

Schedule 1 Code of Conduct for Elections

PART 1 - PRINCIPLES

1. This Code of Conduct applies to any person involved in an election at the University, including staff and students of the University, eligible voters, campaigners, candidates and scrutineers.
2. Elections are subject to the University's Ethics Framework, a copy of which is available on the University's website.
3. No person shall engage in dishonest or misleading practices of any kind during the course of an election.
4. All information provided to the returning officer, on official forms, in correspondence and/or verbally, must be true and accurate and not misleading.
5. Directions of the returning officer must be followed at all times.

PART 2 - CAMPAIGNING

1. Campaigning is defined as any activity or material that in the opinion of the returning officer:
 - a) identifies a person as a candidate; or
 - b) affiliates a person with the election.
2. The returning officer may specify the time period within which campaigning is permitted in association with an election.
3. Candidates are permitted to nominate persons to participate in their election campaign (**campaigners**).
4. To nominate a campaigner, a candidate must provide the name, student number and contact details in writing of any campaigner to the returning officer prior to that campaigner undertaking any campaign work.
5. A campaigner may only campaign for one candidate during an election.
6. A campaigner may campaign for a ticket. However, they must not campaign for that ticket unless that campaigner has already

been nominated to campaign for a candidate in that ticket.

7. A candidate is, at all times, responsible for the conduct of any person whom they have nominated as a campaigner.
8. A campaigner must abide by this Code of Conduct.
9. A person must not participate in a campaign for an election in which he or she is not entitled to vote or is otherwise prohibited from campaigning.

PART 3 - ELECTION MATERIAL

1. Election material is defined as any physical, online or social media content that in the opinion of the returning officer is intended to promote the electoral prospect of a candidate or ticket in an election.
2. The returning officer must approve all election material prior to its use in any election.
3. The returning officer may publish on the University website guidelines in relation to permissible election material and locations for display. The returning officer must also distribute such guidelines to the candidates and each candidate and campaigner must comply with these guidelines.
4. All election material must:
 - a) comply with the University's Ethics Framework;
 - b) clearly display the name of the candidate or ticket on whose behalf the material is posted, displayed or distributed;
 - c) contain the words "authorised by the returning officer" in every copy of election material displayed, distributed or posted;
 - d) be placed on campus in accordance with the University's policies relating to posters and advertising; and
 - e) not use, contain or refer to a Macquarie University logo.

5. The returning officer may control the placement of election material in any way that the returning officer sees fit.

PART 4 - PROHIBITED CONDUCT

Unauthorised campaigning

1. A person must not campaign on behalf of a candidate unless he or she has been nominated to campaign and he or she is not otherwise prohibited from campaigning.
2. A campaigner must not:
 - a) accept or receive payment or payment in kind for their efforts;
 - b) use public address systems for campaign purposes; or
 - c) use facilities of the University not generally available to all students, including, but not limited to, office space, computers, photocopiers, stationery, telephones and facsimile machines, for campaigning.
3. A person must not campaign:
 - a) within ten metres of a polling station;
 - b) during class times in classrooms and other premises used to conduct classes; or
 - c) on any premises, such as the library and other similar areas reserved for teaching, study or research.

Unauthorised Election Material

1. A person must not publish, display or post election material which has not been approved by the returning officer.
2. A person must not publish, display or post election material except in accordance with this Code of Conduct.
3. The use of mailing lists in campaigning, other than lists specifically created for the election, is forbidden.

4. Endorsement of a candidate or ticket by a student club, society or other organisation is forbidden.

5. A person must not present information about a candidate of any kind (including by making allegations in relation to a candidate) during an election period either in writing or verbally except where:

- a) that person is campaigning on behalf of a candidate in accordance with this Code of Conduct and the information presented is in relation to and approved by that candidate; or
- b) the candidate in relation to whom the information is presented is present, the information presented is not rude, slanderous or calculated to embarrass and it is in a forum where in the returning officer's opinion that candidate has a fair and reasonable opportunity to respond directly.

Interference with secret ballot

1. A person must not by dishonest or clandestine means attempt to discover how another person has voted.
2. A person involved in administering the conduct of an election (including any scrutineer appointed under these rules) must not disclose or assist another person to disclose any information as to how a person votes at an election.

