

APPROVED RULE CHANGES

Pursuant to the UTS By-law (Part 4, division 3, clause 44), the following rule changes have been made by UTS Council.

At its 15/4 meeting on 19 August 2015, Council approved the following amendment to the University’s General Rules:

“COU/15-4/78

Council resolved to:

....

- .5 approve the amendments to the UTS Act, UTS By-law and General Rules G1 and G3, as detailed in Attachments 5-8, noting that the changes will be effective at a date to coincide with the date of effect of approved changes to the UTS By-law and UTS Act;”

Following assent being given by the NSW Governor, the date of effect of the changes to the UTS By-law and UTS Act was set at 8 July 2016. This therefore also became the date of effect of the Council approved changes to the University’s General Rules.

The UTS Elections processes are governed by the UTS Act, UTS By-law and UTS General Rules. In 2014 the Universities Legislation Amendment (Regulatory Reforms) Act 2014 received assent by the Governor of NSW. Amongst other changes, the Act amended the various University Acts to empower the university to ‘delegate to the governing body of the university [UTS Council] the power to make rules concerning procedures for elections to that body instead of them being prescribed by the by-laws.’ The amendment to the University Acts provided UTS with the opportunity to incorporate the election processes into the Rules, while removing them from the UTS By-law, which creates greater efficiency and ensures the election processes are the responsibility of University.

UTS General Rules G1 and G3 were consequently reviewed to create clear and accurate UTS election procedures, which will assist in the effective management of all election processes.

Substantial amendments and the rationale for changes are indicated in the table below.

Summary of substantial changes to UTS General Rules G1 and G3

Existing Rule reference	New Rule reference	Detail of change	Rationale for change
G1			
18	18	Provide accurate cross-reference to amended By-law and clarified role of Returning Officer in determining	See Detail of change.

Existing Rule reference	New Rule reference	Detail of change	Rationale for change
		whether an election will be electronic or otherwise.	
G3			
1(1)	1(1)	No change, but note that Chair and Deputy Chair not mentioned in the Constitution of Academic Board, since they are to be firstly members of the Board.	See ss6 and 8 for details of electing the Chair and Deputy Chair.
1(4)	1(4)	The runner up in the relevant student election can be nominated as the alternate student member on Academic Board. If the runner up does not consent other candidates in the relevant election will be approached. If all candidates have been approached and the vacancy remains unfilled, the Chair of Academic Board will appoint the alternate member.	To ensure the alternate member positions are filled in a timely and democratic manner.
4, 5	4,5	In the case of a casual vacancy where the remainder of the term of office of the elected member is less than 12 months, or leave of absence of the elected member for a period up to 12 months, the runner up can be appointed to hold that office. If the runner up does not consent other candidates in the relevant election will be approached. If all candidates have been approached and the vacancy remains unfilled, the Chair of Academic Board will appoint another person qualified to hold that office.	To ensure vacant positions are filled in a timely and democratic manner.
6	6	The Chair of Academic Board will be elected from the members of the reconstituted Board and the persons who have held a position on the Board, for at least 12 months, in the 5 years prior to the date of commencement of the Chair's term of office.	The Chair of Academic Board will be elected from a larger pool of candidates with Academic Board experience.
Division 5	Division 5	Inclusion of rules related to Academic Board Committees.	These amendments make the Academic Board rules applicable to Academic Board

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			Committees.
Part 3	22	Inclusion of election related definitions	To clarify election related terminology.
19	23	Candidates, voters and nominators in an election must be current staff members or students of the University.	Only current UTS staff and UTS students can participate in elections.
-	24 (new)	Inclusion of rules related to rolls and a reference to the rolls in the UTS By-law.	The reference to rolls in the UTS By-law ensures that these rolls are also applicable for Academic Board and Faculty Board elections.
		A student is not eligible to stand as a candidate or vote in an election if he or she is also a continuing or fixed-term staff member of the University. A student who is also a casual staff member is eligible to stand as a candidate or vote.	To ensure a balanced representation of the University community on Committees and Boards, students are not eligible for student positions if they are also a continuing or fixed-term staff member of the University.
22	27	Additional requirements for making of nominations and the eligibility of candidates.	These amendments align the nomination process with current practice, clarify the requirements for eligibility for election and allow for the addition of eligible staff members to the relevant Roll in cases where the administrative system has not included them.
		Additional requirement to include a declaration of eligibility in the nomination.	Currently the eligibility of a candidate is only verified at the time of nomination. The declaration of eligibility has been included to check whether candidates will meet the qualification for the entire term of office.
24 26 27 28 29 30	29 Deleted 32 33 34 35	Removal of the option for a postal ballot.	Postal voting is no longer conducted because it is not conventional, not an environmentally sustainable work practice and costly.
-	30 (new)	Inclusion of a reference to the Code of Conduct for UTS Elections.	The Code of Conduct for UTS Elections was developed to inform participants in the elections of the expected standards of behaviour.
30	35	Inclusion of rules related to informal electronic votes.	To inform participants in the election process that a warning message is shown

Existing Rule reference	New Rule reference	Detail of change	Rationale for change
			before casting an informal vote and that the vote will be recorded as informal.
32	37	The rules on counting of votes have been moved into 'Procedures for Determination of Result of Ballot'.	Counting of votes is more procedural and therefore separately outlined in Procedures rather than in the general rules for elections.
32(6)	37	The procedures for elections where more than one position needs to be filled are included in the 'Procedures for Determination of Result of Ballot.'	Clear internal procedures for the counting of votes have been developed, rather than the non-user-friendly external manual.
33	38	Inclusion of rules indicating the manner in which election results will be made available.	Participants in the elections have previously requested the election results. UTS Elections will publish the results to ensure all participants are informed.

Full details of the approved amendments are available on request to Policy@uts.edu.au