorised digital video clips
- f) Profile frames and digital images
- g) Social media pages and posts as authorised by the Returning Officer. Publicity is not permitted on Twitter or any dating sites or apps.

6.9.1.2 Sponsored social media posts and other forms of paid online advertising are not permitted.

6.9.1.3 Allowable publicity material shall be subject to these Regulations and the discretion of the Returning Officer.

### 6.9.2 Authorisation

6.9.2.1 All candidate publicity material must be authorised by the Returning Officer prior to production, distribution, or broadcast.

6.9.2.2 The Returning Officer may, at their discretion, provide proposed election material to other teams (via the Team Registering Officer) or individual candidates as part of the approval process. This process should be only undertaken where the materials make claims, which are about other teams or candidates. The final decision about if the material should be approved rests with the Returning Officer.

6.9.2.3 English translations must be made available to the Returning Officer



of all material produced in languages other than English and a reasonable time allowed for any verification deemed necessary to ensure that it does not breach section 6.18 of these regulations, prior to them being authorised for distribution

- 6.9.2.4 Candidates may submit material for authorisation immediately following the close of nominations as per section 11.2 of the Constitution.
- 6.9.2.5 All material must be authorised by either a candidate or one of the Team's registering officers. All material must include the name and student number of the candidate or registering officer.
- 6.9.2.6 The Returning Officer shall not divulge material submitted for authorisation to any other candidate until it has been authorised, unless permitted by clause 6.9.2.2.
- 6.9.2.7 The Returning Officer shall authorise all material as soon as practical after receiving the material or shall ensure authorisation within twenty-four (24) hours of receipt, during business hours, unless subject the process of clause 6.9.2.2
- 6.9.2.8 Material must display the authorisation of the Returning Officer
- 6.9.2.9 The Returning Officer may refuse to authorise any material submitted by a candidate for broadcast, printing as a policy statement, posting or distribution if the Returning Officer believes it contains a statement which if published would breach section 6.18 of these regulations.

### 6.9.3 Distribution

- 6.9.3.1 Candidates advertising shall be restricted by normal University Regulations and in the case of e-mail University and Internet Service Providers Rules, Regulations and policy.
- 6.9.3.2 The Returning officer may make rules to regulate the distribution of campaign material.
- 6.9.3.3 Candidates may use e-mail in the distribution of election material provided that:
  - a) all material is authorised;
  - b) it does not involve email bombing or email spamming;
  - c) no email lists that are not accessible to all students, including self-generated email lists, are used;
  - d) information on any emails sent, including how the email address was obtained, is retained and provided to the Returning Officer if requested; and
  - e) emails are not sent from official RUSU and RMIT Student Life Clubs and Collective accounts or RMIT MATES accounts.

### Section 6.10 Campaign Assistants

- 6.10.1 Any person that campaigns on behalf of a candidate or a team shall be considered to be a Campaign Assistant. Campaign Assistants must be currently enrolled students attending RMIT.
- 6.10.2 Any candidate or team benefitting from the actions of non-RMIT students may be subject to disciplinary action by the Returning Officer.

6.10.3 Campaign Assistants shall be invited to attend an online training session held by the Returning Officer regarding conduct during an election.

6.10.4 Candidates and/or teams remain responsible for any actions of Campaign Assistants.

#### Section 6.11 Official Publicity

6.11.1 For Annual Elections, the Returning Officer (or nominee) shall edit and supervise the layout of a special online election publication to be available on the RUSU website prior to the opening of the polling and which shall contain:

6.11.1.1 An explanation of how to vote, the voting systems, and voting period.

6.11.1.2 Explanation of the role and structure of the Student Union.

6.11.1.3 Where submitted, a bona fide photograph and policy statement of each candidate and Team.

6.11.1.4 Any other material the Returning Officer deems appropriate.

6.11.1.5 The order of appearance of individual candidates in the election issue shall be the same as that in the ballot paper. The order of appearance of 'Teams' will be determined by lot drawn by the Returning Officer.

