



## **MASSEY UNIVERSITY COUNCIL ELECTIONS (STUDENT MEMBER) STATUTE 2018**

*Pursuant to section 171 of Education Act 1989*

### **1. Title and Commencement**

This Statute may be cited as the Council Elections (Student Member) Statute 2016 and comes into force on the day after it is passed and this Statute repeals Massey University Council Elections (Student Member) Statute 2015.

### **Conduct of Elections**

#### **2. Returning Officer**

- a. The Council, or its delegate, shall appoint a Returning Officer to conduct Elections under this Statute. Until otherwise determined the Returning Officer shall be the University Registrar.
- b. Unless the Council determines otherwise the Returning Officer for Elections conducted under this Statute shall hold office until his or her removal by the Council, or his or her resignation, incapacity or death, in any of which events the Council shall appoint a Returning Officer in his or her place.
- c. Every Election conducted under this Statute shall be conducted by the Returning Officer, but, if for any reason he or she is unable to fulfill the duties of his or her office at any Election, the Council shall appoint a substitute, who, for the purposes of that election, shall be deemed to be the Returning Officer.

#### **3. Date of Election and Term of Office**

- a. Elections conducted under this Statute shall be held at a time in the Academic Year determined by the Returning Officer.
- b. Successful Candidates shall hold office for a term consistent with Sections 173-176 of the Education Act 1989 and with the Constitution of Massey University Council Notice 2015.

#### **4. Students Eligible to Vote**

- a. The Returning Officer shall authorize the list of Students eligible to vote for the Student Member on Council in the Election, which will include all Students enrolled in the University at a date to be determined by the Returning Officer.

#### **5. Notice of Election, Nomination of Candidates, and Closing Date for Nominations**

- a. No less than 20 days and no more than 40 days before the day or days fixed by the Returning Officer for an Election, except where a second election for want of

candidates may be required in which case as soon as reasonably practicable, the Returning Officer shall give advance notice thereof in such University Publications as the Returning Officer sees fit and the University website and shall in that notice request the nomination of Candidates in writing and a closing date for the receipt of such nominations.

## 6. Nomination of Candidates

- a. To be eligible for Election a nominee must:
  - i. Be enrolled as a Student at the time when nominations close;
  - ii. Neither be employed for a continuous period of more than six months on a full-time basis by the University or under terms and conditions of fulltime employment set by the University nor have been so employed at any time during the two years preceding the date of the Election.
- b. Nomination of Candidates for Election under this Statute must:
  - i. Be in the form approved by the Returning Officer; and
  - ii. Be signed by not less than two Students as the nominators; and
  - iii. Carry the written consent of the nominee and a declaration of eligibility; and
  - iv. Contain a declaration by the nominee as to whether the nominee has or has not ever been employed (as described in sub-section 6a ii) by the University and an undertaking to include such information in all material circulated in connection with the nominee's nomination.
- c. Every Candidate for election must submit to the Returning Officer with his or her nomination paper a statement about the Candidate:
  - i. The statement shall not exceed 200 words.
  - ii. The statement must be submitted electronically.
  - iii. The statement shall include information about the candidate relevant to the role of a Massey University Council member, including how the skills and competencies of the candidate meet the needs of Massey University and the sound governance of the Institution, and will include a passport- like photograph of the Candidate.
  - iv. The Returning Officer may require a Candidate whose statement does not comply with the requirements of this section to revise the statement so as to comply and may refuse to make available any statement which does not comply. This requirement and ability to refuse is the sole and exclusive responsibility of the Returning Officer whose decision will be final.
  - v. The Returning Officer shall ensure that the information in each statement which complies with this section is included in the Instructions for Voting sent to each Voter.

- d. Every Candidate for election must also submit to the Returning Officer with his or her nomination paper, a declaration by the nominee to abide by the Massey University Council Election Rules for Student Candidates (Schedule 1). Every nomination paper shall be lodged with or given to the Returning Officer not later than 4pm on Nomination Day. The Returning Officer shall acknowledge receipt of every nomination paper on that nomination paper.
- e. Every Candidate shall be nominated by a separate nomination paper.

