

Election Complaints & Appeals Panel- Terms of Reference

UNSA Student Representative Council

1. ESTABLISHMENT

The Election Complaints and Appeals Panel will be convened by the Returning Officer (or nominee) as required and in response to:

- complaints regarding Candidate conduct; and
- an appeal against the finding of the Returning Officer in the matter of a complaint.

2. RESPONSIBILITY

It is the responsibility of the Panel to assess the complaint and/or the appeal in the context of the University's Code of Conduct, the UNSA Election Rule, the Election Etiquette & Campaigning Guidelines and any other related documents including reference to UNSA's values.

Confidentiality will be strictly observed by all participants at all stages of the process, and it is the duty of the Panel to act fairly, impartially and without bias by considering all relevant information and any mitigating factors.

At the completion of their assessment, the Panel shall report key discussion points and a final determination to the Returning Officer (or nominee). The decision of the Panel is final.

3. MEMBERSHIP

The Panel is made up of five members comprising of up to two University of Newcastle staff members and up to three University of Newcastle students ('**Student Representatives**').

Eligible University of Newcastle staff members shall:

- have an understanding of, or familiarity with, natural justice and the principles of procedural fairness;
- act as the Chair;
- not be the Returning Officer (or nominee)

Eligible Student Representatives will be drawn from the following cohorts:

- Elected members of University Council, Academic Senate and their Standing Committees;
- Elected members of College Boards;
- Ma and Morley Scholars;
- Peer Mentors; and,
- iLEAD students.

This list is not exhaustive and may include other identified cohorts of students appropriate to the function of the Panel and unrelated to UNSA. However, all Panelists must not have a conflict of interest with either the Complainant or the Candidate in order to participate and are required to undergo an appropriate process determined by the Returning Officer (or nominee) to identify any

potential conflicts of interests among Panel members. Further, the identity of Panel members will not be made known to either the Candidate or the Complainant.

4. FREQUENCY OF MEETINGS

The Panel shall meet as required.

5. QUORUM & ATTENDANCE

To meet quorum, a minimum of two students and two staff members must be in attendance.

6. RECORD KEEPING

The Chair shall provide the Returning Officer (or nominee) with a written Record of Meeting including decision.

The Chair shall return all material to the Returning Officer (or nominee) after the Panel’s determination is made with results not to be communicated to any persons or group outside of the Panel, Returning Officer, or their nominee.

7. POLICY REVIEW

The Terms of Reference, performance and functions of the Panel shall be reviewed annually as part of the Election Review process. Feedback from Panel members should be considered.

Document History	
Effective Date	
May 2021	Implementation Approved by UNSA Board of Directors.
24 July 2023	Amendments Document reformatted and updated to current UNSA policy template format. Minor grammatical and syntax amendments made in sections 1 and 2. Section 3 (Membership) updated to include clarification of up to 2 staff members and up to 3 students. Section 3 paragraph 4 amended to include reference and clarity to conflict-of-interest process which panel members must undertake at the director of the RO or their nominee. Section 5 (Quorum & Attendance) amended to allow a quorum of two staff members and 2 students Section 6 (Record Keeping) renamed and paragraph 2 amended to reiterate importance of confidentiality. Section 7 (Policy Review) section renamed.