6.11.1.6 The Returning Officer may organise a section of the RMIT Student Union website where Official Publicity and team Statements of Distribution of Preferences shall be advertised.

6.11.1.7 The Returning Officer may adopt any other reasonable method of acquainting the electors with the policies of the Candidates and Teams. This may include approval for short digital video clips of candidate speeches or official candidate interviews.

6.11.1.8 The Returning Officer shall liaise with the RUSU Communications department regarding RUSU promotion of the election among the student body.

#### Section 6.12 Student Union Publications and the elections

6.12.1 The use of Student Union or university resources or facilities not available to all students for the purposes of campaigning is prohibited, unless a specific exception is made by the Returning Officer, with all candidates notified of the exception.

6.12.2 All publications and correspondence of the Student Union, departments and Clubs and Societies must at all times appear to be neutral on matters relating to any election and/or candidate or electoral team in any election. All candidates and campaign assistants must be made aware of this requirements as part of the candidate briefing provided by the Returning Officer

#### Section 6.13 Voting Procedure

## 6.13.1

### General

- 6.13.1.1 Voting shall be by secret ballot, via an independent online voting platform.
- 6.13.1.2 For the election of the Office Bearers and General Representatives, the Ballot Papers shall be substantially in the form determined by the Returning Officer, except that:
- a) The Order of the Ballot shall be as prescribed in section 11.4 in the Constitution, in as far as this can be practically accommodated by the online voting platform.
  - b) The positions of General Secretary, Education Officer, Welfare Officer, Activities Officer, Sustainability Officer, Clubs and Societies Officer, Queer Officer, and Indigenous Officer shall be on the same ballot paper.
  - c) There shall be a list of each team that has submitted a valid statement of distribution of preferences and has completed a valid application to be set out as a team on all applicable Ballot Papers. This list shall be above the list of positions and candidates, with empty boxes adjacent to all team names, and with instructions that give effect to the method of casting a team vote as per section 6.13.1.3 b).
- 6.13.1.3 A voter may cast their vote by:
- a) Placing the number 1 against (or otherwise indicating clear preference for) the name of the candidate of first preference and consecutively higher numbers against the name of as many other candidates of lower preference in order as they wish for each position to be elected; or
  - b) Placing the number 1 against (or otherwise indicating clear preference for) the name of a Team.
- 6.13.1.4 Where a voter has cast their vote as per both 6.13.1.3 a) and 6.13.1.3 b), they shall be deemed to have voted in accordance with 6.13.1.3 a) and not 6.13.1.3 b).
- 6.13.1.5 The method of all elections shall be by optional preferential ballot and the method of counting and distribution of votes shall be by the proportional representation count, as outlined in the current edition of N.E. Renton, 'Guide for Voluntary Associations'.
- 6.13.1.6 A voter who has voted for a team in accordance with 6.13.1.3 b) is deemed to have voted as per that team's statement of distribution of preferences, as per 6.6.4.18.

## 6.13.2

### Online voting platform

- 6.13.2.1 RUSU shall engage an independent contractor to provide an online voting platform for the purposes of the conduct of the ballot.
- 6.13.2.2 Once engaged the contact point for the online voting platform provider shall be the officially appointed Returning Officer and their appointed

Deputy Returning Officer(s).

- 6.13.2.3 The Returning Officer shall monitor the online voting platform dashboard and address any issues that may arise during the conduct of the elections.
- 6.13.2.4 The online voting platform shall be accessible to prospective voters for the duration of the election period.
- 6.13.2.5 Where there are any complaints regarding voting on the platform these shall be submitted to the Returning Officer, who shall have discretion to address the complaint or if required to escalate the matter to the online polling platform provider.

