

# The Regulations Of Arc @ UNSW Limited

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# Arc @ UNSW Limited REGULATIONS

## 1. Definitions and Interpretations

In these Regulations unless the context otherwise requires:

**Affiliated Club** means a student club, society or association which has been approved for affiliation with Arc by the Arc Student Services Department or Student Development Committee (SDC).

**Cis-male** means a man, who was born a man, and identifies as a man.

**Electorate A** means students currently enrolled in programs controlled by the following faculties: Arts, Design & Architecture, Law, Business School, (including ADFA: Business, Humanities & Social Sciences).

**Electorate B** means students currently enrolled in programs controlled by the following faculties: Engineering, Medicine, Sciences, (including ADFA: Engineering & IT, Physical, Environmental & Mathematical Sciences).

**Election Period** means the period beginning with the opening of nominations and ending after the vote counting has closed.

**Indigenous Community** means the Indigenous Students of the University of New South Wales.

**Students with disabilities** means those students who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society with an equal basis with others.

**SSAF** is the Student Services and Amenities Fee collected by the University of New South Wales.

**Woman** means a student who identifies as a woman.

## 2. Delegations and Authorities

The operation of Arc @ UNSW Limited (Arc) and the fulfilment of its objectives must be achieved by the delegation of the various areas of operation of Arc activities and services by the Board in accordance with these Regulations. For activities and services not covered by Arc's Constitution or these Regulations, the Board will keep a register of delegations that they shall update from time to time. Any dispute as to which officer or department of Arc is responsible for any activity will be determined by the Board.

## 3. Board

### 3.1 Authority

The Board is responsible for the overall performance and conduct of Arc, compliance with applicable laws and regulations and reporting to external regulators and any matters reserved for the Board from time to time.

### 3.2 Election of Student Directors

- (a) The Student Directors must be directly elected in accordance with these Regulations and the Constitution.
- (b) The composition of the eight (8) Student Directors must include a minimum four (4) women and one (1) SDC Convenor.

- (c) For the duration of their Directorship on the Arc Board, all elected Student Directors have authority to represent UNSW students in matters relating to SSAF.

### 3.3 Appointment of Alumni and University Directors

- (a) Alumni Directors:  
90 days prior to the end of their term, Alumni Directors must notify Board of their intention to restand for, or resign from, Board. Should the Alumni Director notify an intention to resign, within 30 days of receiving this notice, the Board will appoint a selection panel subject to the structure imposed by item 9.4 of the Constitution. Within 60 days of formation, the selection panel will have appointed a new Alumni Director to Board.
- (b) University Directors:  
90 days prior to the end of their term, University Directors must notify Board of their intention to restand for, or resign from, Board. Should the University Director notify an intention to resign, the Board shall write to the Vice Chancellor's Office advising of its requirement for a new University Director. The Board shall advise the Vice Chancellor's Office that its recommendation on candidature is required at least 30 days prior to the completion of the incumbent University Director's term.

### 3.4 Casual Vacancies

- (a) Where the vacating Director is a Student Director, and:
  - (i) The date in which they vacate the Board is within four (4) months of the most recent election for Student Directors (Board elections);
    - (A) That vacancy must be filled on count back of the election votes by the next student who would have been elected to the Board at that election provided they remain eligible.
    - (B) If that student is unwilling, ineligible or unable to fill the vacancy, the count back shall continue until a candidate is willing and able to accept the appointment.
    - (C) If no candidates are willing, eligible or able to fill the vacancy following this count back, the Board shall use Section 3.4 (ii) below to fill the vacancy. The new Student Director will serve the remaining term of office as it applied to the vacating Student Director.
  - (ii) The date in which they vacate the Board is after four (4) months of the most recent election for Student Directors (Board elections):
    - (A) That vacancy must be filled by a student appointed by a majority of the remaining Directors at a meeting of the Board.
    - (B) The new Student Director must have been eligible to contest the most recent election for Student Directors.
    - (C) The new Student Director may serve only until the next election for Student Directors, where the remaining term of office (if any) for the vacating Student Director is filled by the student with the most votes after those who are elected for a full term of office with respect to these Regulations.
- (b)
  - (i) Where the vacancy is an Alumni or University Director the vacancy must be filled for the remainder of the vacated position following the process outlined in Article 9.4 (b) and 9.4 (d) of the Constitution.
  - (ii) The Arc Constitution s9.6 provides that Arc Alumni and UNSW Directors may serve a maximum of three consecutive terms, with a term defined as 2 years. In the event that a Director is filling a UNSW or Alumni Director casual vacancy, their initial term will be considered an 'incomplete term'. This incomplete term will not count towards their total number of terms.

### 3.5 Chair

- (a) A Chair of the Board shall be elected by a majority of Directors at the first Board meeting following the 31st of May or at the first meeting following resignation from office by the Chair, whichever is earlier.
- (b) The Chair must be a Student Director as defined in the Constitution.
- (c) Subject to 3.5 (d) below and resignation from office, the newly elected Chair's term of office shall begin when they are elected as per 3.5 (a), and end when they cease to be a Student Director or at the first Board meeting following the 31st of May of the following year, whichever is earlier.
- (d) The Chair may be removed as Chair as a result of the passing of a Special Resolution at a Meeting of Directors.
- (e) The Chair's primary duties are to:
  - (i) Chair meetings of the Board;
  - (ii) Undertake the duties as an official spokesperson of Arc both internally and externally in accordance with the media and communication policy approved by Board from time to time; and
  - (iii) Represent Arc on University committees and other University bodies, as appropriate.
- (f) The Chair shall be entitled to an allowance as determined by the Board from time to time.
- (g) Ex-Officio directors cannot be elected to the Chair of the Board.

### 3.6 Officer Bearers of the Board

The Board, at its first meeting after the 31st of May each year must appoint an Honorary Treasurer and any other officer bearers of the Board as it decides from time to time.

### 3.7 Director Onboarding

- (a) The Company Secretary or delegate will prepare and disseminate all relevant onboarding paperwork, training and regulatory requirements to new Directors in advance of their official appointment to the Board. This may include, but is not limited to:
  - (i) Letter of Appointment
  - (ii) Policy Acknowledgements
  - (iii) Consent to Act as a Director
  - (iv) Online Training Modules
  - (v) Provision of Identification Documentation
  - (vi) Responsibility to obtain Director ID
- (b) Directors are responsible for completing all requirements to the satisfaction of the Company Secretary:
  - (i) At least 24hours prior to their first Board meeting; or
  - (ii) By the deadline provided by the Company Secretary.
- (c) In the event that requirements are not complete per 3.7b, the Director's position will be deemed vacant at the close of the Board meeting following the missed deadline, via a resolution of the Board. Casual Vacancies are to be filled in accordance with 3.4.
  - (i) A deadline extension may be granted with leave of the Board in exceptional circumstances, where the extension does not result in an organisational breach of legislation;

- (A) The Board will follow any legislative requirements or direction from regulatory authorities where applicable.
- (ii) The Board may request that specific actions are undertaken and evidenced in order for an extension to remain in place;
- (iii) Relevant evidence of actions or activity on outstanding requirements must be provided to the Company Secretary and reported to the Board on a regular basis determined within the deadline extension;
- (iv) Should the evidence of actions or activity on outstanding requirements be unsatisfactory to the Board, the Board retains the authority to revoke any deadline extension.
- (v) The grant and /or revocation of an extension is to be provided in writing by the Company Secretary.

#### **4. Board Sub-Committees Generally**

- (a) The Board must constitute a Finance Sub-Committee, an Audit & Risk Sub-Committee and a Nominations and Remuneration Sub-Committee.
- (b) The Board may establish other Sub-Committees or working groups where required to assist it in the discharge of its responsibilities.
- (c) The terms of reference, composition and procedures for each Sub-Committee shall be determined by the Board upon establishment.
- (d) The terms of reference, composition and procedures for each Sub-Committee shall be contained within the Regulations or in separate Board ratified Sub-Committee charters.
- (e) Any Director of Arc may attend meetings of the established Sub-Committees, unless otherwise specified by the Board.
- (f) Persons who are not Directors of Arc may only attend meetings of Board Sub-Committees upon invitation from the Sub-Committee Chair and subject to approval from a majority of Sub-Committee members.
- (g) Employees of Arc may be invited as attendees to provide information to the Sub-Committee at the invitation of the Chief Executive Officer after prior consultation with the Sub-Committee Chair.

##### **4.1 Chairs of Sub-Committees**

- (a) No Director may be elected to chair more than one (1) of the Sub-Committees mentioned in Section 5 below,
- (b) The President of the SRC and President of the PGC cannot chair Subcommittees,
- (c) The Convenor of the SDC may only chair the SDC,
- (d) Chairs of Sub-Committees shall be elected by and from the Board except where stated otherwise in these regulations.

##### **4.2 Term of Office**

The term of office of all chairs of and Directors on Sub-Committees shall cease at the commencement of the first meeting of the Board held after the 31st of May in each year.

##### **4.3 Reporting**

- (a) Minutes of Sub-Committees shall, as far as practicable, be presented at the next meeting of the Board for information.

- (b) The chairs of Sub-Committees must provide a written report to the Board at its next meeting after each Sub-Committee meeting.
- (c) The chairs of each Sub-Committee shall prepare a report annually on the functioning of their committee over the past year to be presented at the May meeting of the Board.

#### 4.4 Quorum

Quorum for Sub-Committee meetings shall be a simple majority, as defined in the Constitution.

### 5. Sub-Committees of the Board

#### 5.1 Finance Sub-Committee

- (a) Terms of Reference
  - (i) To advise the Board on financial matters of Arc.
  - (ii) To advise the Chief Executive Officer on financial matters.
  - (iii) To monitor and review the financial operations, including annual budgets and forward estimates, and relevant financial statements.
  - (iv) To monitor and review Arc's progress towards operational and strategic targets, including performance against organisational performance metrics.
  - (v) To recommend organisational financial performance metrics to Board.
  - (vi) To ensure that timely and accurate information is presented to Board, including any anticipated or realised changes in performance against organisational financial performance metrics and the allocation of these changes and/or the anticipated overall change in operating result.
  - (vii) To determine and review Arc banking and investment policies.
  - (viii) To review the extent, duration and exercise of financial delegations and to recommend such delegations to Board for approval.
  - (ix) To review and recommend the Annual Budget and capital expenditure plan to Board.
  - (x) To review and recommend the financing of capital works to Board.
  - (xi) To review and recommend the annual financial operational and strategic performance metrics to Board.
  - (xii) To review and advise on any other matters or agreements that have the potential of significant financial impact.
  - (xiii) To maintain strategic oversight of buildings and grounds and recommend proposals to Board.
  - (xiv) To review and advise on any matters raised by the Audit & Risk Sub-Committee and report to the Audit & Risk Sub-Committee on a quarterly basis.
  - (xv) To review and advise on any matters raised by the Chief Executive Officer within the scope of the Finance Sub-Committee.
  - (xvi) To review and advise on any matters raised by Board within the scope of the Finance Sub-Committee.
  - (xvii) To provide an opportunity for Directors to develop appropriate financial and monitoring skills.



(b) Composition

The Finance Sub-Committee will comprise of the following separate persons:

- (i) A Student Director of the Board elected by a majority of Directors to the position of Honorary Treasurer of the Board. This person will be the Chair of the Finance Sub-Committee (ex-officio and voting);
- (ii) Chair of the Board (ex-officio and voting);
- (iii) Chief Executive Officer of Arc (ex-officio and voting); and
- (iv) A minimum of two (2) Directors, of whom at least one (1) must be a Student Director, as elected by a majority of Directors of the Board (voting).

(c) Meetings of Finance Sub-Committee

The Finance Sub-Committee must meet a minimum of four (4) times in each fiscal year, including at least one (1) meeting to plan and recommend Arc's operating budget to the Board for the next year.