#### 7. Rejection of Nominations

- a. The Returning Officer shall reject the nomination of a nominee who does not qualify for Election under section 6a
- b. Where a nomination is rejected the Returning Officer will notify the nominee in writing giving the reasons for the rejection.

#### 8. Withdrawal of Nomination

- a. Any Candidate may withdraw his or her nomination at any time before noon on Nomination Day, by notice in writing to the Returning Officer, signed by the Candidate.

#### 9. Death of Candidate Before Close of Nominations

- a. Where before the close of nominations the Returning Officer receives advice that a Candidate who has been nominated and has not withdrawn his or her nomination has died or has become incapable of holding the position of Student member on Council, his or her nomination shall be treated as if the Candidate had withdrawn.

#### 10. Only one candidate nominated for the election, Candidate declared elected

- a. If there is only one candidate for the election under this Statute the Returning Officer shall, subject to the candidate meeting the requirements for appointment to Council as provided by section 11b of this Statute, as soon as practicable after the close of nominations, by notice in such University Publications as he or she sees fit, declare the Candidate in that election so nominated to be duly elected to the Council.

#### 11. Evaluation and Notice of Nominations and Election

- a. If there is either one, or more than one nomination received for election under this Statute, the Returning Officer shall, as soon as practicable after the close of nominations, call a meeting of the Massey University Student Election Candidate Evaluation Committee.
- b. The Massey University Student Election Candidate Evaluation Committee will evaluate all nominations for suitability against the skills and competencies required in the role of a Massey University Council member in order to contribute to the sound governance of the Institution.
- c. Nominees will be advised of the outcome of the Council Student Election Candidate Evaluation Committee evaluation of suitability for the position of Student member on Council.
- d. Candidates for the election will be provided with a copy of Schedule 1, and are required to read and agree to, the Massey University Council Election Rules for

## Student Candidates.

- e. The Returning Officer will give notice in such University Publications as he or she sees fit of the day or days on which the Election is to be held and of the names of the Candidates for the election.

## 12. Candidate May Retire

- a. A Candidate at an Election may withdraw after the close of nominations at any time before a declaration has been made pursuant to section 11e of this Statute, or, where an Election is required to be held, at any time before the day or days of the Election, by notice in writing to the Returning Officer, signed by that Candidate.
- b. Where the Returning Officer receives notice pursuant to section 12a above:
  - i. Where practicable, the Returning Officer shall before the day or days of the Election give notice of the retirement in such University Publications as he or she sees fit;
  - ii. If a Candidate retires after the Instructions for Voting have been distributed, the Returning Officer shall take such steps as are practicable to advise Voters that the Candidate has retired;
  - iii. Any vote cast for that Candidate shall be void.
- c. If, by the retirement of a Candidate in accordance with section 12a above the number of Candidates is reduced to or below the number of positions to be filled on the Council:
  - i. The Returning Officer shall, by notice in such University Publications as he or she sees fit, before the day or days of the Election, declare the remaining Candidate to be duly elected; or
  - ii. If the Candidate retires at such a time that it is not possible to give such a notice before the day or days of the Election, the Election shall not be held and the declaration shall be made on the day or days of the Election or as soon thereafter as possible.

## 13. Death or Incapacity of Candidate After Close of Nominations

- a. Where:
  - i. After the close of nominations and before the day or days of the Election, any Candidate dies or becomes incapable of holding the position of Student Member on Council; or
  - ii. Any such Candidate dies or becomes incapable as aforesaid before the close of nominations but advice of his or her death or incapacity is received by the Returning Officer after the close of nominations, the provisions of section 14 of this Statute, so far as they are applicable and with the necessary modifications, shall apply as if the deceased or incapacitated Candidate had withdrawn on the date of his or her death or incapacity, or, as the case may be, on the date on which advice of his or her death or incapacity is received by the Returning Officer.

14. Election to be Conducted Electronically

- a. Unless sections 10a or 12c of this Statute apply, the Returning Officer shall conduct an Election by means of an electronic voting system, in accordance with the Massey University Council Electronic Election Statute 2016.

