

LA TROBE UNIVERSITY

ACADEMIC BOARD REGULATIONS 2019

The Council and Academic Board of La Trobe University make these Regulations under the Academic Board Statute 2009.

PART 1—PRELIMINARY

1. Name and commencement

- (1) These Regulations are the **Academic Board Regulations 2019**.
- (2) These Regulations come into full force and effect on the day after the day on which they are posted by the University on an official notice board maintained by the University.

2. Interpretation

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

academic staff means the staff of the University designated by Council from time to time, and includes staff whose terms of appointment describe them as such, and who are engaged by the University in teaching focused positions, teaching and research positions, and research positions, but does not include persons employed on a casual basis;

Board means the Academic Board;

Chair means the chair of the Board elected under section 8;

Deputy Chair means the deputy chair of the Board elected under section 8;

Division means an administrative division of the University; however styled;

elected member means a member of the Board who is a staff 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;

professional staff means the staff of the University who are not academic staff, but does not include persons employed on a casual basis;

Returning Officer means the Returning Officer referred to in

section 13;

research centre means a University research centre established in accordance with the University's policies;

Secretary means the Secretary to the Board appointed under section 9;

staff member means an elected member of the academic staff or professional staff of the University;

student member means an elected member elected under section 5;

voter means a person entitled under section 10 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) staff members; or
 - (b) student members.

PART 2—COMPOSITION OF THE BOARD, THE CHAIR AND THE SECRETARY

3. Members ex officio

- (1) Each person who, from time to time, occupies one of the following positions is a member *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;
 - (e) each Pro Vice-Chancellor, however styled, including the Pro Vice-Chancellor of each College;
 - (f) the University Librarian;
 - (g) the Dean of Graduate Studies;
 - (h) each Professor, however styled;
 - (i) the chair of each Academic Board policy committee;
 - (j) the Head or Executive Director (as the case requires) of each regional campus;
 - (k) 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.
- (2) Subsection (1) includes any person who is acting in one of the positions referred to in that subsection.

4. Elected staff members

The Academic Board shall determine, from time to time—

- (a) the number of members of the academic staff who are to be elected by and from the members of the academic staff as members of the Board; and

- (b) the number of members of the professional staff who are to be elected by and from the members of the professional staff as members of the Board.

5. 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, to 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;
 - (c) the president, or other representative chosen from among the membership, of each campus student union, association or other student representative body of that campus.
- (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.

6. Term of office of elected members

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

7. Resignation

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

8. Election of the Chair and Deputy Chair

- (1) Subject to this section 8, only a professor of the University is eligible for nomination for the position of Chair or Deputy Chair in an election.
- (2) The following officers are not eligible for nomination for the position of Chair or Deputy Chair:
 - (a) the Vice-Chancellor;
 - (b) a Deputy Vice-Chancellor, however styled;

- (c) a Pro Vice-Chancellor, however styled;
- (d) a professor who reports directly to any of the positions set out in section 8(2) above.
- (3) Notwithstanding that she or he reports directly to any of the positions set out in section 8(2) above, a professor who is a director of a research centre of the University, however styled, may be eligible for election.
- (4) The Chair and Deputy Chair must each be elected for a term of 2 years, by a secret ballot.
- (5) All professors who are also members of the Board are eligible to vote in the secret ballot for the candidates of Chair or Deputy Chair in an election.
- (6) An election under subsection 8(5)—
 - (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.
- (7) An election under this section must be conducted in accordance with the principles of first-past-the-post voting.
- (8) 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.
- (9) If, during his or her term, the Chair is appointed under the Act to act in any of the positions set out in section 8(2) —
 - (a) he or she is no longer taken to be the Chair; and
 - (b) at any meeting of the Board which occurs during that period, the Deputy Chair shall act as the Chair for that meeting.
- (10) If the Chair and Deputy Chair are both absent from a meeting of the Board, members of the Board who meet the criteria to vote in accordance with section 8(5) must elect a person to act as the Chair for that meeting.
- (11) 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), members of the Board who meet the criteria to vote in accordance with section 8(5) must elect a person to fill the vacancy for the remainder of the relevant term of office of Chair or Deputy Chair (as the case requires).

9. 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) Subject to subsection (4), the Secretary may delegate any of his or her powers, duties or functions under these Regulations to any person whom the Secretary believes, on reasonable grounds, has the skills and experience required to perform the delegated power, duty or function to a standard that satisfies the requirements of these Regulations.
- (4) The Secretary may not delegate his or her power of delegation in subsection (3).

PART 3—ELECTION OF ELECTED MEMBERS

Division 1—General Electoral Provisions

10. 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 compiled under section 12 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 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 an e-mail is sent under section 13(2).

11. Elections

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

12. Rolls of voters

- (1) Prior to conducting an election under this Part 3, the Returning Officer must compile a roll of voters for the election.
- (3) A roll of voters may be kept in electronic form.

13. Returning Officers and calls for nominations of candidates

- (1) The Secretary is the Returning Officer for each election conducted under these Regulations.
- (2) If an election is to take place, the Returning Officer must call for nominations of candidates by e-mailing each person who is eligible to stand as a candidate in that election.
- (3) An e-mail under subsection (2) must specify a date for the closure of nominations, being a date at least 14 days after the date on which the e-mail is sent.

14. Nominations

A nomination of a person to be a candidate in an election 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.

15. 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 Returning Officer must declare the nominated candidates elected.
- (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 Returning Officer to be elected; and
 - (b) the Returning Officer must call for further nominations in respect of the remaining vacancies.

16. Notice of election

- (1) Within 7 days after the closing date for the receipt of nominations specified by the Returning Officer under section 13(3), if the number of candidates is greater than the number of vacancies, the Returning Officer must—
 - (a) fix the date on which the election is to be held; and
 - (b) e-mail each nominated candidate and each person entitled to vote in the election a notice setting out—
 - (i) the nature, date and times of the election;
 - (ii) the names of the nominated candidates; and
 - (iii) 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 e-mail referred to in subsection (1)(b) is sent.

17. Method for conduct of election

The 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.

18. 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.

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

20. 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 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 and other matters

21. Casual vacancies among staff members

- (1) For the purposes of this section, a casual vacancy arises in relation to a staff member, if he or she—
 - (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 staff member's term of office is at least 3 months.
- (2) If a casual vacancy arises under this section, the Pro Vice-Chancellor of the College or the head of the Division (as the case requires) from which the staff member is drawn must nominate another member of the staff of the College or Division to fill the vacancy for the remainder of the relevant term of office.

22. When a student ceases to be a member

If a person who is a student member ceases to be an enrolled student during his or her term of office, then he or she also ceases to be a member of the Board forthwith.

Division 3—Voting

23. 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.

24. 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) The 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 23(1).

PART 4—MISCELLANEOUS

25. 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.

26. Transitional

- (1) For the avoidance of doubt, the positions of Chair and Deputy Chair at the time these regulations commence shall continue to serve for the duration of their appointments, despite any matter set out in section 8.

27. Revocation

The Academic Board Regulations 2017 (No.2) are revoked.

Legislative History

The Academic Board approved these Regulations on 12 June 2019. The Council approved these Regulations on 24 June 2019. These Regulations were promulgated by being posted on the Legal Services webpage on 15 July 2019. Legal Services reference LEG/19321