(d) Reporting to Board

The Honorary Treasurer must provide a written report to the Board for the next Board meeting held after each Finance Sub-Committee meeting. The report must contain the following information:

- (i) Notes on the financial performance of Arc;
- (ii) Income Statements – month end and year to date;
- (iii) Monthly cash flow statement;
- (iv) Balance sheet;
- (v) Other matters as determined by the Board from time to time (if any).

(e) Decisions of Finance Sub-Committee

- (i) The Finance Sub-Committee may make recommendations to the Board.
- (ii) The Board may accept or reject any recommendation of the Finance Sub-Committee in its ultimate discretion.
- (iii) The Board may also refer any issue back to the Finance or Audit & Risk Sub-Committee for further consideration or review.

(f) Honorary Treasurer / Finance Committee Chair Responsibilities

- (i) Schedule and convene all meetings of the Finance Committee. This may be delegated to another Student Director in exceptional circumstances, with approval from the Chair of the Board;
- (ii) Review and confirm the agenda for each meeting of the Finance Committee;
- (iii) Lead the Finance Committee discussions and ensure effective communication between members;
- (iv) Plan and facilitate an annual performance review of Finance Committee;
- (v) Actively identify training and development opportunities for the Finance Committee and implement or recommend where necessary;
- (vi) Extend invitations to the Finance Committee to relevant persons as required;

- (vii) Liaise with the Arc Chair of the Board, CEO, Audit & Risk Chair and Arc Executive Staff where required in matters relating to the annual Audit process;
- (viii) Review and make recommendations to policies, charters and procedures, in consultation with relevant stakeholders as required;
- (ix) Liaise with the CEO regarding Financial matters as required;
- (x) Represent the Finance Committee with internal and external stakeholders, including via the attendance of meetings, as appropriate; and
- (xi) Support the Chair of the Board where opportunities are identified and appropriate.

## 5.2 Audit & Risk Sub-Committee

### (a) Terms of Reference

- (i) To report on any anticipated exposure to financial and internal control risk that could materially affect the reputation and/or operation of Arc.
- (ii) To advise the Board on auditing, internal control and financial reporting matters.
- (iii) To report to Board on audit and compliance aspects of the annual financial statements.
- (iv) To advise the Chief Executive Officer on auditing, internal control and financial reporting matters and to review and advise on any matters raised by the Chief Executive Officer.
- (v) To review and advise on any matters raised by Board and the Finance Sub-Committee.
- (vi) Monitor and review the auditing, internal control policies and procedures and financial reporting of Arc.
- (vii) Review the financial statements of Arc with attention to compliance and the quality of Arc accounting, financial management, information reporting and internal controls.
- (viii) Review the engagement processes for External Auditors of Arc and liaise with the External Auditors in an adequate and timely manner.
- (ix) Monitor compliance with financial delegations and accounting standards, and relevant financial control risks of Arc.
- (x) To provide an opportunity for directors to develop appropriate financial, strategy formulation and monitoring skills.
- (xi) Engage with internal and external stakeholders where appropriate.

### (b) Composition

The Audit & Risk Sub-Committee will comprise of the following separate persons:

- (i) A Student Director of the Board elected by a majority of Directors to the position of chair of the Audit & Risk Sub-Committee (voting);
- (ii) A minimum of four (4) Board Directors appointed by a majority of Directors – other than the Chair of the Board, Honorary Treasurer of the Board and Chief Executive Officer of Arc. Appointments must be made with consideration to the terms of reference for the Sub-Committee and in accordance with the relevant corporate governance principles;
- (iii) Other persons appointed by a majority of Directors after consideration of the terms of reference for the Sub-Committee and the relevant corporate governance principles.

- (iv) The CEO and Chair of the Board are non-voting advisory members of the Audit and Risk Subcommittee but must leave meetings if the presence of either or both does not uphold good corporate governance principles at the discretion of the majority of the Audit & Risk Subcommittee.
- (c) Meetings of Audit & Risk Sub-Committee
  - (i) The Audit & Risk Sub-Committee must meet a minimum of four (4) times in each fiscal year, including one (1) meeting to discuss and recommend the audit report to the Board of Directors.
- (d) Decisions of Audit & Risk Sub-Committee
  - (i) The Audit & Risk Sub-Committee may make recommendations to the Board.
  - (ii) The Board has the ultimate discretion whether or not to accept the recommendations of the Audit & Risk Sub-Committee in relation to any issue raised.
  - (iii) The Board may also refer any issue back to the Audit & Risk Sub-Committee for further consideration or review.
- (e) Audit & Risk Committee Chair Responsibilities
  - (i) Convene all meetings of the Audit & Risk Committee. This may be delegated to another Student Director in exceptional circumstances, with approval from the Chair of the Board;
  - (ii) Review and confirm the agenda for each meeting of the Audit & Risk Committee;
  - (iii) Lead the Audit & Risk Committee discussions and ensure effective communication between members;
  - (iv) Generate reports for Board meetings;
  - (v) Plan and facilitate an annual performance review of Audit & Risk Committee;
  - (vi) Actively identify training and development opportunities for the Audit & Risk Committee and implement or recommend where necessary;
  - (vii) Extend invitations to the Audit & Risk Committee to relevant persons as required;
  - (viii) Liaise with the Arc Chair of the Board, CEO, Honorary Treasurer and Arc Executive Staff where required in matters relating to the annual Audit process;
  - (ix) Review and make recommendations to policies, charters and procedures, in consultation with relevant stakeholders as required;
  - (x) Represent the Audit & Risk Committee with internal and external stakeholders, including via the attendance of meetings, as appropriate; and
  - (xi) Support the Chair of the Board where opportunities are identified and appropriate.

### 5.3 Nominations and Remuneration Sub-Committee

- (a) Terms of Reference
  - (i) To identify and recruit nominees to the Board who will contribute to the growth of the organisation.
  - (ii) To ensure Arc follows relevant corporate governance principles with regards to its remuneration and nominations processes.
  - (iii) To undertake performance evaluations of the Board.

- (iv) To undertake an annual performance evaluation of the Chief Executive Officer.
- (v) To monitor and review relevant Arc policies and documents with regards to the Chief Executive Officer including but not limited to employment contract, position description, evaluation policy and remuneration policy.
- (vi) To review and recommend the annual performance metrics for the Chief Executive Officer to Board.
- (vii) To monitor and review policies for the performance evaluation of Arc Staff.
- (viii) To monitor and review policy for the remuneration of elected Directors and Officers.
- (ix) To review and monitor electoral processes.
- (x) To ensure and oversee the training and development of Board members.
- (xi) To provide an opportunity for Directors to develop appropriate policy development and evaluation process experience.
- (xii) To consider nominations for Honorary Life Membership of Arc in accordance with the Honorary Life Membership Guidelines.
- (xiii) Engage with internal and external stakeholders where appropriate.

(b) Composition

The Nominations and Remuneration Sub-Committee will comprise of the following separate persons:

- (i) A Student Director of the Board elected by a majority of Directors to the position of chair of the Nominations and Remuneration Sub-Committee (voting);
- (ii) A minimum of two (2) Directors of the Board elected by a majority of Directors of who may not be the President of the SRC or the President of the PGC (voting);
- (iii) Chair of the Board (voting);
- (iv) Chief Executive Officer of Arc (voting);
- (v) Other persons appointed by a majority of Directors after consideration of the terms of reference for the relevant Sub-Committee and the relevant corporate governance principles.

(c) Meetings of Nominations and Remuneration Sub-Committee

- (i) The Nominations and Remuneration Sub-Committee must meet a minimum of four (4) times in each fiscal year.

(d) Decisions of Nominations and Remuneration Sub-Committee

- (i) The Nominations and Remuneration Sub-Committee may make recommendations to the Board.
- (ii) The Board has the ultimate discretion whether or not to accept the recommendations of the Nominations and Remuneration Sub-Committee in relation to any issue raised.
- (iii) The Board may also refer any issue back to the Nominations and Remuneration Sub-Committee for further consideration or review.

(e) Nominations & Remunerations Committee Chair Responsibilities

- (i) Schedule and convene all meetings of the Nominations and Remunerations Committee. This may be delegated to another Student Director in exceptional circumstances, with approval from the Chair of the Board;

- (ii) Review and confirm the agenda for each meeting of the Nominations and Remunerations Committee;
- (iii) Lead the Nominations & Remunerations Committee discussions and ensure effective communication between members;
- (iv) Generate reports for Board meetings;
- (v) Plan and facilitate an annual performance review of the Nominations & Remunerations Committee;
- (vi) Plan and facilitate an annual performance review of the Arc Board in consultation with the Chair of the Board;
- (vii) Plan and facilitate the annual CEO Evaluation Review and any relevant Performance Management Plan in consultation with the Chair of the Board;
- (viii) Actively identify training and development opportunities for the Nominations & Remunerations Committee and implement or recommend where necessary;
- (ix) Extend invitations to the Nominations & Remunerations Committee to relevant persons as required;
- (x) Review and make recommendations to policies, charters and procedures, in consultation with relevant stakeholders as required;
- (xi) Represent the Nominations & Remunerations Committee with internal and external stakeholders, including via the attendance of meetings, as appropriate; and
- (xii) Support the Chair of the Board where opportunities are identified and appropriate.

#### 5.4 Student Development Committee

##### (a) Terms of Reference

- (i) Reviewing and overseeing Clubs & Societies and Student Programs (including volunteer, leadership, cultural, artistic programs);
- (ii) Reviewing and overseeing new or future Student Engagement programs or initiatives of Arc;
- (iii) To advise on policy, procedures and decisions that relate to Clubs and Student Engagement Programs, including but not limited to:
  - (A) The development or interpretation of relevant strategy;
  - (B) Balancing the use of resources between the commercial and student services component of the organisation;
  - (C) Balance the use of resources between the internal and external service provision needs of the organisation.
  - (D) Recommending to the Board policies that are compliant with those of Arc, including but not limited to Council Charters, club grants, club affiliations and grievance and dispute resolution processes for clubs.
- (iv) To monitor adoption and value of Arc Membership and associated benefits and ensure eligible members have an appropriate level of access.
- (v) Engage with internal and external stakeholders where appropriate.

##### (b) Composition

The Student Development Committee will comprise of the following separate persons:

- (i) A Student Director of the Board elected by a majority of Directors to the position of Convenor of the Student Development Committee (voting);
- (ii) Minimum of five (5) Student Directors including the Chair of the Board (voting);
- (iii) President of the SRC (voting);
- (iv) President of the PGC (voting);
- (v) Chief Executive Officer of Arc (non-voting);
- (vi) Optional University or Alumni Director (non-voting);
- (vii) Other persons appointed by the Board after consideration of the terms of reference for the Subcommittee and the relevant corporate governance principles.

(c) All voting members of the SDC must be students.

(d) Meetings of Student Development Committee

- (i) The Student Development Committee must meet a minimum of four (4) times in each calendar year.

(e) Decisions of Student Development Committee

- (i) The Student Development Committee may make recommendations to the Board only.
- (ii) The Board has the ultimate discretion whether or not to accept the recommendations of the Student Development Committee in relation to any issue raised.
- (iii) The Board may accept or reject any recommendation of the Student Development Committee in its ultimate discretion.
- (iv) The Board may also refer any issue back to the Student Development Committee for further consideration or review.