15. Issue of Instructions for Voting

- a. The Returning Officer shall, not later than the day or days on which the Election is to be held, send by email addressed to each Student at their University email address Instructions for Voting which directs Electors to the instructions for an Election of the Student member on the Council which:
  - i. Give instructions for voting in that Election;
  - ii. State the day or days of the Election; and
  - iii. State the name and Statement of the Candidates for the Election.

16. Method of Voting

- a. On receipt of the Instructions for Voting sent by the Returning Officer, the Student shall alone exercise his or her vote in accordance with the Instructions for Voting.
- b. Where any Student:
  - i. Is wholly or partially blind; or
  - ii. Suffers from any other disability which makes it difficult to cast his or her vote in the prescribed manner,

that Student's vote may be recorded by another person in accordance with the instructions of the Student.

17. Invalid Votes

- a. A vote shall only be valid if:
  - i. The Student's identification number is entered into the electronic voting system;
  - ii. The Student's duly chosen pin is entered into the electronic voting system;
  - iii. The Student has not previously recorded his or her vote; and
  - iv. The Student's vote is recorded on the day or days of the Election.

18. Counting of Votes

- a. Votes shall be counted by such means as are prescribed by the Returning Officer.
- b. The Returning Officer shall make arrangements for votes to be counted as soon as reasonably practicable after the close of voting.

## 19. Declaration of Result

- a. No later than one month after all the votes have been counted, the Returning Officer shall declare, by means of notices in such University Publications as the Returning Officer sees fit, the result of the Election, being the name of the Candidate elected as the Student member on the Council.

## 20. Recount

- a. Where any Candidate has reason to believe that the declaration by the Returning Officer of the result of the Election is incorrect, and that on a recount thereof the result of the Election might be found to be different, he or she may within seven days after the declaration, apply to the Returning Officer for a recount of the votes.
- b. Every application for a recount in accordance with section 20a above shall:
  - i. Be accompanied by a deposit of \$500, which shall be refunded if, following a recount of the votes, the declaration by the Returning Officer of the result of the Election proves to be incorrect;
  - ii. State the grounds upon which the applicant believes that the declaration by the Returning Officer of the result of the Election is incorrect, and that on a recount thereof the result of the Election might be found to be different; and
  - iii. State the name of the applicant.
- c. If the Returning Officer is satisfied that an applicant for a recount has reasonable cause to believe that the Returning Officer's declaration of the result of the Election may be incorrect and that on a recount the result of the Election might be found to be different, the Returning Officer shall, as soon as reasonably practicable after receiving the application and deposit as aforesaid, arrange for a recount of the votes to be made by such means as the Returning Officer thinks fit.
- d. Where the Returning Officer arranges for a recount of the votes in accordance with section 20c above, he or she shall:
  - i. Notify the applicant in writing of the result of the recount; and
  - ii. Where the result of a recount is that the declaration by the Returning Officer of the result of the Election is incorrect, declare, by means of notices in such University Publications as he or she sees fit:
    - I. That upon a recount of the votes, the declaration by the Returning Officer of the result of the Election was found to be incorrect; and
    - II. The Candidate elected as Student member on the Council.

## 21. Destruction of Votes

- a. The Returning Officer shall, no earlier than one month after the declaration of the result of an Election, and if an application for a recount is made, not before the declaration of the result of the Election, arrange for all records of Students' votes to be destroyed in a manner which ensures the confidentiality of voting information is preserved.

## 22. Vacation of Office

- a. A member of the Council elected under this Statute ceases to hold office as a member if that member becomes employed for a continuous period of more than six months on a full-time basis by the University or under terms and conditions of full-time employment set by the University. The casual vacancy occurring for that reason shall be filled in accordance with section 176 of the Act.

## 23. Casual Vacancies

- a. A casual vacancy arises in the office of the Student Member on the Council during his or her term if he or she:
  - i. Dies; or
  - ii. Becomes disqualified to hold office under this Statute; or
  - iii. Is declared bankrupt; or
  - iv. Becomes mentally disordered within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
  - v. Resigns office by notice in writing to the Chancellor; or
  - vi. Is convicted of an offence and sentenced to imprisonment; or
- b. A Casual Vacancy that occurs within three months of the end of a term of office of the Student Member need not be filled.
- c. Where a Casual Vacancy occurs any earlier in the term of office of the Student Member it shall be filled in accordance with section 176 of the Act.

