

Election By-Law

James Cook University Medical Students Association Incorporated

Accepted by a vote of members at an Executive Committee Meeting on 20/07/2022.

Preamble

The following document outlines the expected process to be taken by JCUMSA volunteers in coordinating the election of the following year's Executive and Committee members. It is intended to both guide future Executive and provide transparency and accountability to the members.

Definitions

In this document:

Association refers to the James Cook University Medical Students Association Incorporated

Campaigning refers to the promotion by electoral applicants during the Campaigning Period

Constitution refers to the Association Rules of the James Cook University Medical Students Association Incorporated

Committee refers to the group of individuals who form the JCUMSA team, including executive and non-executive members who are either elected or appointed annually.

Electoral Officer refers to a JCU student enrolled at the time of the voting period. This student shall be in good standing who by virtue of them not being a member of the current JCUMSA Executive Committee, nor applying for a position within the current JCUMSA electoral cycle, has been chosen to run a specific Election on behalf of JCUMSA.

Election Period refers to, unless specified elsewhere in these By-Laws, the time beginning with the Application Period and ending at the end of a JCUMSA Executive meeting or by definitive affirmation of applicants in the absence of a General Meeting.

Elected Term refers to the next calendar year (from January 1st – December 31st) following the current electoral cycle

Executive refers to the group of individuals who are elected annually to the JCUMSA Executive committee. This group carries the full responsibilities and powers as outlined in the JCUMSA Constitution, Section 10.

Gold Member refers to JCUMSA members that have paid the required Gold Membership fee as outlined in the JCUMSA Constitution, Section 5.

Ordinary Member refers to any person who holds a valid membership with JCUMSA (all current medical students at James Cook University (JCU))

Voting Period refers to, unless specified elsewhere in these By-Laws, a period of five (5) business days as determined by the current JCUMSA Executive and the Electoral Officer.

1. Introduction and General Principles

- 1.1 This is an internal governance document, which provides an outline for the process to be taken by JCUMSA volunteers in coordinating the election of the following year's executive and committee members
- 1.2 This By-Law is accepted under the JCUMSA Constitution, Section 19
- 1.3 This By-Law is written as an adjunct to the JCUMSA Constitution, Section 10 (Membership of Management and General Committee) to provide further detail regarding the annual election procedure
- 1.4 Where there is perceived inconsistency with the JCUMSA Constitution, the Constitution will be held as the guiding document
- 1.5 This policy applies to all JCUMSA members
- 1.6 The JCUMSA Executive has the right to interpret and apply this By-Law

2. Electoral Officer

- 2.1. An Electoral Officer shall be appointed at least five (5) working days prior to the opening of elections, who shall supervise the conduct of any election
 - 2.1.1. The Electoral Officer must be a student enrolled at James Cook University at the time of the voting period
 - 2.1.2. The Electoral Officer must not be or have ever been, a JCUMSA Executive Committee member
 - 2.1.3. The Electoral Officer must not be applying for a position within the current electoral cycle
 - 2.1.4. The Electoral Officer must not have or have ever had a close relationship with any of the applicants, or any person intending to apply, for the available role(s) in the election
- 2.2. The role of the Electoral Officer is to supervise and coordinate the election, including announcing the names of the successful candidates by email as soon as practical upon the conclusion of the Voting Period.
 - 2.2.1. The Electoral Officer is required to send an email to all JCU medical students through the "med#@lists.jcu.edu.au" mailing lists
 - 2.2.2. The Electoral Officer is required to arrange to have a list of successful candidates posted as a status update on the JCUMSA Facebook page
- 2.3. The Electoral Officer is required to keep a full record of the results of the election until the end of the next calendar year.
- 2.4. The Electoral Officer must keep the results of the ballot confidential except for the names of the successful candidates.
 - 2.4.1. The name of the second-ranked candidate may be released to the executive in the event that the elected candidate can no longer carry out their duties.

- 2.5. The position of the Electoral Officer shall be vacated upon acceptance of the election results at the next JCUMSA executive meeting
- 2.6. Should the Electoral Officer not fulfill the expected roles and responsibilities, or is compromised in their impartiality, the Executive Committee may elect by two-thirds majority vote to remove the Electoral Officer from their position and re-appoint another meeting the requirements as referred to in By-Law 2.1.
- 2.7. At no point may the Electoral Officer cast a vote in an election which they are overseeing
- 2.8. The Electoral Officer is expected to declare any conflict(s) of interest to the JCUMSA Executive prior to the final decision of their appointment. The JCUMSA Executive will determine, at their complete discretion, whether or not to appoint a different Electoral Officer if necessary.
- 2.9. Any member of the current JCUMSA Executive who is an electoral candidate shall not be able to take part in the decision made by the JCUMSA Executive referred to in By-Law 2.8