(f) Student Development Committee Convenor Responsibilities

- (i) Convene all meetings of the Student Development Committee. This may be delegated to another Student Director in exceptional circumstances, with approval from the Chair of the Board;
- (ii) Review and confirm the agenda for each meeting of the Student Development Committee;
- (iii) Generate reports for Board meetings;
- (iv) Lead the Student Development Committee discussions and ensure effective communication between members;
- (v) Plan and facilitate an annual performance review of the Student Development Committee;
- (vi) Actively identify training and development opportunities for the Student Development Committee and implement or recommend where necessary;
- (vii) Extend invitations to the Student Development Committee to relevant persons as required;
- (viii) Review and make recommendations to policies, charters and procedures, in consultation with relevant stakeholders as required;
- (ix) Represent the Student Development Committee with internal and external stakeholders, including via the attendance of meetings, as appropriate;

- (x) Assist the Chair of the Board when necessary and requested, in matters relating to the Student Councils of Arc. This may include attending or scheduling regular meetings with relevant Presidents or representatives as required;
- (xi) Coordinate team building and social events for the Arc Board to maintain morale and connection, in consultation with the Chair of the Board; and
- (xii) Support the Chair of the Board where opportunities are identified and appropriate.

## 6. Finance

### 6.1 Monitoring performance

- (a) Each department must explain quarterly finance reports, which set out actual performance against budget for the previous month.
- (b) The Finance Sub-Committee must review the quarterly reports and report to the Board in relation to the performance of each department against budget.

### 6.2 Authorisations

The Board will keep a register of approved financial delegations to be updated from time to time.

## 7. Publications

### 7.1 Legal Publisher

The legal publisher of all Arc publications must be a member of Arc's staff and must abide by the Australian Journalists' Association Code of Ethics.

### 7.2 Periodical publications

- (a) Arc shall have a periodical publication called "Tharunka";
  - (i) Each issue of Tharunka shall prominently state: "Tharunka is the Journal of Arc @ UNSW Limited. The views expressed therein are not necessarily those of Arc @ UNSW Limited or the University of New South Wales."
  - (ii) Space equal to no less than three (3) full pages and no more than four (4) full pages of each edition of Tharunka, with the exception of Foundation Day and election editions, may be set aside for all office bearers of the SRC and PGC to provide a written report.
  - (iii) Whilst still reserving the editors' and publishers' right to edit or reject submissions, Tharunka must publish letters to the editor in order to promote transparency by Arc and its departments.
- (b) The Board shall determine other periodical publications for Arc from time to time.
- (c) Editorial bodies and charters for other periodical publications of Arc shall be determined by the Board from time to time.

## 8. Student Representative Council (SRC)

### 8.1 Composition

The President of the SRC shall convene meetings of the SRC.

The SRC will comprise of the following members:

- (a) Officers (Voting)
  - (i) President of the SRC;
  - (ii) General Secretary;
  - (iii) Education Officer;
  - (iv) Women's Officer;
  - (v) International Students' Officer;
  - (vi) Indigenous Officer;
  - (vii) Environment Officer;
  - (viii) Two (2) Queer Officers;
  - (ix) Students with Disabilities Officer;
  - (x) Welfare Officer;
  - (xi) Ethno-cultural Officer;
  - (xii) Paddington Representation Officer;
  - (xiii) Paddington Domestic Officer;
  - (xiv) Paddington International Officer.
  
- (b) Councillors (Voting)
  - (i) Faculty representatives being:
    - (A) Six (6) undergraduate (at least two (2) of whom must be a woman) Members from Electorate A as defined in these Regulations;
    - (B) Six (6) undergraduate (at least two (2) of whom must be a woman) Members from Electorate B as defined in these Regulations;
  
- (c) Ex-Officio members (Voting)
  - (i) Chair of the Board;
  - (ii) President of the PGC;
  
- (d) Ex-officio members (non-voting)
  - (i) Chief Executive Officer of Arc;
  - (ii) The undergraduate student representative elected to University Council;



- (iii) The two (2) undergraduate student representatives elected to Academic Board; and
- (iv) The undergraduate student-faculty representatives.
- (e) The authority, functions and procedures for these structures shall be determined by the SRC.
- (f) For the duration of their term in office, all elected members (voting) of the SRC have authority to represent UNSW students in matters relating to SSAF.

## 8.2 Term of Office

- (a) Officers and Councillors;
  - (i) will hold office for a term of one (1) year beginning 1 December and finishing 30 November;
  - (ii) may only hold any one (1) office within the SRC for a maximum of two (2) terms;
  - (iii) are eligible for re-election each year provided they meet the criteria set out in these Regulations.
- (b) Ex officio members will hold office for as long as they remain the Chair of the Board, President of the PGC or Chief Executive Officer of Arc.

## 8.3 President of the Student Representative Council

- (a) The President of the SRC primary duties are;
  - (i) The official spokesperson of the SRC internally and externally, as defined by the media and communication policy approved by board from time to time;
  - (ii) responsibility for coordination of campaigns;
  - (iii) representative of the SRC on University committees and other University bodies, as appropriate;
  - (iv) Chairing meetings of the SRC;
  - (v) ex-officio Director of Arc;
  - (vi) ex-officio member of the PGC (voting);
  - (vii) Reporting the recommendations, outcomes and actions of the SRC to the Board.
- (b) The President of the SRC shall be entitled to an allowance as determined by the Board from time to time.

## 8.4 Election of Officers and Councillors

- (a) Officers and Councillors
  - (i) Each Officer and Councillor with the exception of the Queer Officers, will be directly elected in accordance with these Regulations.
  - (ii) The Indigenous Officer must be an Indigenous Student.
    - (A) Only Indigenous students may vote in the election of the Indigenous Officer.
  - (iii) The Queer Officers must identify as queer and/or gay, lesbian, bisexual, transgender, transsexual, asexual, pansexual or intersex. Preferential voting will occur with a minimum of one (1) of the elected queer officers not identifying as cis-male.
    - (A) The SRC shall appoint the Queer Officers elected by the Queer Collective at a meeting of the collective specifically convened for this purpose, and as set out below.

- (B) These elections may be overseen by a Returning Officer appointed by the Board, if requested by the Queer Department.
- (C) Notice of the specially convened meeting shall be given by the incumbent Queer Officers 28 days prior to the meeting.
- (iv) The Women's Officer must be a woman.
- (v) The Students with Disabilities Officer must be a Student with a disability. Candidates for the position must be registered with the UNSW Student Equity & Disabilities Unit or, failing that, sign a statutory declaration stating they are a student with a disability.
- (vi) The Ethno-cultural Officer must be from a culturally and linguistically diverse background.
- (vii) The International Students' Officer must be an International Student.
- (viii) Only the Queer Officers and Students with Disabilities Officer positions may be shared by up to two (2) people.
- (ix) All Office Bearers and Councillors, including shared positions, may only hold one (1) vote.
- (x) Any Officer or Councillor of the SRC may be removed following a Special Resolution of the SRC being followed by a Special Resolution of the Board, affirming due process was followed by the SRC.
- (xi) All Officers and Councillors of the SRC must abide by the policies and procedures of Arc and may be subject to disciplinary action, including instant removal from their position, for breaching these policies and procedures.
- (xii) No student may hold more than one (1) elected position on the SRC, with the exception of NUS Delegates.
- (xiii) The Paddington Representation Officer, the Paddington Domestic Officer and the Paddington International Officer must be a student whose primary course/controlling school is based at Paddington Campus.

(b) Voting Rights

The following restrictions apply to Students voting in the election of members of the SRC:

- (i) Only woman-identifying Students may vote in the election of the Women's Officer
- (ii) Only International Students may vote in the election of the International Students' Officer
- (iii) Only Students with Disabilities may vote in the election of the Students with Disabilities Officer
- (iv) In the election of the Undergraduate Councillors only undergraduates from Electorate A may vote for candidates from Electorate A and only undergraduates from Electorate B may vote for candidates from Electorate B.
- (v) Only students whose primary course / controlling school is based on Paddington campus may vote in the Election of Paddington Representation Officer, Paddington Domestic Officer & Paddington International officer.

(c) Joint Nominations

- (i) For two (2) people to hold a position in accordance with 8.4 (a) (viii) of these Regulations, those persons must stand for that position as joint candidates.

- (ii) To stand for a position as joint candidates, the candidates must submit to the Returning Officer before the close of nominations:
  - (A) Their nomination forms,
  - (B) A statement signed by each candidate stating that they wish to stand as joint candidates; and
  - (C) A statement signed by each candidate stating which candidate shall be the voting member of any body on which the position would hold a vote with the other candidate being a non-voting member of any such body.

## 8.5 Casual & Remaining Vacancies

Where the vacancy is in a directly elected SRC position listed in 8.1(a) or (b):

- (a) The date in which they vacate the SRC is within four (4) months of the most recent SRC election:
  - (i) That vacancy must be filled by the next student on count back (as determined by the Returning Officer) who would have been elected to the position at that election provided they remain eligible.
  - (ii) If that student is unwilling/ineligible or unable to fill the vacancy, the count back shall continue until a candidate is willing, eligible and able to accept the appointment.
  - (iii) If no candidates are willing, eligible nor able to fill the vacancy following this method, the SRC shall use Section 8.5 (b) below to fill the vacancy.
  - (iv) The new member in the position may serve the remaining term of office for the vacating Officer or Councillor.
- (b) The date in which they vacate the SRC is greater than four (4) months of the most recent SRC election:
  - (i) That vacancy may be filled by a student nominated by a majority of the remaining Council members, the Board shall be notified of the appointment at the next meeting of the Board held after the vacancy is filled.
  - (ii) The new Officer or Councillor must have been eligible to contest the most recent election for Officers or Councillors.
  - (iii) The new Officer or Councillor may serve only until the next election for Officers or Councillors.
- (c) Interim Officers may be appointed by the SRC President in collaboration with the CEO and Chair of the Board based on the following conditions:
  - (i) The SRC President formally emails the SRC with notice of the resignation received.
  - (ii) After a decision is reached on the interim appointment, an email notification is sent to the SRC.
  - (iii) The duration of the interim appointment is limited until the next meeting of the SRC. The duration may be extended upon approval from the SRC.

## 8.6 Meetings of the Student Representative Council

- (a) The SRC must meet at least four (4) times each fiscal year.
- (b) SRC Officers and Councillors who miss two (2) meetings without approved leave from the SRC shall be deemed to have resigned their position(s) at the conclusion of the second meeting.

## 8.7 Notice of Meetings

- (a) The President of the SRC must give at least seven (7) days notice of each meeting by circulating a written notice and agenda to each member of the SRC.
- (b) Any person required to submit a report or other documentation for a SRC meeting must provide the President of the SRC with an electronic copy of that documentation eight (8) days prior to the date of the meeting. The President of the SRC may, at its discretion, accept any documentation which does not meet this deadline.

## 8.8 Quorum

The quorum for meetings of the SRC shall be a Simple Majority of voting members.

## 8.9 Procedure and Voting

- (a) A motion shall be passed by simple majority on a show of hands of Members present and entitled to vote at the meeting.
- (b) Each Member entitled to vote may exercise a maximum of one (1) vote.
- (c) If there is an equality of votes, the President of the SRC shall have the casting vote.

## 8.10 Minutes

- (a) Minutes of all SRC meetings must be kept as part of Arc's statutory records and available for review.
- (b) Minutes of each meeting must be available for review and approval at least seven (7) days before the next meeting of the SRC.
- (c) Any Student or Member may view minutes of the SRC (other than in respect of meetings, or part thereof, held in camera) at any time on reasonable notice to the Secretary.

# 9. Postgraduate Council (PGC)

## 9.1 Composition

The PGC will comprise the following members:

- (a) Officers (Voting):
  - (i) President of the PGC;
  - (ii) General Secretary;
  - (iii) Vice President Research;
  - (iv) Vice President Coursework;
  - (v) Vice President International;
  - (vi) Vice President Equity;
  - (vii) Canberra Campus Officer;
  - (viii) Paddington Campus Officer;

- (b) Committee Liaisons (Voting)
  - (i) There will be four (4) Committee Liaison Officers, one for each of the Vice President Positions:
    - (A) Research Committee Liaison;
    - (B) Coursework Committee Liaison;
    - (C) International Committee Liaison; and
    - (D) Equity Committee Liaison.
- (c) Ex-Officio members (Voting):
  - (i) Chair of the Board;
  - (ii) President of the SRC;
  - (iii) President and Advocacy Officer of the Arc Canberra Committee.
- (d) Ex-officio members (Non-Voting):
  - (i) Chief Executive Officer of Arc;
  - (ii) The postgraduate student members (including both coursework and higher degree research students) of the UNSW Council;
  - (iii) The postgraduate student members (including both coursework and higher degree research students) of the Academic Board;
  - (iv) Postgraduate Faculty Board representatives.
- (e) For the duration of their term in office, all elected members (voting) of the PGC have authority to represent UNSW students in matters relating to SSAF.