## 24. Definitions

**'Academic Year'** means a period of 12 months commencing on 1 January.

**'Act'** means the Education Act 1989.

**'Candidate'** means a candidate for election under this Statute as the student member on the Council.

**'Council'** means the Council of Massey University.

**'Election'** means an election of the student member on the Council conducted under this Statute.

**'Instructions for Voting'** means those instructions issued by the Returning Officer for the conduct of the electronic voting by means of a secure system which ensures each Student is only able to cast one vote.

**'Nomination Day'** means the day appointed for the closing of nominations of candidates for election as the student member on the Council.

**'Statement'** means the statement made by a Candidate in accordance with section 6c.

**'Student'** means a duly enrolled student of the University.

**'Student Member on Council' means:** One member who must be appointed following an election, conducted in accordance with this Statute, by students enrolled at Massey University, and following election must continue to be a student of Massey University while holding office as a Student Member on Council.

**'University'** means Massey University.

**'University Publications'** may be in hard copy or electronic form and includes magazines, newsletters and websites published by the University.

**'Vice-Chancellor'** means the person holding office for the time being as the Chief Executive Officer of the University; and includes any person for the time being acting in that capacity.

## Related Documents

- [Education Act 1989](#)
- [Massey University Council Electronic Election Statute 2016](#)
- [Massey University Appointments Statute 2015](#)
- [Massey University Notice \(Constitution\) 2015](#)
- [Council Elections – Student member Nomination Form](#)

## ***Document Management and Control***

*Prepared by:* Office of the University Registrar  
*Owned by:* Assistant Vice-Chancellor and University Registrar  
*Approved by:* Council  
*Date Approved:* ~~7 December 2012 (C13/01 - March: 3.2.2)~~  
~~1 March 2013 (C13/32 - May: 1.5)~~  
~~7 August 2015 (C15/89 - October: 4.1.1)~~  
1 March 2018 (C18/12 - March: 3.6.1)



## Schedule 1: Massey University Council Election Rules for Student Candidates

### Purpose of the Rules:

1. To control the conduct of the elections.

### Official Statement

2. Official Statement means a written statement of no more than 200 words containing the prescribed information and to which a photograph of the Candidate shall be attached.
3. The Official Statement shall be given to the Returning Officer for the purposes of the election.
4. At the commencement of the election the Returning Officer will publish the Official Statement to the electorate (those eligible to vote).

### Conduct

5. Candidates are permitted to campaign.
6. At all times when campaigning, Candidates are required to comply with their obligations as a student at Massey University, including comply with the Code of Student Conduct, all policies, rules, statutes and procedures of the University and the relevant laws of New Zealand.
7. Candidates shall not:
  - (a) use undue influence to get a voter to vote or to abstain from voting;
  - (b) publish, distribute, broadcast or exhibit (or have anyone publish, distribute or exhibit) a statement of fact that a Candidate knows is false in any material particular.

### Consequences for Possible Breach

8. Any behaviour by a Candidate during campaigning that may be a breach of the obligations of a student studying at Massey University may be dealt with in accordance with the relevant Code of Conduct, policy, rule, statute and procedures of the University.
9. If the Returning Officer considers a Candidate (or anyone on behalf of the Candidate) while campaigning may have breached the obligations of a student at Massey University, or if the Returning Officer considers a Candidate may have breached Rule

7, then the Returning Officer, may, at his or her absolute sole discretion, after giving the Candidate within a reasonable time to comment and respond and upon giving reasons:

(a) Declare a Candidate's nomination or election or entire election to be invalid; or

(b) Declare that no action is to be taken.

10. Nothing in these Rules limits the remedies available to any Candidate(s) against any other Candidate(s) at law for the actions or omissions of another Candidate nor limits the repercussions on any Candidate for their actions or omissions when campaigning.