## Section 6.14 Election Resources

### 6.14.1 All candidates

- 6.14.1.1 All Candidate election material must be authorised by the Returning Officer prior to production, distribution or broadcast.
- 6.14.1.2 Candidates cannot incur any expenditure in relation to an election or use any resources unless authorised by the Returning Officer.
- 6.14.1.3 No person who is not a Candidate shall incur or cause to be incurred any expenditure in relation an election without the written permission of the Candidate and any such expenditure made shall be attributed to the Candidate unless the Candidate satisfies the Returning Officer or Appeals Board.
- 6.14.1.4 No funds may be expended, incurred, or cause to have incurred, by any candidate unless authorised by the Returning Officer

### 6.14.2 Candidates for SUC Positions

- 6.14.2.1 Original material shall be submitted to and once authorised by the Returning Officer can be produced or distributed.
- 6.14.2.2 Each Candidate not affiliated with a ticket for a Student Union position, as per section 5.1.1-.1.16 of the may spend up to seventy five (\$75) dollars of Student Union funds for election materials including printing or production of campaign material. Each Candidate not affiliated with a ticket for a Student Union position, as per section SUC 5.1.17-5.1.22 of the Constitution may spend up to forty (\$40) dollars of Student Union funds for election materials following authorisation of the Returning Officer.
- 6.14.2.3 Should eight (8) or more candidates run as a team for SUC positions they may spend up to a maximum of six hundred (\$600) dollars of Student Union funds for election campaign materials, plus an additional forty dollars (\$40) per candidate on the ticket - following authorisation of the Returning Officer
- 6.14.2.4 Candidates for Catalyst – may spend up to one hundred (\$100) dollars of Student Union funds for election materials following

authorisation of the Returning Officer

6.14.25 Should Candidates or Teams wish to spend funds as specified in section 6.14.2.2, 6.14.2.3 and 6.14.2.4 of these regulations they must submit a budget containing details of proposed expenditure and if required accompanying quotes to the Returning Officer no less than 3 academic days prior to the first day of polling. If the Returning Officer is satisfied that Candidates will not exceed the spending limit the Returning Officer shall authorise the expenditure. Upon presentation of a receipt/s, within a reasonable time frame, which correspond with the authorised budget, the Returning Officer shall organise reimbursement within two (2) weeks. Candidates who exceed the spending limit shall be subject to disciplinary action and shall not be reimbursed above the set limit.

6.14.3 Candidates for NUS positions

6.14.4.1 Individual Candidates for NUS delegate positions shall be eligible to spend up to thirty (\$30) dollars of Student Union funds for election materials following authorisation of the Returning Officer.

6.14.4.2 Should two (2) or more Candidates run as a team for NUS delegate positions, they shall be eligible shall be eligible to spend up to eighty (\$80) dollars of Student Union funds for election materials following authorisation of the Returning Officer.

6.14.4.3 Original material shall be submitted to and once authorised the Returning Officer

6.14.4.4 Where teams are running for both SUC and NUS positions they shall be entitled only for whichever allocation is larger, not the combination.

Section 6.15 Declaration of the Poll

6.15.1 The Returning Officer shall announce the voting figures on the RUSU website within twenty-four (24) hours of the electronic elections results report being verified by the Returning Officer

Section 6.16 Disputes

6.16.1 Pursuant to section 11.2.14 of the Constitution “*Any claim of a breach of the Election Regulations must be presented to the Returning Officer within five (5) days of the declaration of the poll, must be in writing and must be supported by at least two (2) members of the Student Union.*” The objection must clearly state the facts and grounds for the objection and must ask for some specific action to be taken.

6.16.2 Upon receipt of a claim, the Returning Officer has three (3) options available to them:

- (i) Dismiss the matter;
- (ii) Uphold the complaint; or

- (iii) Convene a meeting of the SUC Appeals Committee to hear the appeal.