## 9.2 Term of Office

- (a) Officers and Committee Liaisons;
  - (i) will hold office for a term of one year beginning 1 December and finishing 30 November;
  - (ii) may only hold any one (1) office within the PGC for a maximum of two (2) terms;
  - (iii) are eligible for re-election each year provided they meet the criteria set out in these Regulations
  - (iv) Officers and Committee Liaisons who graduate during their appointed term and have less than 3 months remaining of their appointed term, may retain their position on the Council, with the leave of the Council via a resolution.
- (b) Ex officio members will hold office for as long as they remain the Chair of the Board, President of the SRC, Chief Executive Officer of Arc or President and Advocacy Officer of the Arc Canberra Committee.

## 9.3 President of the Postgraduate Council

- (a) The President of the PGC's primary duties are;
  - (i) The official spokesperson of the PGC internally and externally, as defined by the media and communication policy approved by board from time to time;
  - (ii) Responsibility for co-ordination of campaigns;
  - (iii) Representative of the PGC on University committees and other University bodies, as appropriate;

- (iv) Chairing meetings of the PGC;
  - (v) Ex-officio Director of Arc;
  - (vi) Reporting the recommendations, outcomes and actions of the PGC to the Board.
- (b) The President of the PGC shall be entitled to an allowance as determined by the Board from time to time.

#### 9.4 Election of Officers and Committee Liaisons

- (a) Only Postgraduate Students may stand in the Election of the PGC.
- (b) Officers and Committee Liaisons:
- (i) Each Officer and Committee Liaison will be directly elected in accordance with these Regulations and the Arc @ UNSW Limited Constitution.
  - (ii) The Vice President Coursework and Coursework Committee Liaison must be Coursework Students.
  - (iii) The Vice President International and International Committee Liaison must be International Students.
  - (iv) The Vice President Research and Research Committee Liaison must be Research Students.
  - (v) The Vice President Equity and Equity Committee Liaison must be from an underrepresented group.
  - (vi) All elected positions are to be held solely by an individual and cannot be shared.
  - (vii) Any Officer or Committee Liaisons of the PGC may be removed following a Special Resolution of the PGC being followed by a Special Resolution of the Board, affirming due process was followed by the PGC.
  - (viii) All Officers and Committee Liaisons of the PGC must abide by the policies and procedures of Arc and may be subject to disciplinary action, including instant removal from their position, for breaching these policies and procedures.
  - (ix) No student may hold more than one (1) elected position on the PGC.
  - (x) No Postgraduate student can contest PGC elections in the same year in which they expect to graduate.
  - (xi) The Paddington Campus Officer must be a postgraduate whose primary course/controlling school is based at Paddington Campus.
  - (xii) The Canberra Campus Officer must be a postgraduate whose primary course/controlling faculty is based at Canberra Campus.
  - (xiii) There must be at least 2 women elected to positions on the Postgraduate Council, per section 10.19 (e) of these Regulations.

(c) Voting Rights

The following restrictions apply to Students voting in the election of members of the PGC

- (i) Only Postgraduate students are eligible to vote for the PGC.
- (ii) Only Coursework Students may vote in the election of the Vice President Coursework and Coursework Committee Liaison.

- (iii) Only International Students may vote in the election of the Vice President International and International Committee Liaison.
- (iv) Only Research Students may vote in the election of the Vice President Research and Research Committee Liaison.
- (v) Only students whose primary course / controlling school is based on Paddington campus may vote in the election of the Paddington Officer.
- (vi) Only students whose primary course / controlling faculty is based on Canberra campus may vote in the election of the Canberra Officer.

## 9.5 Casual & Remaining Vacancies

Where the vacancy is in a directly elected PGC position listed in 9.1(a) or (b) and:

- (a) The date in which they vacate the PGC is within four (4) months of the most recent PGC election:
  - (i) That vacancy must be filled by the next student on count back who would have been elected to the position at that election provided they remain eligible.
  - (ii) If that student is unwilling/ineligible or unable to fill the vacancy, the count back shall continue until a candidate is willing, eligible and able to accept the appointment.
  - (iii) If no candidates are willing, eligible nor able to fill the vacancy following this method, the PGC shall use Section 9.5 (b) below to fill the vacancy.
  - (iv) The new member in the position may serve the remaining term of office for the vacating Officer or Committee Liaison .
- (b) The date in which they vacate the PGC is greater than four (4) months of the most recent PGC election;
  - (i) That vacancy may be filled by a student nominated by a majority of the remaining Council members, provided that the Board is notified at the next meeting of the Board held after the vacancy is filled.
  - (ii) The new Officer or Committee Liaison must have been eligible to contest the most recent election for Officers or Committee Liaison.
  - (iii) The new Officer or Committee Liaison may serve only until the next election for Officers or Councillors.

## 9.6 Meetings of the Postgraduate Council

- (a) The PGC must meet at least four (4) times each fiscal year.
- (b) PGC Officers and Committee Liaisons who miss two (2) meetings without approved leave from the PGC shall be deemed to have resigned their position(s) at the conclusion of the second meeting.

## 9.7 Notice of Meetings

- (a) The President of the PGC must give at least seven (7) days' notice of each meeting by circulating a written notice and agenda to each member of the PGC.
- (b) Any person required to submit a report or other documentation for a PGC meeting must provide the President of the PGC with an electronic copy of that documentation at least eight (8) days prior to the date of the meeting. The President of the PGC may, at its discretion, accept any documentation which does not meet this deadline.

## 9.8 Quorum

The quorum for meetings of the PGC shall be a Simple Majority of voting members.

## 9.9 Procedure and Voting

- (a) A motion shall be passed by simple majority on a show of hands of Members present and entitled to vote at the meeting.
- (b) Each Member entitled to vote may exercise a maximum of one (1) vote.
- (c) If there is an equality of votes, the President of the PGC shall have the casting vote.

## 9.10 Minutes

- (a) Minutes of all PGC meetings must be kept as part of Arc's statutory records and available for review.
- (b) Minutes of each meeting must be available for review and approval at least seven (7) days before the next meeting of the PGC.
- (c) Any Student or Member may view minutes of the PGC (other than in respect of meetings, or part thereof, held in camera) at any time on reasonable notice to the Secretary.

## 10. Elections

### 10.1 General

- (a) Application of this Regulation must be made with reference to the relevant Regulations for the Board, SRC and PGC with specific consideration to sections which appear under the headings "Composition", "Term of Office" and "Election".
- (b) Elections must be held on an Academic Day.
- (c) Elections may be conducted by postal ballot, in person ballot (e.g. on the ground voting) or online ballot as technology allows.
- (d) The Board shall determine from time to time the form of each ballot.
- (e) Elections must be conducted in accordance with these Regulations and Arc's Constitution.
- (f) Prospective candidates must be eligible to be elected in order to have their nomination accepted, and must be eligible at the close of nominations and remain eligible up to the conclusion of the election period.

### 10.2 Returning Officer

- (a) For each election the Board must appoint a Returning Officer to conduct elections in accordance with these Regulations.
- (b) Wherever applicable, the Returning Officer position must be advertised publicly.
- (c) The Returning Officer must be an independent person, not connected with any person who proposes to stand for any position in that election. The Returning Officer may not be a person who is, or has nominated or seconded, a candidate in the current elections.
- (d) The Board may appoint a non-Member as the Returning Officer and may pay the Returning Officer a sum it deems appropriate for the work carried out in relation to elections.
- (e) The Returning Officer is appointed by and accountable to the Board or its delegate/s.



### 10.3 Responsibilities of Returning Officer

The Returning Officer reports to the Governing Board of Arc only and is responsible for:

- (a) Candidates' speeches, videos or other promotional materials as approved and within the budget;
- (b) Reviewing and approving/denying all relevant Arc publications or Arc facilitated content (including the release or dissemination of such content) during the election period with the right to veto any material deemed not to be independent or in line with these Regulations;
- (c) Appointment, training and supervising of polling clerks;
- (d) Obtaining a roll of students, or reasonable alternative as determined by the Board from time to time, who are entitled to vote at each election. The roll must contain the names, membership number and, if available, controlling faculty, for each student;
- (e) Reviewing, validating and determining whether candidate nomination forms meet the requirements of candidacy;
- (f) Clarifying candidates queries on matters relating to the election regulations;
- (g) Ensuring that all nominees, ticket organisers and candidates are given clear and direct contact details for the Returning Officer;
- (h) Ruling on disputes and complaints raised against candidates and campaigners during the election period. This includes the power to penalise candidates and campaigners for conduct contrary to the same standards set out for Arc Staff and Affiliates in the Arc Code of Conduct, and /or the UNSW Student Code of Conduct, in particular the Student Responsibilities set out in part 5 of the UNSW Student Code of Conduct;
- (i) Counting votes as soon as practical after polling closes;
- (j) With reference to the relevant "composition" of each body, ensuring that during the counting of votes the positions contested are filled by eligible candidates;
- (k) Causing the results of the election to become public ("the declaration of the ballot");
- (l) Preparation and submission of a Returning Officer's report to the Board, which includes the official election results and a budget/expenses statement;
- (m) The general conduct of the elections and any other matters related to the elections, including directions to enforce these Regulations, and/or ensure the health and safety of candidates, campaigners, students involved in the elections and other individuals.
- (n) Determining the permitted physical designated areas for on-campus campaigning including designated days/times, as well as timeframes/periods for online campaigning, including designated days/times where applicable.
- (o) The preparation of any relevant election guidelines that supplement these Regulations and making these available to all students at the commencement of the Election Period.

### 10.4 Assistant Returning Officers and Polling Clerks

- (a) The Returning Officer may appoint Assistant Returning Officers and Polling Clerks to assist in the conduct of elections.
- (b) Assistant Returning Officers and polling clerks must be independent and not affiliated with any candidate standing in an election.

### 10.5 Misconduct of Assistant Returning Officers:

Misconduct of Assistant Returning Officers and Polling Clerks is defined as:

- (a) Campaigning on behalf of any one or more candidates;
- (b) Posting election material for any one or more candidates on campus;
- (c) Allowing irregularities to occur in the voting;
- (d) Accepting money, gifts or favours on the understanding that the recipient will attempt to influence the outcome of the election; or
- (e) Producing an Election Broadsheet that deliberately prejudices the chances of a candidate.

### 10.6 Scrutineers

- (a) The Board may appoint no more than two (2) scrutineers to be present during the counting of votes.
- (b) Each candidate is entitled to nominate one (1) scrutineer who is not a candidate in the election, for the counting of the ballot, and observation of ballot boxes whilst being transported to and from secure storage.
- (c) Nominations of scrutineers must be signed by the candidate and delivered to the Returning Officer.

### 10.7 Time of Elections

- (a) Elections to elect Members to the SRC & PGC must be held once every year on an Academic Day as determined by the Board from time to time.
- (b) Elections to elect Members to the Board must be held once every year on an Academic Day as determined by the Board from time to time.
  - (i) At the calling of such elections, the half of the number of Student Directors, Alumni Directors and University Directors holding office for the longest must resign;
  - (ii) A minimum of two (2) Student Director positions up for election each year must be filled by women.
  - (iii) Directors who were elected/ appointed to office as a result of a casual vacancy shall be deemed to begin office at the time the original vacating Director was elected/ appointed;
  - (iv) Resignations shall be effective at the commencement of the first Board meeting following the 31st of May;
  - (v) In accordance with these Regulations, these positions shall be the positions contested at the election.

