

LA TROBE UNIVERSITY

ACADEMIC BOARD REGULATIONS 2009

The Academic Board of La Trobe University makes these Regulations under the Academic Board Statute 2009.

PART 1—PRELIMINARY

1. Name

These Regulations are the **Academic Board Regulations 2009**.

2. Interpretation

(1) In these Regulations, unless the contrary intention appears—

academic member means a member elected under section 4;

academic staff means staff of the University whose terms of appointment describe them as such and who are engaged by the University in teaching or research positions or in teaching and research positions;

Board means the Academic Board;

elected member means an academic member or a student member;

election, in Part 3, means an election of elected members;

member ex officio means a member of the Board referred to in section 3;

Returning Officer means a Returning Officer referred to in section 15;

Secretary means the Secretary to the Board appointed under section 10(1);

student member means an elected member elected under section 6;

voter means a person entitled under section 12 to vote in an election conducted under Part 3;

voting paper means a voting paper for use in an election conducted under Part 3 and, in relation to an election conducted electronically, includes an electronic equivalent of a voting paper for use in the computer program used to conduct the election.

- (2) In these Regulations, a reference to a particular category of vacancies in an election is a reference to vacancies in respect of—
 - (a) student members; or
 - (b) academic members drawn from a particular College.
 - (3) For the purposes of these Regulations, an official notice board of the University can include a notice board in electronic form.
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PART 2—COMPOSITION OF THE BOARD, THE CHAIR AND THE SECRETARY

3. Members ex officio

The following persons are members ex officio of the Board—

- (a) the Chair;
- (b) the Deputy Chair;
- (c) the Vice-Chancellor and President;
- (d) each Deputy Vice-Chancellor, however styled;
- (f) each Pro Vice-Chancellor, however styled, including the Pro Vice-Chancellor of each College;
- (k) the University Librarian;
- (l) the Dean of Graduate Studies;
- (m) the Academic Director, Learning Focus Hub;
- (n) the chair of each Academic Board policy committee;
- (o) the Head or Executive Director (as the case requires) of each regional campus;
- (p) the following additional members of the academic staff of each College—
 - (i) each Associate Pro Vice-Chancellor, however styled;
 - (ii) the head, however styled, of each School of the College;
 - (iii) the head, however styled, of each Department of the College.

4. Elected members from the academic staff of the Colleges

The Academic Board shall determine, from time to time, the number of additional members of the academic staff of each College who are to be elected by and from the members of the academic staff of that College as members of the Board.

6. Student members

- (1) The following representatives of the enrolled students of the University are prescribed as members of the Board—

- (a) subject to subsection (2), 2 post graduate students, be elected by and from the post graduate students of the University;
 - (b) 3 students who are not post graduate students, to be elected by and from those students of the University who are not post graduate students.
- (2) Of the post graduate students referred to in subsection (1)(a), one must be from a Metropolitan campus and the other from a regional campus.
- (3) Of the students referred to in subsection (1)(b), one must be from a regional campus and one must be from a Metropolitan campus.

7. Term of office of elected members

- (1) The term of office of an academic member is 2 years.
- (2) The term of office of a student member is 1 year.

8. Resignation

An elected member may resign his or her membership by giving a signed written notice of resignation to the Chair.

9. Election of the Chair and Deputy Chair

- (1) The Chair and Deputy Chair must each be elected from the professors, other than any professor who is the Pro Vice-Chancellor of a College, for a term of 2 years, by a secret ballot by the Board.
- (2) An election under subsection (1)—
 - (a) must be conducted by the Secretary; and
 - (b) as far as practicable, should be held during October in the second year of the term of the incumbent Chair or Deputy Chair, as the case requires.
- (3) An election under this section must be conducted in accordance with the principles of first-past-the-post voting.
- (4) The result of an election under this section must be reported by the Chair to the first meeting of the Board that follows the election.
- (5) If, during his or her term, the Chair is appointed under the Act to the position of Acting Vice Chancellor—
 - (a) he or she is no longer taken to be the Chair during the period of that appointment; and

- (b) at any meeting of the Board which occurs during that period, the Deputy Chair shall act as the Chair for that meeting.
- (6) If the Chair and Deputy Chair are both absent from a meeting of the Board, the Board must elect from its members a person to act as the Chair for that meeting.
- (7) If the office of Chair or Deputy Chair becomes vacant due to death, resignation or incapacity due to physical or mental illness (the illness being certified by a registered medical practitioner), the Board must elect from its members a person to fill the vacancy for the remainder of the relevant term of office of Chair or Deputy Chair (as the case requires).

