

Election of Chancellor or Deputy Chancellor Rule

Section 1 - Overview

(1) This Rule provides the method by which the election of a new Chancellor or Deputy Chancellor will take place where there is a Vacancy.

(2) Under the UNE Act, the Council must elect the Chancellor and Deputy Chancellor. The Council may elect a person as Chancellor whether or not the person is a member of Council. The Council must elect a Council Member as Deputy Chancellor.

Section 2 - Scope

(3) This Rule covers the circumstances where there is a vacancy or anticipated vacancy in the Office of Chancellor or Deputy Chancellor and applies to members of the Council and to the University Secretary.

Section 3 - Rule

If there is a Vacancy in the office of Chancellor or Deputy Chancellor then the following provisions apply:

Call for Nominations

(4) The Returning Officer must give not less than 35 days notice to Council Members of an Election Council Meeting, and must call for all Nominations by Council Members to be submitted to the Returning Officer by no later than the date 21 days prior to the Election Council Meeting.

(5) If the Vacancy is a Chancellor Vacancy, then the Returning Officer must also publish a notice to University staff not less than 35 days prior to the Election Council Meeting. The notice must explain the process for Nominations and inform staff that Nominations must be submitted to the Returning Officer by no later than the date 21 days prior to the Election Council Meeting.

Nominations

(6) Nominations must be proposed by a Council Member and seconded by another Council Member. If a person who is not a Council Member wishes to have a person nominated, then it is his/her responsibility to discuss the matter with Council Member(s) and to arrange for the Nomination to be proposed and seconded by Council Members.

(7) The Returning Officer may specify the form in which a Nomination must be submitted, and the details required to be included in the Nomination form. The details required on or with the Nomination form may include:

- a. a statement of support made by the nominator and endorsed by the seconder;
- b. evidence of the consent of the Nominee;
- c. a copy of the Nominee's curriculum vitae;

- d. an acknowledgement by the Nominee that, if elected, the Nominee will abide by the duties of Council Members under the UNE Act; and
- e. a statement by the Nominee that he/she is a fit and proper person to be a member of the Council in accordance with the [TEQSA Act](#).

(8) The Returning Officer may declare a Nomination invalid if in the Returning Officer's opinion it does not meet the requirements stipulated for a Nomination.

Nominations Panel

(9) After the period for submitting Nominations has closed, The Returning Officer must convene a meeting of the Nominations Panel as soon as practicable, and must provide papers for the meeting (including copies of all valid Nominations) to its members prior to the meeting.

(10) The Nominations Panel will meet, elect a chair, consider the Nominations, assess the suitability of each Nominee to fill the vacancy, and shortlist its recommended candidate(s) to fill the Vacancy. The chair must provide this shortlist to the Returning Officer in time for it to be included in the papers for the Election Council Meeting.

(11) A quorum for meetings of the Nominations Panel will be a majority of its members. The rules, orders, customs and practices applying to meetings of Council Committees will as far as practicable apply to meetings of the Nominations Panel, except where the Nominations Panel decides otherwise. The decisions of the Nominations Panel will be final and not subject to challenge. The University Secretary will act as secretary to the Nominations Panel.

Election Council Meeting

(12) If one candidate is shortlisted to fill the Vacancy, then the Returning Officer must ensure the agenda for the Election Council Meeting includes a motion to elect that candidate to fill the Vacancy, and must include a copy of the Nomination in the papers for the meeting. If the motion is passed then that candidate will be deemed elected as the Chancellor or Deputy Chancellor, as the case may be.

(13) If there are two or more candidates shortlisted to fill the Vacancy, then the Returning Officer will ensure that the election to fill the Vacancy is on the agenda for the Election Council Meeting. The Returning Officer will provide the shortlist of recommended candidates and their Nominations in the Council papers for the meeting.

(14) At the Council Election Meeting the election will take place as follows:

- a. The Returning Officer must prior to the meeting prepare a ballot paper containing the shortlisted candidates (the order of candidates on the ballot paper will be determined at random) and must distribute it to Council Members at the meeting (see also paragraph 164 below); and
- b. Voting at the Election Council Meeting will be by secret ballot; and
- c. Voting will be by preferential voting (if there are more than two candidates, then the candidate with the lowest number of votes will have their second preferences distributed to the remaining candidates, and the preferences of the candidate with the lowest number of votes will keep being distributed to those with a higher number of votes until two candidates remain); and
- d. The completed ballot papers will be counted (using the preferential voting system) by the Returning Officer in the presence of the Scrutineer; and
- e. The Returning Officer (together with the Scrutineer) will inform the chair of the Election Council Meeting of the candidate with the highest number of votes; and
- f. The chair will declare the candidate with the highest number of votes as the person elected by Council to fill the Vacancy (and the election will be deemed a decision of Council made at the meeting); and
- g. The ballot count will not be revealed and, after the result has been declared, the Returning Officer will have the

ballot papers destroyed.