### 10.8 Qualifications for Elections

- (a) Any person who seeks election in accordance with these Regulations as a Student Director of the Board, or Member of the SRC or Member of the PGC must be a Student and a financial Ordinary Member of Arc.
- (b) Any person who holds an elected position on a student council, wishing to nominate for a student director position, must resign from their student council position prior to the close of nominations.
  - (i) This does not apply to members of the Inter-Residential Council who are councillors ex-officio by virtue of their position as president of their respective residences.
- (c) Any student director wishing to nominate for an elected position on a student council must resign as a director prior to the close of nominations.
- (d) All financial Ordinary Members of Arc are entitled to vote at elections of Student Directors to the Board.

- (e) All Students are entitled to vote at elections of SRC and PGC Officers, Councillors, Committee Liaisons and Representative Unit members, except where otherwise stated in these Regulations.
- (f) UNSW Foundation Studies students are associate members of Arc and not eligible to nominate, vote or campaign in Arc Elections.

### 10.9 Notice

- (a) For the Arc Board elections, the Returning Officer must give notice of elections to all Members at least 21 days prior to the proposed date of that election.
- (b) For all other Arc elections, the Returning Officer must give notice of elections to all Members at least 28 days prior to the proposed date of that election.
- (c) The notice must be published in the relevant official Arc publications and on relevant official Arc notice boards and Arc website, and through University channels where possible. The notice must include:
  - (i) A list of all positions to be elected;
  - (ii) Notification of the date and time nominations open and close; and
  - (iii) Notification of where nomination forms may be obtained and lodged.
  - (iv) Notification that elected Directors and Officers of Arc are authorised to represent UNSW students on matters relating to SSAF.

### 10.10 Making of Nominations

- (a) For all Arc elections, candidates must give written consent to Arc to verify their eligibility for the Arc elections and consent for UNSW to disclose their student records in relation to misconduct. This consent will be taken to expire upon the conclusion of the candidate's term of office.
- (b) Nominations of candidates for an election are to be made by sending or delivering nomination papers to the Returning Officer within the timeframe set by the Returning Officer in accordance with these Regulations.
- (c) Nomination papers shall be in a form approved by the Returning Officer.
- (d) There must be a separate nomination paper for each candidate.
- (e) A candidate may provide with the nomination paper a recent photograph and a statement of not more than 150 words, or as determined by the Returning Officer, containing information relating to the candidate that he or she wishes to supply.
- (f) The Returning Officer may edit statements supplied to ensure they are not sexist, homophobic, racist or otherwise offensive in such a manner that the Returning Officer believes would discriminate against, or be offensive to members of the university community.
- (g) Statements containing more than 150 words may be cut beyond the 150th word so as not to exceed that limit.
- (h) The edited statements, and a copy of any photograph supplied, must be made available to eligible voters.
- (i) The Returning Officer must reject a nomination paper if satisfied that:
  - (i) The nomination is not duly made; or
  - (ii) The person nominated is not eligible to be elected; or
  - (iii) The candidate has failed to give written consent in accordance with clause 10.10 (a); or

- (iv) Persons nominated are found to have an entry on the Student Misconduct Register will have their nomination instantly rejected and will not be eligible to stand and run in any Arc elections; or
- (v) Arc has prior knowledge that the nominee has contravened any of Arc's employment or conduct related policies.
- (j) The Returning Officer must immediately submit the rejected nomination and any supporting details to the Board for consideration when rejecting a nomination under section 10.10 (i) (v) of these Regulations. The Board, acting in good faith, will determine, by ordinary resolution, whether the nomination will be accepted or rejected. The decision of the Board will be final.
- (k) Persons nominated who have had their nomination paper rejected for reasons other than those included in clause 10.10 (i) (iv) and 10.10 (i) (v), may resubmit an application but only within 48 hours from notification from the Returning Officer to correct any errors or omissions that resulted in the rejection – this process will only be afforded to persons on one (1) occasion.
- (l) No candidate may nominate for more than one (1) student body. In the event that a nomination is received from a student for more than one (1) student body, the Returning Officer must notify the candidate and either obtain their notice of withdrawal(s) or reject their nomination as required.

### 10.11 Notice of Candidates

- (a) The Returning Officer must, as soon as practicable after the close of nominations for an election, cause a notice of the names of the persons whose nominations have been accepted, to be posted on relevant publications and websites of Arc and in such other places as the Governing Board may determine.
- (b) The notice must also include the polling dates, times and locations for the elections.
- (c) The Returning Officer must make a list (where possible) of the names on the relevant Roll of the Members of Arc with their category of Membership and controlling faculty as at the close of nominations, available for inspection during the period from the close of nominations to the close of ballot.

### 10.12 Dealing with Nominations

- (a) If no more valid nominations are received of persons for election than there are positions available, the Returning Officer must declare the person or persons nominated to be elected. If more nominations are accepted than there are positions available, there must be a ballot for the positions concerned.
- (b) If insufficient valid nominations are received of persons for election than there are positions available those nominated shall be declared elected with the Returning Officer re-opening nominations for the unfilled positions;
  - (i) The Returning Officer must re-open nominations for a period of seven (7) days and follow the process outlined in Regulation 10.
  - (ii) If after seven (7) days there still remain insufficient valid nominations, the Board may with a majority vote at a Board Meeting co-opt a person(s) who would have qualified to nominate as a candidate to fill the position(s) available.

### 10.13 Form of Ballot

A ballot for election must be a secret ballot held in accordance with these Regulations. There shall be separate ballots for Tharunka, the SRC, the PGC and any other external body.

### 10.14 Contents of Ballot Paper

With the exception of the election of external student body delegates:

- (a) For each ballot where there is only one candidate to be elected, each ballot paper must contain the names of the candidates in an order determined by the Returning Officer by conducting a draw as follows:

- (i) The names of the candidates concerned are to be written on separate and similar slips of paper,
  - (ii) The slips are to be folded so as to prevent identification,
  - (iii) The slips are then to be mixed and drawn at random,
  - (iv) The candidates' names are to be listed in the order in which they are drawn.
- (b) If a candidate is a member of a ticket, all members of the ticket shall appear in the same horizontal row on a ballot paper.
  - (c) All ballot papers for ballots where there is more than one candidate to be elected will be in a form which provides for above and below the line voting. The ballot papers must contain the names of the candidates in each Ticket in the order supplied by the Ticket. The Tickets will be shown on the ballot paper in an order determined by the Returning Officer by conducting a draw in the same manner as in (a) above. This draw will be done once and will apply to all such ballots within the particular election.
  - (d) The ballot paper must be initialled by the Returning Officer or by an assistant Returning Officer or polling clerk appointed by the Returning Officer. A ballot paper stamped with a facsimile of the relevant initials is taken to be initialled in accordance with this subclause.

### 10.15 Method of Voting

Each voter is to mark a vote on the ballot paper by placing the figure "1" in the square opposite the name of the candidate to whom the voter desires to give first preference. A clear intention using a tick, cross or slash will also be accepted as a first preference vote, however no further preferences will be counted.

- (a) The voter may, but need not, place consecutive figures (commencing with the figure "2") in the squares opposite the names of any of the remaining candidates so as to indicate, by numerical sequence, the order of the voter's preference for them.
- (b) For postal voting the voter must return to the Returning Officer the ballot paper enclosed (without anything else) and sealed in the envelope marked "Ballot Paper", which must be enclosed and sealed in the other envelope addressed to the Returning Officer, with the form of declaration as to identity and entitlement to vote duly completed.
- (c) For on-the-ground voting, voters may only be issued with ballot papers after their identity and eligibility to vote has been verified by the Returning Officer or an assistant Returning Officer or polling clerk appointed by the Returning Officer. The voter must return the ballot paper by placing it in the ballot box provided by the Returning Officer at the polling location.
- (d) All formal ballot papers received by the Returning Officer before the close of ballot must be counted in the ballot.
- (e) All ballot boxes and/ or envelopes received by the Returning Officer under this clause must remain unopened until the close of the ballot.

### 10.16 Informal Ballot Papers

- (a) A ballot paper is informal if it has on it any mark or writing that, in the opinion of the Returning Officer, would enable any person to identify the voter.
- (b) A ballot paper is informal if:
  - (i) The sole figure "1" (or a "mark" in a form described in clause 10.15) does not appear in the square opposite the name of one (1) candidate, or
  - (ii) The sole figure "1" (or a "mark" in a form described in clause 10.15) appears in more than one (1) square, or
  - (iii) In the opinion of the Returning Officer the voting intention is unclear.

- (c) Where there are multiple ballots on the one ballot paper, and the Above-the-line or Left-of-the-line portion is common to all ballots, formality is to be determined by considering each ballot separately in conjunction with the common Above-the-line marking. In the event that a voter has voted formally both above and below the line in any particular ballot, the Below-the-line will take preference. Formality for Below-the-line votes is to be considered separately for each position.

### 10.17 Procedure on Close of Ballot

- (a) As soon as practicable after the close of ballot, the Returning Officer must, in the presence of those of the scrutineers that choose to be present:
  - (i) Open the ballot boxes and/ or envelopes addressed to the Returning Officer and received before the close of ballot,
  - (ii) For postal voting, if the declaration of identity and entitlement to vote is duly signed by a qualified voter, place the unopened envelope containing the ballot paper with other similar envelopes;
  - (iii) For postal voting, open the envelopes referred to in Section (ii) and take out the ballot papers; and
  - (iv) Count the votes, and ascertain the result of the ballot, in accordance with these Regulations.

### 10.18 Electoral tickets

- (a) A group of candidates for SRC or PGC positions may register themselves as members of an electoral ticket for the purpose of an election. All tickets must be separate.
- (b) The group must appoint a “contact person” who must be an Arc Member but not necessarily a candidate. The contact person shall be the spokesperson of the electoral ticket.
- (c) No candidate shall be eligible to be registered as a member of more than one (1) electoral ticket.
- (d) The Returning Officer shall not allow any name to be registered or for any election material to be used in the election that is sexist, homophobic, racist or otherwise offensive in such a manner that the Returning Officer believes that it would discriminate against, or be offensive to members of the university community.
- (e) No ticket name shall incorporate the name of Arc, an Arc Department or major Arc activity, e.g. ‘Foundation Day’.
- (f) No ticket name shall breach any copyright or trademark legislation.
- (g) The name of the ticket shall be no longer than five (5) words.
- (h) Applications for registration of an electoral ticket shall be made to the Returning Officer in a form approved by the Board no later than 48 hours after the close of nominations and shall include:
  - (i) The name of the electoral ticket and any abbreviation thereof;
  - (ii) A list of names and signatures of candidates who are members of the electoral ticket;
  - (iii) A statement of seniority of candidates for each position where there is more than one (1) to be elected;
- (i) An application for registration of an electoral ticket may include the logo to be used by the electoral ticket.
- (j) No candidate or group of candidates shall use the logo or name of another electoral ticket, which has been duly registered.
- (k) No candidate or group of candidates shall use a logo that breaches any copyright or trademark legislation.

- (l) In the case of competing claims to the same electoral ticket name, the Returning Officer shall decide which team, if any, may use that name. The time at which applications for the name were made shall not be used as a sole determinant, although it may be included as an element in the exercise of this discretion.
- (m) To establish a claim to a name for the purposes of registration written permission of the “contact person” who last used the name must be given in writing unless the name was last used in greater than three (3) years prior to the elections.
- (n) All campaign material produced by a ticket must display the full name of the ticket contact person.
- (o) Should an electoral ticket be found to have less than two (2) candidates after the validity of nominations is determined, then the remaining candidates, if any, shall be placed on the ballot as ungrouped candidates.