6.16.3 If the Returning Officer finds that a Candidate, Team or Campaign Assistant has committed any offence against, or has disregarded or not complied with any Election Regulation or procedure, the Returning Officer may institute one or any of the following disciplinary actions after they have given the person or Team in question an opportunity to state their case:

- (i) Warn the Candidate, Team or Campaign Assistant;
- (ii) Withdraw the facilities of the RUSU and their media from the Candidate or Team;
- (iii) Withdraw electoral budget and resources from the Candidate or Team;
- (iv) Suspend the Candidate, their Team and/or their campaign assistants from campaigning (including from social media) for a period of time;
- (v) Require a retraction or apology from the candidate/Team, which may be published as determined appropriate by the Returning Officer;
- (vi) Disqualify the Candidate from the Election in question;
- (vii) Declare the election void and order a new election;
- (viii) Refer the matter to the SUC Appeals Committee;
- (ix) Refer the matter to RMIT University as a student conduct related matter for investigation by RMIT; or
- (x) Refer the matter to the relevant authorities.

6.16.4 In case of any dispute regarding Election Regulations, procedures or conduct of Candidates/Campaigners, the Returning Officer shall be the arbiter. Further appeal may be made to the SUC Appeals Committee.

6.16.5 Where a candidate or Team appeals a matter to the SUC Appeals committee a \$50 deposit shall be required to be paid by the candidate/Team. The \$50 fee will be refunded in the event that the appeal is successful or if the SUC Appeals Committee decides that while unsuccessful the appeal was not frivolous.

6.16.6 Appeals against a decision of the Returning Officer must be made within forty-eight (48) hours of the Returning Officer making a ruling or failing to rule on a matter.

6.16.7 In the event that a Candidate lodges an appeal against a decision of the Returning Officer, the Returning Officer must call a meeting of the SUC Appeals Committee within twenty-four (24) hours and that meeting must take place within forty-eight (48) hours of the complaint being lodged.

## Section 6.17 SUC appeals committee

### 6.17.1 Membership and appointment

- 6.17.1.1 There shall be a SUC Appeals Committee
- 6.17.1.2 The SUC Appeals Committee shall consist of three (3) members appointed by the SUC.
- 6.17.1.3 At least one of the members of the SUC Appeals Committee shall have legal qualifications.
- 6.17.1.4 Members are prohibited from having been an enrolled student at RMIT for a period of two (2) years preceding their appointment. Members may also not have been a candidate in an RMIT Student Union election in the last five (5) years.
- 6.17.1.5 The SUC Appeals Committee shall be appointed by the SUC at least 4 weeks prior to the conduct of the election.
- 6.17.1.6 Each member remains a member of the SUC Appeals Committee until he or she
  - a) Resigns
  - b) Becomes unable to act
  - c) Or is removed by the SUC.
- 6.17.1.7 Members of the SUC Appeals Committee may not be removed during the election period or while a matter arising from an election is still under consideration by the Committee.

6.17.2 Powers and duties

- 6.17.2.1 The SUC Appeals Committee shall hear appeals and determine disputes under the Regulations and Constitution of the SU. Subject to the Constitution and Regulations the SUC Appeals Committee may regulate proceedings as they see fit.
- 6.17.2.2 Any candidate may make an appeal to the SUC Appeals Committee, under the terms of section 6.16.1 Disputes of these Regulations.
- 6.17.2.3 If the SUC Appeals Committee finds that a Candidate has committed improper practices the election of a successful Candidate may be declared void.
- 6.17.2.4 No finding by the SUC Appeals Committee shall bar or prejudice any action by the Disciplinary Committee of the University for any illegal or improper practice or offence against disregard of non-compliance with the Election Regulations.
- 6.17.2.5 The SUC Appeals Committee shall not declare that any person returned as elected was not duly elected, or declare any Election void:
  - (a) On the grounds of any illegal or improper practice or offence against, disregard of or non-compliance with the Election Regulations by any person other than the Candidate and without his/her knowledge or authority; or

- (b) On the grounds specified in Sub-Clause hereof unless the SUC Appeals Committee is satisfied that the result of the Election was likely to be affected, and that it is just and equitable either that the Candidate should be declared not to be duly elected or that the Election should be declared void.