10. Secretary to the Academic Board

- (1) The University must appoint a person to act as the Secretary.
- (2) The Secretary must carry out the administrative work associated with the conduct of the Academic Board's business.
- (3) The Secretary may delegate any of his or her powers, duties or functions under this Statute or the regulations to any officer of the University, other than this power of delegation.

11. Professors and prescribed persons may attend meetings of the Board

- (1) The Board may by resolution prescribe persons or classes of persons who may attend meetings of the Board (a *prescribed person*).
- (2) Any professor or prescribed person may attend a meeting of the Board.
- (3) For the avoidance of doubt, a person who exercises his or her right to attend a meeting under this section is not a member of the Board only because he or she exercises that right.

PART 3—ELECTION OF ELECTED MEMBERS

Division 1—General Electoral Provisions

12. Entitlement to vote in an election

- (1) Subject to this Part, only a person whose name appears, as at the relevant day, on a roll of voters maintained under section 14 is entitled to vote in an election to which the roll relates, and may only do so in accordance with this Part.
- (2) Despite any other provision of these Regulations, a person who is standing as a candidate in an election to which these Regulations apply is not entitled to vote in that election.
- (3) In subsection (1), the ***relevant day*** for an election is the day preceding the day on which a notice is posted under section 15(2) in respect of the election.

13. Elections

An election must be held in each year to replace each elected member whose term expires in that year.

14. Rolls of voters

- (1) In each College, the Pro Vice-Chancellor (or his or her delegate) must keep a roll of voters from the College for elections of academic members from that College.
- (2) The relevant Returning Officer (see section 15(1)(b)) must keep a roll of voters for elections of student members.
- (3) A roll of voters may be kept in electronic form.

15. Returning Officers

- (1) For the purposes of elections conducted under these Regulations—
 - (a) the Returning Officer for an election of academic members from a College is the Pro Vice-Chancellor of that College (or his or her delegate); and
 - (b) the Returning Officer for an election of student members is the Secretary.
- (2) If an election of elected members is to take place, each relevant Returning Officer must post a notice on official notice boards of the University calling for nominations of candidates.

- (3) A notice under subsection (2) must specify a date for the closure of nominations, being a date at least 14 days after the date the notice is posted.
- (4) A Returning Officer must ensure that a copy of the notice referred to in this section is posted on official notice boards of the University.

16. Nominations

A nomination of a person to be a candidate in an election of elected members must—

- (a) be made in writing by at least 2 voters entitled to vote in the election (the *nominators*);
- (b) contain the written consent of the person being nominated; and
- (c) contain details of the positions held by the nominators.

17. Sufficiency of nominations

- (1) If the number of candidates nominated in respect of a particular category of vacancies in an election is equal to the number of those vacancies, the candidates nominated must be declared to be elected by the relevant Returning Officer.
- (2) If the number of candidates nominated in respect of a particular category of vacancies in an election is less than the number of those vacancies—
 - (a) the candidates nominated must be declared by the relevant Returning Officer to be elected; and
 - (b) the relevant Returning Officer must call for further nominations in respect of the remaining vacancies.

18. Notice of election

- (1) Within 7 days after the closing date for the receipt of nominations specified by a Returning Officer under section 15(3), if the number of candidates is greater than the number of vacancies, the relevant Returning Officer must—
 - (a) fix the date on which the election is to be held; and
 - (b) display on an official notice board of the University a notice setting out—
 - (i) the nature, date and times of the election;
 - (ii) the names of the nominated candidates; and

- (iv) the category of vacancy to which each nominated candidate is seeking election.
- (2) The date fixed under subsection (1) for an election must be a date that is at least 7 days from the date the notice referred to in subsection (1)(b) is posted.
- (3) The relevant Returning Officer must ensure that a copy of the notice referred to in this section is posted on official notice boards of the University.

19. Method for conduct of election

A Returning Officer may conduct an election by—

- (a) postal ballot;
- (b) electronic ballot; or
- (c) the personal attendance of the voters entitled to vote in the election at a polling booth or polling booths designated by the Returning Officer.

20. Format of voting papers

- (1) A voting paper used in an election conducted under this Part must be in the form approved by the relevant Returning Officer.
- (2) The order in which the names of the candidates in an election are to be set out on a voting paper for that election is to be determined by the relevant Returning Officer by the drawing of lots.