### 10.19 Election to fill one position only

If a ballot has been held for the purpose of filling one (1) position, the result of the ballot must be determined in accordance with this section.

- (a) Informal ballot papers to be rejected
  - (i) The Returning Officer must reject any informal ballot papers and count the formal ballot papers.
  - (ii) A reference in any other clause of this section to a ballot paper is taken to be a reference to a formal ballot paper, and
  - (iii) A reference to a vote is taken to be a reference to a vote in a formal ballot paper.
- (b) Candidate with absolute majority of votes elected
  - (i) The Returning Officer must count the number of first preference votes for each candidate.
  - (ii) The Returning Officer must declare elected the candidate who has received the largest number of first preference votes, if that number constitutes an absolute majority of votes.
- (c) Procedure if no candidate has absolute majority of votes
  - (i) If no candidate has received an absolute majority of first preference votes, the candidate who has received the fewest first preference votes must be excluded and each of the ballot papers counted to that candidate must be counted to the continuing candidate next in order of the voters’ preference.
  - (ii) The Returning Officer must declare elected any candidate who, on completion of the count under subclause (i), has received an absolute majority of votes.
  - (iii) If two (2) or more candidates have an equal number of votes at the time that it is necessary to exclude one (1) of them, the candidate who had the lesser votes at the previous stage(s) of counting, where candidates had differing numbers of votes shall be excluded. If, using this method, the Returning Officer is unable to exclude a candidate, the candidate to be excluded is to be determined as follows:
    - (A) The names of the candidates concerned must be written on separate and similar slips of paper;
    - (B) The slips must be folded so as to prevent identification and mixed and drawn at random;
    - (C) The candidate whose name is first drawn must be excluded;
    - (D) Process to continue until candidate elected.

- (d) The process of excluding the candidate who has the fewest first preference votes and counting each of the ballot papers counted to that candidate to the continuing candidate next in order of the voters' preference must be continued until:
- (i) One (1) continuing candidate has an absolute majority of votes, in which case the Returning Officer must declare that candidate elected; or
  - (ii) There are only two (2) continuing candidates who do not have an equal number of votes, in which case the candidate with the larger number of votes must be declared elected, even if the number of votes is below an absolute majority of votes; or
  - (iii) There are only two (2) continuing candidates who have an equal number of votes, in which case the candidate who had the more votes at the previous stage(s) of counting, where candidates had differing numbers of votes, shall be declared elected. If, using this method, the continuing candidates still have an equal number of votes, the candidate elected must be determined as follows:
    - (A) The names of the candidates concerned must be written on separate and similar slips of paper;
    - (B) The slips must be folded so as to prevent identification and mixed and drawn at random;
    - (C) The candidate whose name is first drawn is elected.
- (e) The exception to the above is the PGC elections for Committee Liaison positions, in circumstances where Affirmative Action is required to be invoked. There must be at least 2 women on the PGC. Where there have not been at least 2 women elected to the positions of President, General Secretary, Vice Presidents and Campus officers, Affirmative Action is invoked, and the following procedures will apply:
- (i) After counting all the Liaison positions, but before declaring any candidate elected
    - (A) Where the mix of successful candidates across the Liaison positions results in sufficient women overall to satisfy the Affirmative Action requirements, successful candidates are declared elected as normal.
    - (B) Where it does not occur naturally, any woman successful in a Committee Liaison ballot is declared elected, and the following procedure is to be followed for the remaining Liaison positions:
      - I. If there are sufficient unelected women candidates available across the Liaison positions, the most successful (as determined below clause 10.19e,ii) woman or women who was an unsuccessful candidate is to be declared elected, and if required the second most successful unsuccessful woman candidates is also declared elected. The other Liaison positions are then declared elected as normal, or
      - II. If there are not sufficient women candidates available, the most successful woman (as determined below) who was an unsuccessful candidate is to be declared elected, and
      - III. Of the other Liaison positions, the 2 most successful male candidates are declared elected, and if more vacancies than required then remain, the third most successful male candidate is declared elected, and
      - IV. Any resultant vacancies are to be filled by following the procedures in 9.5(b).
  - (ii) To determine the successful candidates:
    - (A) To determine the most successful unsuccessful female candidate: After a full distribution of preferences has been done to the point where only 2 candidates remain, the relative success of a candidate is the % of votes they obtained, calculated by dividing the number of votes they had at the point they were excluded, or retain if they were not excluded, by the number of formal votes in that particular ballot, and multiplying the result by 100. If the following results in 2 or more candidates being equally successful, the result is determined by drawing lots



- (B) To determine the most successful male candidate: If the following results in 2 or more candidates being equally successful, the result is determined by drawing lots.
- (C) A candidate in an uncontested ballot is considered to have 100% of the formal votes.
- (D) In a contested ballot, after a full distribution of preferences has been done to the point where only 2 candidates remain, the relative success of a candidate is the % of votes they obtained calculated by dividing the number of votes they have by the number of formal votes in that particular ballot, and multiplying the result by 100.

## 10.20 Election to fill more than one position

- (a) If a ballot has been held for the purpose of filling more than one (1) position, the result of the ballot must be determined in accordance with this section.
- (b) Informal ballot papers to be rejected
  - (i) The Returning Officer must reject any informal ballot papers;
  - (ii) A reference in any other clause of this section to a ballot paper is taken to be a reference to a formal ballot paper, and a reference to a vote is taken to be a reference to a vote in a formal ballot paper;
  - (iii) Candidates deemed ineligible by these Regulations, are to first to be dealt with by being excluded after the Quota has been determined but before any surplus distributions.
- (c) Determination of quota
  - (i) The Returning Officer must determine a fixed quota which is constant for the entire count by;
    - (A) Counting the number of first preference votes;
    - (B) Dividing the total number of those votes by one (1) more than the number of candidates required to be elected; and
    - (C) Increasing the quotient so obtained (disregarding any remainder) by one (1).
- (d) Candidate who meets or exceeds quota elected
  - (i) The first preference votes for each candidate must be counted;
  - (ii) The Returning Officer must declare elected each candidate who has received a number of first preference votes that is equal to or greater than the quota.
- (e) Procedure if further position to be filled
  - (i) If any further position remains to be filled, the surplus votes of each elected candidate, in order of size commencing with the largest, are to be transferred to the continuing candidates as follows:
    - (A) The transfer value of the surplus votes must be ascertained by dividing the number of surplus votes of the elected candidate by the total number of votes received by that candidate less the number of ballots which do not indicate a further preference;
    - (B) The total number of ballot papers of the elected candidate showing the next available preference for a particular continuing candidate must be multiplied by the transfer value;
    - (C) The number so obtained (to at least four (4) decimal places, or two (2) decimal places in the case of manual calculation) must be added to the number of first preference votes of the particular continuing candidate;
    - (D) All those ballot papers must be transferred to the particular continuing candidate.

- (ii) The Returning Officer must declare elected each continuing candidate who, on the completion of the transfer, has received a number of votes equal to or greater than the quota.
- (f) Procedure if insufficient candidates have reached quota
- (i) If, after the counting of first preference votes or the transfer of surplus votes (if any) of elected candidates, no candidate has (or fewer than the number of candidates required to be elected have) received a number of votes equal to or greater than the quota, the candidate who has the fewest total allocated votes – being the sum of first preference votes plus the value of transferred votes – must be excluded and the count is to proceed in accordance with this clause.
  - (ii) All ballot papers showing a first preference vote for an excluded candidate and the next available preference for a particular continuing candidate must be transferred, each ballot paper at a transfer value of 1, to the particular continuing candidate and added to the number of votes of the particular continuing candidate.
  - (iii) Any ballot papers obtained by an excluded candidate by means of a transfer to that candidate must be transferred (beginning with the ballot papers received by that candidate at the highest transfer value and ending with the ballot papers received at the lowest transfer value) as follows:
    - (A) The total number of ballot papers received by the excluded candidate at a particular transfer value from a particular candidate and showing the next available preference for a particular continuing candidate must be multiplied by that transfer value,
    - (B) The number so obtained (to two (2) decimal places) must be added to the number of votes of the particular continuing candidate,
    - (C) All those ballot papers must be transferred to the particular continuing candidate.
- (g) The Returning Officer must declare elected each continuing candidate who, on the completion of the transfer, has received a number of votes equal to or greater than the quota.
- (i) However, the surplus votes of the candidate so elected must not be transferred until all the ballot papers of the excluded candidate have been transferred.
- (h) No transfer of surplus votes or ballot papers to continuing candidate who reaches or exceeds quota. If a continuing candidate has received a number of votes equal to or greater than the quota on the completion of the transfer of:
- (i) The surplus votes and ballot papers of an elected candidate; or
  - (ii) The ballot papers of an excluded candidate,
  - (iii) No surplus votes or ballot papers of any other candidate are to be transferred to the candidate so elected.
- (i) Procedures to continue until positions filled
- (i) The procedure of transferring to the continuing candidates the surplus votes of elected candidates, and the procedure of excluding the candidates with the fewest first preference votes, must continue in accordance with this section until:
  - (ii) The number of continuing candidates is equal to the number of positions remaining to be filled, in which case the Returning Officer must declare those candidates elected, or
  - (iii) There is only one (1) position remaining to be filled and only two (2) continuing candidates who do not have an equal number of votes, in which case the candidate with the larger number of votes must be declared elected, even if the number of votes is below the quota, or
  - (iv) There is only one (1) position remaining to be filled and only two (2) continuing candidates who have an equal number of votes, in which case the candidate who had the more votes at the previous stage(s) of counting, where candidates had differing numbers of votes, must be declared elected.

If, using this method, the continuing candidates still have an equal number of votes, the candidate elected must be determined as follows:

- (A) The names of the candidates concerned must be written on separate and similar slips of paper,
  - (B) The slips must be folded so as to prevent identification and mixed and drawn at random,
  - (C) The candidate whose name is first drawn is elected.
- (j) The exception to the above is in elections where there is a requirement to elect a minimum number of women, such as the Board and Councillor positions in PGC and SRC:
- (i) At the conclusion of the vote count, the Returning Officer must declare elected the highest ranking candidate, then continue electing candidates in order of ranking until the required number of candidates have been elected, skipping candidates if necessary to ensure the required number of women are elected.

### 10.21 Elections to external bodies

Elections to external bodies shall be conducted in accordance with these Regulations, except where there is a contradiction with the requirements of that external body. In such a circumstance the election, only as far as necessary, is conducted in accordance with that external body's requirements.

### 10.22 Deferment

- (a) Deferred students may vote in Arc elections, provided all other requirements for voting are met.
- (b) If a deferred candidate nominates for election to any position, the returning officer is only to accept their nomination provided that the student declares that it is their intention not to be deferred at the commencement of their next trimester after the date they are elected.
- (c) Should any student wish to defer after they are elected to any position, they must consult the head of their council or student body (if applicable), then gain the consent of the Chair of the Board and the CEO.
- (d) This clause also applies to students who are on program leave.