### 6.17.3 Process

- 6.17.3.1 In the event that a Candidate lodges an appeal against a decision of the Returning Officer, the Returning Officer must call a meeting of the SUC Appeals Committee within twenty-four (24) hours and that meeting must take place within forty-eight (48) hours of the complaint being lodged. However, a meeting that occurs after this time may still rule on a complaint.
- 6.17.3.2 The SUC Appeals Committee may meet by telephone or videoconference if necessary.
- 6.17.3.3 Meetings of the SUC Appeals Committee shall be in camera.
- 6.17.3.4 Decisions of the SUC Appeals Committee must be made by at least two members of the Committee.
- 6.17.3.5 Candidates shall be entitled to appear before the SUC Appeals Committee to present their case and may be assisted by one other RMIT student. No further representation or assistance shall be allowed unless the Appeals Committee decides that without representation the candidate will be unable to fairly put their case.
- 6.17.3.6 The SUC Appeals Committee must decide questions of fact on the balance of probabilities.
- 6.17.3.7 Proceedings of the SUC Appeals Committee, other than its formal decisions, are confidential and may not be reported. Decisions of the SUC Appeals Committee shall be written and posted by the Returning Officer in the form of Official Publicity within 24 hours of a decision being made. Such decisions shall set out the facts. Where this is an outcome of a probity checks appeal the Student Union Council must be informed of the decision in place of the Returning Officer.
- 6.17.3.8 Decisions of the SUC Appeals Committee are final and binding. Refusal to obey or implement a decision of the SUC Appeals Committee shall result in immediate disciplinary action.

### Section 6.18 Forbidden Practices

- 6.18.1 No Candidate or Candidate's representatives shall in any manner whatsoever alter, deface, damage, interfere with or remove any election material which belongs to another Candidate. Any person found so doing may be barred from any further participation in the Election (with the exception of actually voting).
- 6.18.2 In addition to these Regulations, Candidates advertising shall be restricted by normal University Regulations, including RMIT use of technology agreements
- 6.18.3 No person shall cause damage or defacement to any public or private property inside or outside the University for the promotion of any Candidate(s) in any election of the Student Union Council. For the purpose of this section, damage or defacement shall be taken to include stickers and posters and chalking that cannot be removed with water on the inside or outside of buildings, steps, handrails, footpaths, trees, poles, bins, signs or any part of the University and its surrounds not specifically set aside for such



purposes.

- 6.18.4 No candidate nor candidate's assistant shall publish, print, publicise or disseminate any electoral material without the authorisation of the Returning Officer.
- 6.18.5 (a) A person shall not engage in any dishonest practice in relation to an election.
- (b) A person shall not in relation to an election, print, publish, verbalise or distribute, or cause, permit or authorise to be printed, published or distributed, any matter or thing containing a statement:
- (i) that is untrue; or
  - (ii) that is, or is likely to be, misleading or deceptive;
  - (iii) that is discriminatory, sexist, racist, homophobic, militaristic or,
  - (iv) that contravenes SUC policy.
- (c) A person shall not make or publish any false statement in relation to the personal character or conduct of a Candidate.
- (d) A person shall not:
- (i) vote more than once in the same election;
  - (ii) record a vote to which they are not entitled; or
  - (iii) interfere with email ballots or attempt to vote using another student's ballot.
- (e) A person shall not hinder the Returning Officer, Deputy Returning Officer or any other person appointed to assist the Returning Officer in the execution of their duties.
- g) A person shall not engage in behaviour that is intimidating, aggressive, threatening or harassing towards any other person(s).
- h) No candidate may offer bribes or incentives to influence the decision of any student to vote, to not vote or how they may vote. For the purposes of this clause campaign materials such as t-shirts or badges are not incentives, but food, gifts or knick-knacks are.
- i) No candidate may pay another person in cash or kind to campaign in the election. For the purposes of this clause the reasonable provision energy foods, non-alcoholic drinks and campaign t-shirts are not considered incentives.
- j) No candidate may send emails from RUSU or RMIT Student Life Clubs or collectives, or RMIT Mates official accounts.
- k) No candidate may create or use self-generated email lists of RMIT students or student clubs/groups for the purpose of campaigning or spam emails.