Inducement, bribery or interference

1. A person must not exercise violence or intimidation, or offer or give a bribe, with a view to:
 - a) inducing a person to submit or withdraw candidature for election; or
 - b) influencing the vote of a person at an election; or
 - c) otherwise interfering with the due course of an election.
2. In this section, **bribe** includes any pecuniary benefit or material advantage

including food, drink or entertainment.

Illegal voting

A person must not dishonestly exercise, or attempt to exercise, a vote at an election to which that person is not entitled.

Persons acting on behalf of candidates not to assist voters or collect voting papers

1. A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not act as an assistant to a person voting at the election.
2. A scrutineer must not act as an assistant to a person voting at an election.
3. Without limiting the generality of 6(a) or (b), a person acts as an assistant by assisting another to obtain, complete or return postal voting papers or to complete and submit a vote electronically.
4. A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not have in his or her possession, or attempt to gain possession of, postal voting papers for that election (except any such papers issued to the person as a voter in his or her own right).
5. In an electronic ballot, during the voting period a person, other than the voter, must not:
 - a) be in contact with or in the immediate vicinity of a voter while that voter has the election webpage open on any electronic device; or
 - b) set up an electronic device and solicit voters to cast their vote using that electronic device.

Unlawful interference with computer programs

1. A person must not, without lawful authority to do so, tamper or interfere with a computer program, system or election website used for the purposes of an election.

2. A person must not, without lawful authority to do so, tamper or interfere with or remove voting forms, ballot boxes or electoral rolls from the polling booths.

Destruction of Property

1. A person must not cover, deface, mutilate, destroy or remove without the express permission of the publisher, election material which is displayed, posted or distributed.
2. A person must not damage public or private property, including that of the University.

PART 5 – ELECTION COMPLAINTS

1. Any candidate, campaigner, staff member or student is entitled to report an alleged breach of the election rules or Code of Conduct.
2. A complainant must make his or her complaint in writing to the returning officer via the election@mq.edu.au email address.
3. A complaint must:
 - (a) be submitted in a timely fashion, within 24 hours of the alleged breach;
 - (b) be written clearly and entirely in English;
 - (c) include the Complainant's full name and contact details; and
 - (d) provide a full description of the circumstances of the complaint and evidence to support the allegation.
4. The returning officer must provide the following to a person against whom a complaint is made:
 - (a) a statement of what is alleged;
 - (b) subject to (c), an opportunity to make a written or oral representation to the returning officer in relation to the complaint;

- (c) the provisions of (b) do not apply when, in the opinion of the returning officer, the urgency of the matter so requires.
5. The returning officer must investigate all complaints and make a determination within 48 hours of receiving the complaint in relation to whether a breach of the election rules or Code of Conduct has occurred and the consequences.
 6. The returning officer must communicate their determination on a complaint to the complainant and the respondent.
 7. The act of submitting vexatious or frivolous election complaints to the returning officer is, in itself, considered to be a breach of the Code of Conduct by that complainant.
- (f) charge any person or group of persons for the expenses resulting from any damage caused as a result of their prohibited conduct;
 - (g) disqualify any candidate from the election;
 - (h) refer issues of a disciplinary nature regarding the conduct of students to the appropriate University bodies.
2. The returning officer may, acting in his or her discretion, dismiss any candidate immediately on the grounds of abuse, coercion, harassment, defection or intimidation by that candidate or a campaigner acting on their behalf of other candidates, campaigners, voters or electoral officials.

PART 6 – CONSEQUENCES OF BREACH

1. The returning officer may, if satisfied that a person involved in an election has breached the rules, or has committed an act prohibited under the Code of Conduct or in any way acted improperly, dishonestly or unfairly at any time during the conduct of an election, enforce any of the below consequences or a combination thereof:
 - (a) order that a person make an apology orally or in writing;
 - (b) order that, where possible, a candidate rectify the matter which was the subject of the Complaint;
 - (c) direct any person to cease their behaviour;
 - (d) require a person or group of persons to cease and desist from any form of campaigning for such period of time as the returning officer deems appropriate, including this or any future election at the University;
 - (e) recommend to an appropriate body that the person or group of persons be removed from the campus, for any period of time that the returning officer recommends;
3. A decision of the returning officer under this clause is final and not subject to appeal.
4. Breach of these rules by any candidate or person campaigning is misconduct by that person for the purpose of the University's disciplinary by-laws, rules and policies.