### 10.23 Candidates nominating for more than one position

- (a) No candidate may be declared elected to more than one position concurrently on the same or across multiple student bodies, unless otherwise permitted within these Regulations.
- (b) If nominating for more than one position on a student body, candidates are required to indicate to the returning officer their order of preference for those positions. Should a student be the successful candidate in more than one ballot, they shall be declared elected to the position of their highest preference in which they were successful.
- (c) In the case that cause 10.23 (b) creates a procedural conflict in the count or declaration of any ballot, the ballots shall be counted and declared in order listed below, to the extent necessary to resolve the conflict.
  - (i) Student Representative Council Elections
    - (A) President of the SRC
    - (B) General Secretary
    - (C) Education Officer
    - (D) Welfare Officer
    - (E) Women's Officer

- (F) Environment Officer
- (G) International Students' Officer
- (H) Two (2) Queer Officers
- (I) Students with Disabilities Officer
- (J) Indigenous Officer
- (K) Ethno-cultural Officer
- (L) Paddington Representation Officer
- (M) Paddington Domestic Officer
- (N) Paddington International Officer
- (O) Councillor
- (ii) Postgraduate Council Elections
  - (A) President of the PGC
  - (B) General Secretary
  - (C) Vice President Research
  - (D) Vice President Coursework
  - (E) Vice President International
  - (F) Vice President Equity
  - (G) Paddington Campus Officer
  - (H) Canberra Campus Officer
  - (I) Research Committee Liaison
  - (J) Coursework Committee Liaison
  - (K) International Committee Liaison
  - (L) Equity Committee Liaison

## **10.24 Election Campaigning**

### (a) Campaigning

- (i) All campaign material must bear the name and student number of a candidate or ticket contact person, who is authorising and taking responsibility of such material.
- (ii) No campaign material may be placed within an area around the polling location as determined by the Returning Officer.
- (iii) Only UNSW students may campaign for election of a candidate or ticket in Arc elections. All students involved in campaigning must comply with Arc's Code of Conduct and UNSW's Student Code Policy.

- (iv) No campaign materials may be produced or disseminated using Arc resources unless these resources are available to all members. Arc resources include but are not limited to Arc email accounts, software, social media platforms, offices, photocopiers and computers of any Arc department.
- (v) No physical campaigning or campaign material production may take place in any Arc owned or operated facility.
- (vi) No campaign materials may be displayed or worn within Arc owned or operated facilities.
- (vii) Distribution and dissemination of campaign material for all Arc elections may only occur within areas and timeframes outlined by the Returning Officer prior to the announcement of accepted Nominees:
  - (A) Non-electronic campaign material for all Arc elections may only take place on UNSW grounds and surrounding footpaths, in accordance with (vii);
  - (B) All candidates, campaigners and/or students involved in the election in any way must abide by any campaigning and election guidelines provided by the Returning Officer per 10.3(o).
- (viii) No Financial or physical inducements may be offered in exchange for votes during the entire election period.
- (ix) For the purpose of part 10.24 (a) of the Regulations campaigning includes;
  - (A) the distribution and dissemination of campaign material;
  - (B) wearing or otherwise displaying campaign material;
  - (C) the finding of evidence of the provision of funds towards, or otherwise financially supporting a ticket or ticket(s); and
  - (D) any other activities as determined by the Returning Officer.
- (x) All students involved in the election in any way must comply with lawful directions given by the Returning Officer under the authority provided by these Regulations;

(b) Conduct

- i) all students involved in the election in any way must adhere to the standards of behaviour as provided for in 10.3(h)
- ii) any candidate(s) or campaigner(s) that publish, display or distribute any inappropriate material (including aiding and/or abetting such behaviour) will be required to remove the material in question if directed by the Returning Officer, and issue a retraction if appropriate by a means deemed necessary by the Returning Officer. Any candidate(s) or campaigner(s) found to have breached this may be subject to actions outlined in S11.24(C)
- iii) "Inappropriate" material or campaigning may include but is not limited to:
  - (A) engaging in behaviour that is intimidatory, aggressive, threatening or harassing towards any other person (including coercion or intimidation of voters), whether that behaviour takes place in person, online or any other way;
  - (B) engaging in any dishonest practice in relation to the election;
  - (C) publicising any campaign content that is untrue, misleading or deceptive, discriminatory, sexist, racist, or homophobic;
  - (D) engaging in disruptive conduct at a polling place;
  - (E) misleading or hindering the Returning Officer or delegates in the execution of their duties;

(c) Penalties

- (i) The Returning Officer may decide to use any or a combination of penalties to deal with infringements of the Constitution or Regulations by candidates and any individual supporting them including breaches of the sections of the Arc Code of Conduct set out in 10.3(h) or the UNSW Student Code of Conduct.
- (ii) Any student found to be breaching Arc's Code of Conduct or the UNSW Student Code Policy may be reported to Arc or UNSW and penalties, including disciplinary action in accordance with the UNSW Misconduct Procedure, may apply.
- (iii) Upon finding that a person has breached these Regulations, the Returning Officer may impose penalties including but not limited to the below. Records of all findings and evidence for the imposed penalties must be kept and provided to the Board along with the Returning Officer's Election Report at the conclusion of the Election Period
  - (A) No further action or caution;
  - (B) Suspension from campaigning for a number of hours;
  - (C) Disqualification of a candidate;
  - (D) Disqualification of an entire ticket;
  - (E) Deduction of any number of primary votes, at the Returning Officer's discretion.

## 10.25 Election Appeals Process

- a) Candidates and/ or tickets have a right to appeal a ruling made by the Returning Officer to the Board. Such an appeal must be received by the Chair of the Board no later than 5:00pm four (4) business days after the penalty is imposed.

In the event that a decision of the Returning Officer, regarding the suspension and/ or penalisation of a ticket during the election period, is appealed by the ticket/ tickets so affected to the Arc Board, the Board is to:

- (i) Assess whether the Board is able to make an impartial and independent decision to uphold, overturn or vary the decision of the RO without the eventuation of any material risks and/ or perceived conflicts; and
- (ii) If it is able to mitigate any material risks and/ or perceived conflicts internally, the Board is then to take the relevant action necessary; or
- (iii) If the Board is unable to mitigate any material risks and/ or perceived conflicts, the Board is to engage external legal advice to mitigate any perceived conflicts. The external legal officers are to consider, upon the evidence, whether:
  - A. The RO made the correct decision and whether this decision should subsequently be upheld by the Arc Board.
  - B. Alternative mechanisms are required to mitigate any reputational risks or perceived conflicts.

The Board is then to make a decision which is qualified by the advice given by the external legal Officers.

- b) In the event of a breach being identified after a candidate is announced as elected by the Returning Officer (including falsely representing themselves during the election), the Chair or President of the student body should be notified, and the relevant policy / grievance process will be followed.

## 11. Variation of Regulations

These Regulations may only be amended, varied or repealed by a Special Resolution of the Board passed in accordance with the Constitution.

<b>Responsible Officer</b>	Chair of the Board
<b>Approved by</b>	Board
<b>Approval date</b>	17 June 2013
<b>Related documents</b>	Arc Constitution
<b>To be reviewed</b>	As deemed necessary
<b>Modifications/ Amendment history</b>	<p><b>V27: 29 January 2014:</b></p> <ul style="list-style-type: none"> <li>- Added COFA Council section 9.</li> <li>- Removed section 10.1 (b) (i) (C)</li> <li>- Removed 9.1 (e), added text at beginning of 10.1</li> <li>- Added section 10.1 (c) (iv)</li> <li>- Removed section 10.1 (f)</li> <li>- Removed section 10.1 (g)</li> <li>- Removed section 10.2 (b)</li> <li>- Removed section 10.4 (b) (iii) &amp; (vi)</li> <li>- Added section 12.8 (d)</li> <li>- Amended section 12.10 (l)</li> <li>- Added Deferment; 12.22</li> <li>- Added Candidates nominating for more than one position; 12.23</li> </ul> <p><b>V28: 14 April 2014:</b></p> <ul style="list-style-type: none"> <li>- Inserted definition of Woman in section 1</li> <li>- Amended section 5.3 (a) (vii) and (viii)</li> <li>- Removed section 5.5</li> <li>- Added section 8.16</li> <li>- Amended section 10.4 (b) (i)- Inserted section 12.24 (a) (viii) (C)</li> </ul> <p><b>V29: 25 May 2014:</b></p> <ul style="list-style-type: none"> <li>- Inserted definition of Student with disability in section 1</li> <li>- Amended section 10.4 (a) (v)</li> </ul> <p><b>V30: 16 June 2014:</b></p> <ul style="list-style-type: none"> <li>- amended section 8.16 (b)</li> </ul> <p><b>V31: 24 July 2014:</b></p> <ul style="list-style-type: none"> <li>- added section 5.2 (b) (iv)</li> <li>- added section 12 Sports Council</li> <li>- updated all reference of COFA to UNSW Art &amp; Design</li> </ul> <p><b>V32: 4 October 2014:</b></p> <ul style="list-style-type: none"> <li>- amended 8.16 to include 2014 SDC elections</li> </ul> <p><b>V33: 27 October 2014:</b></p> <ul style="list-style-type: none"> <li>- Changed Ethnic Affairs Officer to Ethno-cultural Officer in sections 10.1(a)(xi), 10.4(a)(vi), 13.23 (c)(i)(K)</li> <li>- Changes Membership &amp; Services Sub-committee to "Student Strategy Sub-committee"</li> <li>- Amended section 5.4 a</li> </ul> <p><b>V34: 24 November 2014:</b></p> <ul style="list-style-type: none"> <li>- removed all reference of the SDC@COFA Grants Subcommittee.</li> <li>- added clause 9.1 (b) Art &amp; Design Student Council 8 x Associate positions and updated section 9.1 to include the new Associate positions.</li> <li>- Updated all reference of COFA to UNSW Art &amp; Design/ Arc@UNSW Art &amp; Design Student Council.</li> </ul> <p><b>V35: 16 January 2015:</b></p> <ul style="list-style-type: none"> <li>- 8.1 (a) Amended three (3) to Four (4) Student representatives</li> <li>- 8.1 (b) Updated reference of Student Development to Arc Clubs and Volunteering</li> <li>- Removal of 8.1 (c)</li> <li>- 8.1 (d) Updated reference of Arc Student Development Manager to Deputy Director of Student Services</li> <li>- Removal of 8.1 (f)</li> <li>- Removal of 8.4 (d) and (e) and all reference to (d) and (e)</li> </ul> <p><b>V36: 10 August 2015:</b></p> <ul style="list-style-type: none"> <li>- 8.1 Inserted Special Regulations for 2015 transition period of the SDC.</li> <li>- 8.13 removed this section (referred to the SDC Special Regulations for 2014).</li> <li>- 7.2 Inserted Special Regulations for the 2015 Tharunka transition period.</li> </ul> <p><b>V37: 23 September 2015:</b></p> <ul style="list-style-type: none"> <li>- 8.1 Inserted further Special Regulations for the SDC transition period.</li> </ul> <p><b>V38: 4 April 2016:</b></p>