- l) No candidate or campaign assistant may campaign on campus or otherwise breach RMIT University or State Government coronavirus restrictions in the course of the election.
- 6.18.6 No candidate nor candidate's assistant shall make use of resources of the SUC or RMIT University without the prior approval of the Returning Officer.
- 6.18.7 No candidate shall distribute or broadcast any material in relation to the election without the prior authorisation of the Returning Officer.
- 6.18.8 Should it be proven that any Candidate or Candidate's representative has breached any of these, then that Candidate shall be subject to disciplinary action (as per sections 6.16.3 and/or 6.19 of these regulations).

Section 6.19 Discipline

- 6.19.1 Any Candidate who knows of and consents to or commits or aids or abets a breach of this section shall be liable to face disciplinary action. This may include being disqualified from the election and from any further election to any position on or any office of the SUC for a period of eighteen (18) months following such breach.
- 6.19.2 Any person who commits or aids or abets such a breach shall be liable to be disqualified from any election to any position or any office of the SUC for a period of eighteen (18) months following such a breach.

Section 6.20 Defamation

The Student Union does not indemnify any student for defamation in an election.

Section 6.21 Indemnity

The Student Union Council shall indemnify the Returning Officers and appointees in relation to any action as a result of performing their duties in accordance with the Constitution and these regulations.

Section 6.22 Definitions and abbreviations

- Academic day:** means a day on which classes are conducted by the University in the TAFE and Higher Education sector. Academic Days shall not include Saturdays, Sundays or any day which University or Public Holiday is.
- Ballot Paper:** Refers to either a physical slip of paper used to register a vote, or one ballot in an online format.
- Before:** in reference to an election means before the first day of polling in that election.
- Constitution:** Means the RMIT Student Union Constitution
- CSC:** Campus Student Council
- Days:** Shall refer to all week days including Saturday & Sunday
- DRO:** Deputy Returning Officer
- Each Campus:** Shall refer to the:

- City Campus
- Bundoora Campus
- Brunswick Campus

<b>Election Official:</b>	The Returning Officer, Deputy Returning Officer(s), and Polling Clerks and any other person nominated by the Returning Officer.
<b>Electoral Office:</b>	Means the Office of the Returning Officer as defined by the Returning Officer on their appointment
<b>E-mail "bombing"</b>	is characterised by abusers repeatedly sending an identical e-mail message to a particular address.
<b>E-mail "spamming"</b>	is a variant of bombing; it refers to sending e-mail to hundreds or thousands of users (or to lists that expand to that many users). Email spamming can be made worse if recipients reply to the email, causing all the original addressees to receive the reply. It may also occur innocently, as a result of sending a message to mailing lists and not realising that the list explodes to thousands of users, or as a result of an incorrectly set-up responder message.
<b>NUS:</b>	National Union of Students
<b>Polling:</b>	Refers to the period in which official voting is taking place.
<b>Publications of the Student Union:</b>	Any material produced or disseminated through Student Union channels. This includes all forms of broadcasting, printing and production.
<b>Receipt:</b>	Upon physical acceptance of the material by the Returning Officer.
<b>RO:</b>	Returning Officer
<b>Secretariat:</b>	Means the Student Union Council secretariat as defined in section 8 of the RMIT Student Union Constitution
<b>SUC RO:</b>	Refers to the SUC Returning Officer who may be appointed for the purposes of conducting by- elections
<b>SUC:</b>	Student Union Council