21. Lost or destroyed voting papers

- (1) If a voting paper issued to a voter is lost or destroyed, the voter may apply in writing to the relevant Returning Officer for a replacement voting paper.
- (2) If satisfied that the voting paper has been lost or destroyed, the relevant Returning Officer may issue a replacement voting paper to the voter.
- (3) Nothing in this section applies in respect of an election conducted electronically.

22. Declaration forms and envelopes

- (1) Each voting paper issued to a voter must be accompanied by—
 - (a) a declaration form which—

- (i) states the date and times of the election to which it relates; and
 - (ii) makes provision for the full name and signature of the voter and particulars of the voter's entitlement to vote in the election; and
- (b) an envelope marked "Voting Paper"; and
- (c) another envelope addressed to the relevant Returning Officer.
- (2) A voter is not entitled to vote in an election if he or she does not complete the declaration form referred to in subsection (1).
- (3) Subsection (2) does not apply in respect of an election conducted electronically.
- (4) In relation to an election conducted electronically, the electronic equivalent of a voting paper for use in the election must be accompanied by an electronic equivalent of the declaration form referred to in subsection (1)(a).
- (5) A voter is not entitled to vote in an election conducted electronically if he or she does not complete the declaration form referred to in subsection (4) at the time of voting.

Division 2—Casual Vacancies

23. Casual vacancies among academic members

- (1) For the purposes of this section, a casual vacancy arises in relation to an academic member if the academic member—
 - (a) dies;
 - (b) resigns his or her membership of the Board; or
 - (c) is to be absent from the University for a period exceeding 3 months where the unexpired portion of the academic member's term of office is at least 3 months.
- (2) If a casual vacancy arises under this section, the College from which the academic member is drawn must nominate another member of the academic staff of the College to fill the vacancy for the remainder of the relevant term of office.

24. Casual vacancies among student members

- (1) If a person who is a student member ceases to be an enrolled student during his or her term of office—
 - (a) the person ceases to be a member of the Board; and

- (b) a casual vacancy arises in relation to that person's former membership of the Board.
- (2) If—
 - (a) a casual vacancy arises under this section; and
 - (b) the unexpired portion of the person's term of office exceeds 2 months—

an election to fill the casual vacancy for the balance of that term must be held among the students or post graduate students (as appropriate) of the University in accordance with section 6 and this Part.

Division 3—Voting

25. Method of voting

- (1) A voting paper is to be completed by clearly placing a mark in the box opposite the name of 1 candidate.
- (3) After completing his or her voting paper in an election that is not conducted electronically, a voter must lodge or post the voting paper and declaration form in accordance with the instructions accompanying the voting paper.
- (4) After completing his or her voting paper in an election that is conducted electronically, a voter must lodge the voting paper and declaration form in accordance with the computer program used to conduct that election.

26. Counting of votes

- (1) In an election to which this Part applies, the votes are to be counted in accordance with the principles of first-past-the-post voting.
- (2) A Returning Officer must reject a voting paper used in an election if—
 - (a) it is not accompanied by a properly completed declaration form; or
 - (b) it has not been clearly marked in accordance with section 25(1).

PART 4—MISCELLANEOUS

27. Deemed election of certain candidates

Notwithstanding anything to the contrary elsewhere in these Regulations, the candidates elected under the Board elections conducted within the Colleges in the first quarter of 2015 shall, on and from the commencement of the **Academic Board (Amendment) Regulations 2015**, be taken to be duly elected members of the Board as if they had been elected in accordance with these Regulations.

28. Validation of acts or decisions despite vacancy or disqualification

- (1) An act or decision of the Board or a committee of the Board is not invalid merely because of—
 - (a) a defect or irregularity in, or in connection with, the appointment or election of a member of the Board; or
 - (b) a vacancy in the membership of the Board, including a vacancy arising from the failure to appoint or elect a member of the Board.
- (2) Anything done by or in relation to a person purporting to act as Chair, a member of the Board or on a committee of the Board is not invalid merely because—
 - (a) the occasion for the appointment had not arisen; or
 - (b) there was a defect or irregularity in, or in connection with, the appointment or election; or
 - (c) the appointment or term of the elected member had ceased to have effect.

Legislative History

These regulations were originally approved by the Academic Board on 9 September 2009 and promulgated on 10 September 2009. They have since been amended by the **Academic Board (Amendment) Regulations 2010**, the **Academic Board (Amendment) Regulations 2010 (No.2)**, the **Academic Board (Amendment) Regulations 2010 (No.3)**, the **Academic Board (Amendment) Regulations 2011**, the **Academic Board (Amendment) Regulations 2012**, the **Academic Board (Amendment) Regulations 2014** and the **Academic Board (Amendment) Regulations 2015**.