- 3.2 Removed clause re: PG & A&D Directors.
- 5.4 Placed the SSS with the SDC
- 7.2 (a) (i) Removed the Special Regulations relating to the 2015 Tharunka elections and transition period for the new structure.
- 8 Removed regs relating to the SDC (old composition)
- 12 Removed the Sports Council
- 12.7 (b) (ii) included AA clause
- 12.20 (i) (ii) updated clause re: counting of the Board election votes and removed reference to the election of the Tharunka Editors.
- 12.23 (c) (iii) removed reference of the SDC
- Updated all references to the SDC/ SDC Convenor in line with the Constitutional amendments.
- Updated numbering
- 9.5 (c) (interim SRC Officer) added as per the resolution passed by the Board on 14/12/15.
- V39: 26 June 2016:**
- 1.0 Updated the definition of electorate A & B.
- 10 Removed reference to Art & Design Councillors.
- 10.1 Added one additional Councillor for Electorate A and one for Electorate B (previously 3 Councillors per electorate).
- V40: 31 August 2016:**
- Added section 11.25; "Election Appeals Process"
- V41: 21 March 2017:**
- As passed by resolution of the Board on 21/03/17:
- 11.8 inserted clauses (b), (i), (c) - requirement inserted that when nominating for the Board elections that the nominator cannot be a member of a student council and vice versa.
- 11.10 removed clauses (c), (d), (h)(iii) – removal of all reference requirements for nominators.
- 11.14 inserted clause (b) - adjusts the rules for ballot draws for executive positions.
- 11.16 inserted clauses (c), (d) - affirms that ticks or crosses or any other non-numerical marks can be considered formal votes.
- 11.22 removed clause (a) – removes the requirement for nominators.
- inserted clause (d) – program leave nominations included in the application of the deferment clause.
- 11.24 (a); inserted clause (ix) – excludes social media from the definition of campaigning.
- removed clause (c) – zero tolerance for breach of the closed campus rule removed.
- 11.25 inserted clause - imposes a deadline for timing of appeals.
- V42: 20 August 2018:**
- 11.10 Inserted clause (a) consent for candidate's student info.
- 11.10 Inserted clause (i) (iii) penalty for not giving Arc consent.
- 11.10 Inserted clause (i) (iv) consequence if a student is found to have a misconduct record.
- 11.24 Amended (iii) compliance of Arc's COC and UNSW Student Code Policy.
- 11.24 (b) (ii) inserted clause for possible penalty if COC & UNSW Student Code Policy is breached.
- V42.1: 24 September 2018:**
- 11.10 (j) & (k) amended incorrect numbering.
- V43: 5 March 2019:**
- 11.24 (a) (viii) New clause added to prevent students from perceptions of bribery. Freebies may be given but not in exchange for votes.
- 11.24 (a) (i) Updated to be inline with clause 11.18 (n); to allow ticket contact persons to be named on campaign material.
- 11.20 (i) no amendments made however Board clarified that this clause is in addition to clause 9.2 (d) of the Constitution (at least 4 of the 8 Student Directors must be women) and 2 women candidates must be elected each year.
- V44: 13 August 2019:**
- 1 Included definition of SSAF
- 3.2 (c), 8.1 (c), 9.1 (f), 10.1 (e) – In line with the UNSW SSAF audit recommendation, new clause added mandating council members with the authority to represent all UNSW students in SSAF matters.
- 11.9 (d) – In line with the UNSW SSAF audit recommendation, added the clause that all advertising for Arc elections must include information about SSAF representation.
- 5 updated the SDC Terms Of Reference.
- V45: 29 October 2019:**
- 3.7 clause allowing Directors to be elected Office Bearers was removed. Contradicts clause 11.8 (b) & (c).
- 9.4 (a) (viii) amended to allow the Students with Disabilities Officer position to be shared.
- 9.4 (a) (viii) (A) and 9.4 (a) (ix) added to specify shared positions can only have 1 vote and can only be shared by no more than 2 people.
- 11.7 (a) & (B) removed the requirement for elections to be held during S2 and in May to allow flexibility with trimesters.
- 11.9 amended clause to allow 21 days notice for Board elections (due to trimester timing).
- V46: 26 March 2020:**



- Added clause 8.4 (a) (v), 9.4 (a) (x) and 10.1 (a) (ix) to confirm that members of the A&D, PGC & SRC must abide by Arc policies and procedures as relevant disciplinary action (in accordance with Arc’s policies and procedures) are applicable, including dismissal.
- 11.22 (b) updated to accommodate trimester timing.
- 11.15 (a) updated to clarify that other marks on a ballot paper will be accepted for the purpose of first preferences only.
- 11.16 (b) (i) and (ii) updated to reflect changes made to 11.15.
- 11.16 (c) and (d) removed and a new clause 11.16 (c) inserted to clearly summarise formality of ballots above and below the line.
- 11.18 (b) updated to clarify who can be a contact person.
- 11.18 (n) amended to remove membership number of the contract person and inserted requirement for the contact person’s full name to be on all campaign material.

**V47: 03 August 2020**

- 9.4 (c) added as a new clause for the shared position (Students with Disabilities Officer).

**V48: 28 September 2020**

- 5.3 (c): amended clause to update the number of meetings during the year.
- 8: removal of additional Art & Design council officers to reflect the approved Art & Design council Charter; removal of Associates to reflect historical approved change (Board minutes April 2017)

**V49: 10 December 2020**

- 8.4 (vi), 9.4(xiii), 10.4(x), 11.10(l) added as new clauses to reflect that a student cannot hold a position on more than 1 (one) Student Body named within the Arc Regulations.
- clause 9.4: amended clause to reflect the move of the Indigenous Officer’s elections within the main SRC Elections.

**V50: 23 March 2021**

- 3.4(b)(ii) inserted as a new clause to provide clarification when a University or Alumni Director fills a casual vacancy to re-stand and remain a Director.

**V51: 25 May 2021**

- Clause 1** Definitions & Interpretations: amend the ‘Electorate A’ and ‘Electorate B’ definitions to reflect the new electorates | Include new definition of how the ‘Election Period’ is defined.
- Clause 10.1(a) (ix)**: insert new PGC Paddington Campus Officer Position.
- Clause 10.1 (d)**: amendments on the clauses (i) & (ii) to specify that both coursework and higher degree research students of the UNSW Council and Academic Board are included as ex-officio members on Arc Board.
- Clause 10.2: insert (iv)** which defines the end of the term of Officers and Councillors who finish their degree
- Clause 10.4: insert (xi)** defining that PGC students, who finish their final assessable content on the elections retrospective year, cannot contest.
- Clause 10.4: insert (xii)** regarding Paddington Campus officer’s eligibility to run for the elections
- Clause 11.1: insert (f)** to define that a candidate’s eligibility should remain up the end of the election period.
- Clause 11.3: amend (b)** to define the RO’s responsibilities regarding the approval/denial of Arc publications or Arc facilitated content. | **amend (h)** to include campaigners and of reference to the sections of the Arc Code of Conduct and UNSW Student Code of Conduct to define the 'conduct' required and therefore enable the RO to better determine breaches | **amend (m)** to clarify the ‘other matters’ related to the elections | **insert (n)** to define RO’s responsibilities regarding determining campaigning times/dates/locations for physical and online campaigning | **insert (o)** to define RO’s responsibilities regarding preparing the election’s guidelines
- Clause 11.15: delete (f)** as the Vote-the-Ticket ballot paper was discontinued few years ago
- Clause 11.16: amend (c)** to reflect different formats of voting via online voting platforms.
- Clause 11.20: insert (b) (iii)** to inform the process for dealing with excluded candidates and their votes | **amend (c) (i)** to clarify that quota is fixed | **amend (e) (i)** to clarify how surplus quota is transferred | **amend (e)(i)(C)** to bring the calculation of votes in line with current technology | **amend (j)** to reflect that the clause applies to SRC, PGC and Board | **amend (i)** to include a more explicit ranking system.
- Clause 11.23: amend (a)** to bring in line with the Regulation that students cannot run for both SRC and PGC but can nominate for more than one position on the same body.
- Clause 11.24: amend (a)(i)** to delete ‘physical’ campaign | **amend (a)(iv)** to include reference to social media and software programs | **amend (a)(v)** to include ‘physical’ campaigning | **amend (a)(vii)** to clarify where the campaign material can take place and that the candidates should abide with the election guidelines | **amend (a)(viii)** to reflect the changes on the election period | grammatical correction on **(a)(ix)(D)** | **delete (a)(ix)** as no longer applicable | **insert new (a)(ix)** to explicitly note the Returning Officer’s authority over the elections | **insert new clause (b) Conduct** to address the expected conduct and general campaigning rules | **amend** previously (b) Penalty to become (c) Penalty (formatting follows the new numbering) | **amend (c) (i)** to reflect Reiteration of contrary conduct for which the Returning Officer can penalise | **amend (c) (ii)** to add Arc as reporting portal too | **amend (c) (iii)** to include the steps needs to be followed when the RO finds that someone breaches the Arc regulations, and the actions the RO can take (**including new section E**)
- Clause 11.25: amend (a)** that an appeal can be lodged after the penalty is imposed | **insert (b)** to reflect the actions to be taken after an elected candidate makes a breach

**V52: 17 June 2021**

<p>-<b>Removing the whole clause 8</b> Arc @ UNSW Art &amp; Design Student Council (this amendment changes the numbering formatting to the rest of the Regulations, thus the clause 9 Student Representative Council (SRC) numbers clause 8 and so forth the rest of the clauses). The numbering on the amendments below follows the new numbering formatting.</p> <p>-<b>Clause 8.1:</b> insert three new SRC Paddington Office Bearers positions (clauses 8.1, xii,xiii,xiv)</p> <p>-<b>Clause 8.1(c):</b> delete (iii) to reflect the removal of Art &amp; Design Student Council.</p> <p>-<b>Clause 8.4(a)(xiii):</b> insert nomination eligibility criteria for Office bearers based on Paddington campus</p> <p>-<b>Clause 8.4 (b)(iv):</b> Define voting rights regarding the Paddington Representation Officer, Paddington Domestic Officer &amp; Paddington International officer</p> <p>-<b>Clause 9.4 (c)(vii):</b> Define voting rights regarding the Paddington Officer</p> <p>-<b>Clause 10.23(c)(i)(L,M,N):</b> insert three new SRC Paddington Office Bearers positions</p> <p>-<b>Clause 10.23(c)(ii)(I):</b> insert the new PGC Paddington Officer position</p> <p><b>V53: 17 August 2021</b></p> <p>- Removal of Councillor and addition of Committee Liaison position on the following: 9.2, 9.5 (b), 9.6, 10.8 (e),</p> <p>-Amend 8.5 &amp; 9.5 title by including the word ‘remaining’. Also amend the wording on first sentence below these clauses to include the clauses of the positions.</p> <p>- Amend 8.8 &amp; 9.8 to clarify that the ‘voting members’ determine the Simple Majority.</p> <p>-Amend 9.1 PGC Composition to include the new postgraduate positions (General Secretary, Vice President Research, Vice President Internationals, Vice President Coursework, Vice President Equity, Committee Liaison, Canberra Campus Officer).</p> <p>-Amend 9.4 as a whole to reflect the changes on the postgraduate council’s structure. The amendments include change of the positions’ name, delete the positions that are no longer relevant, identify the nomination requirements of the positions including the insertion of 9.4 (b) (xii, xiii) &amp; 9.4 (c) (vi) for Canberra and Paddington Campus Officers, amend 9.4 (b) (vi) to reflect that the positions are no longer shared, delete 9.4 (d) Joint Nominations as no longer relevant.</p> <p>-Insert 10.19 (e) to reflect the procedure when the Affirmative Action is required to be invoked for the PGC Elections</p> <p>-Amend 10.23 (c, ii) to reflect the new positions in the PGC.</p> <p><b>V54: 14 September 2021</b></p> <p>-amend 5.1(a) to define Terms of Reference and new clause 5.1(f) Honorary Treasurer / Finance Committee Chair Responsibilities</p> <p>-add 5.2(a, xi) to define Terms of Reference and new clause 5.2 (e) Audit &amp; Risk Committee Chair Responsibilities</p> <p>-add 5.3(a,xiii) to define Terms of Reference and new clause 5.3(e) Nominations &amp; Remunerations Committee Chair Responsibilities</p> <p>-add 5.4(a,v) to define Terms of Reference and new clause 5.4(f) Student Development Committee Convenor Responsibilities</p> <p>-add 8.1(d,iv) to include the undergraduate student-faculty representatives as ex-officio non-voting members</p> <p><b>V55: 23 March 2022</b></p> <p>- amend s3.4(b)(ii) to stipulate that when a non-student director fills a casual vacancy, their initial term will not count towards to maximum number of terms.</p> <p><b>V56: 31 August 2022</b></p> <p>- add s3.7 to reflect the Director onboarding process.</p> <p>- add s9.2(a)(iv) to allow PGC officers and committee liaisons to be able to stay in their positions even when graduated via resolution.</p> <p>- amend 9.4 (b)(x) to ensure that no postgraduate students contest in PGC election in the year of graduation.</p> <p><b>V57: 23 November 2022</b></p> <p>- updated s10.1(f) to allow students to be eligible for nominations by the close of nominations versus the opening, following recommendations by the Returning Officer.</p> <p><b>V58: 22 March 2023</b></p> <p>- Updated s8.5 and s9.5 for SRC &amp; PGC casual vacancies to be filled by the election countback method if the vacancy is within the first four (4) months of a term.</p>
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