(15) Council Members must attend the Election Council Meeting (in person or via technology approved by the Council) to participate in the election (this is because the election will be a decision of Council made at a meeting in accordance with Section 9 of the [Act](#)).

(16) Council Members who intend to attend the Election Council Meeting via approved technology may request a ballot paper from the Returning Officer prior to the meeting and:

- a. cast his/her vote by completing a hard copy the ballot paper and returning it to the Returning Officer in a sealed envelope prior to the Election Council Meeting (in which case the ballot paper will be counted, subject to the relevant Council Member attending the meeting); or
- b. completing the ballot paper and delivering it electronically to the Returning Officer during the casting of votes (in which case the relevant Council Member will waive his/her right to cast the vote in secret and will accept that the Returning Officer will become aware of the vote cast by the member).

Confidentiality

(17) To respect the privacy of Nominees, the workings of the Nominations Panel will be confidential, and the election to fill the Vacancy will be conducted in confidential session of the Election Council Meeting. The result of the election will be published by the Returning Officer after the confidential session has closed.

Taking Office

(18) The candidate elected at the Election Council Meeting to fill the Vacancy will take office as Chancellor (under Section 10(1) of the UNE Act) or Deputy Chancellor (under Section 11(1) of the UNE Act) as the case may be, with effect from the later of:

- a. the date on which the office becomes vacant; and
- b. the date of the Election Council Meeting.

Returning Officer

(19) Subject to the [Act](#), [By-law](#) and this Rule, the Returning Officer is authorized to make decisions regarding the conduct of the election and the decisions of the Returning Officer will be final. The Returning Officer may promulgate guidance or procedures under this Rule provided that they do not conflict, and are otherwise consistent, with this Rule.

(20) The Returning Officer may appoint a deputy returning officer and delegate matters to that person.

(21) The Returning Officer may permit the use of technology and electronic communications in relation to the matters dealt with under this Rule.

General

(22) This Rule takes effect as a rule of Council pursuant to [Section 25 of the By-law](#).

(23) To the extent this Rule conflicts with the [Act](#) or [By-law](#), the [Act](#) or [By-law](#) prevails to the extent of the conflict and this Rule must be read down accordingly.

(24) This Rule replaces the existing Rule for the Election of Chancellor and Deputy Chancellor.

(25) The election of a Chancellor or Deputy Chancellor (as the case may be), and the decisions and actions of the Returning Officer or Council, will not be invalid as a result of any of the following:

- a. failure to comply with a procedural requirement; or
- b. a formal defect or error; or
- c. an irregularity.

Section 4 - Definitions

For the purposes of this Rule the following definitions apply.

(26) Chancellor Vacancy means a Vacancy in the office of the Chancellor.

(27) Council Member means a member of the Council under Section 9 of the Act.

(28) Deputy Chancellor means the Deputy Chancellor of the University, with functions conferred or imposed upon him/her by or under Section 11 of the Act.

(29) Deputy Chancellor Vacancy means a Vacancy in the office of the Deputy Chancellor.

(30) Election Council Meeting means a Council meeting where Council members elect a Chancellor or Deputy Chancellor (as the case may be) to fill a Vacancy.

(31) Nomination means the nomination of a person in accordance with this Rule to fill the Vacancy.

(32) Nominee means a person nominated under a Nomination to fill a Vacancy.

(33) Nominations Panel means a working party comprising the members of the Nominations Committee of Council and the Chair of each Council Committee, but excluding any Nominees.

(34) Returning Officer means the University Secretary.

(35) Scrutineer means an external person (who is not a Council Member, University staff member or current student) appointed by the chair of the Nominations Panel.

(36) TEQSA Act means the Tertiary Education Quality and Standards Agency Act 2011 (Commonwealth).

(37) University means the University of New England.

(38) Vacancy means a vacancy or anticipated vacancy in the office of the Chancellor or Deputy Chancellor, as the case may be.

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Glossary Terms and Definitions

"UNE Act" - Is the University of New England Act 1993 (NSW).

"Council" - Means the Council of the University of New England, being the governing body of the University.