3. Applications for Elected Positions

- 3.1. Applications for elected positions within JCUMSA will commence at a time agreed upon by the current JCUMSA Executive and will end no later than three (3) working days prior to the start of the voting period referred to in By-Law 5.
 - 3.1.1. Positions within JCUMSA requiring election include, but are not limited to:
 - (a) Executive Positions
 - (i) President
 - (ii) Academic Vice-President
 - (iii) Events Vice-President
 - (iv) Treasurer
 - (v) Secretary
 - (vi) Liaison Officer
 - (vii) Sponsorship Officer
 - (viii) Publications and Promotions
 - (ix) Community and Wellbeing Officer
 - (b) General Committee Positions, which may include, but are not limited to:
 - (i) Junior AMSA Representative;
 - (ii) IT Officer
 - (iii) Junior Sponsorship Officer
 - (iv) Male Interfaculty Sports Representative
 - (v) Female Interfaculty Sports Representative
 - (vi) International Student Representative
 - (vii) Indigenous Student Representative
 - (viii) RACGP Medical Representative
 - (ix) Equity and Diversity Officer
 - (x) Med Revue Convenor (s)

- (xi) Research Officer
- (xii) Teddy Bear Hospital Convenor
- (xiii) Policy Officer and
- (xiv) Community and Wellbeing Representative(s)
- (xv) Academic Representative(s)
- (xvi) Events Representative(s)

3.2. In the event that there are no electoral applicants for a given position, then nominations may be taken directly upon the floor of the AGM.

3.2.1. If more than one (1) person nominates on the floor of the AGM these positions will be included in the election and voting will occur.

3.3. Any remaining positions within JCUMSA after the end of the election cycle are appointed by Expression of Interest to the secretary.

3.3.1. If no nominations are received before the end of the Calendar term of the Executive, it is the responsibility of the incoming executive to appoint candidates to vacant positions in the following year. This can be through an informal process of appointing a representative on an ad-hoc basis as deemed appropriate by the executive.

3.4. All applicants for positions within JCUMSA must meet the following criteria to qualify for application

- (a) An electoral applicant must be a JCUMSA gold member.
- (b) An electoral applicant must not be a final-year medical student.
- (a) An electoral applicant must have 2 other JCUMSA Gold members second their nomination.
- (b) The electoral applicant must fit any specific eligibility criteria for the position they are nominating for, this includes:
 - (i) Candidates for the position of Academic and Events Vice President must be a clinical student in the Elected Term.
 - (ii) Candidates for the position of Liaison Officer must be a clinical student in the Elected Term OR have sufficient AMSA experience, as decided by the Executive.
 - (iii) Candidates for the position of Junior AMSA Representative must be a pre-clinical student in the Elected Term.
 - (iv) Candidates for Academic and Event year level representatives must be in the same year level in the Elected Term as the title of the position they are nominating for.
 - (v) Candidates for Academic and Event year level representatives must be based at the same site in the Elected Term as the title of the position they are nominating for.
 - (vi) Candidates for the position of International Student Representative must be an international student.
 - (vii) Candidates for the Sports Representatives must identify as the same gender as the title of the position they are nominating for.
 - (viii) Candidates for the Indigenous Students Representative must identify as Aboriginal and/or Torres Strait Islander.

- (ix) Candidates for the Equity and Diversity Officer must identify as queer and/or gender-diverse.
- (c) Failure to comply with the criteria set out in By-Law 3.1-3.4 will result in immediate expulsion of the electoral applicant from consideration for nomination to the positions available within the Association at the current election
- 3.5. An electoral applicant may only apply for a maximum of one (1) executive position and three (3) general committee positions or a maximum of four (4) general committee positions within the Association each year.
 - 3.5.1. When an individual applies for more than one (1) elected position, individuals must list their order of preference
 - (a) One (1) indicates the first preference and higher numbers indicate a lower preference
 - (b) Rankings will not be publicly displayed, they are only used in the case that one candidate is voted into multiple positions
 - 3.5.2. A student may only hold two (2) JCUMSA positions at any one time, so long as these positions are General Committee roles (non-executive).
 - 3.5.3. Candidates are not permitted to hold additional JCUMSA or affiliate (InPsych, JCU ObGyn, MINT) positions if they have a role in the executive committee.
- 3.6. An electoral applicant may submit an appropriate photo and are required to submit a short statement for publication to voters of up to 200 words with their nomination.
 - 3.6.1. Should the statement exceed 200 words, it will be cut off at the 200-word mark without notice.
 - 3.6.2. If an electoral applicant is nominating for more than one (1) position they may write separate statements for each position or use the same one.
 - 3.6.3. The electoral applicants name, year level and two (2) seconders will be published next to the statement, so it is not a requirement to include this in the statement.
 - 3.6.4. JCUMSA may resize or crop the photo to ensure it fits the document published to voters.
- 3.7. All applications will be confidential and known only to the Electoral Officer and those that the Electoral Officer deems required to conduct the election until the commencement of the voting period. Individuals the Electoral Officer may determine are required to conduct the election are limited to:
 - (a) Current Executive Committee Members;
 - (b) Current IT Officer; and
 - (c) Any individual approved by a simple majority vote of the current Executive Committee.

4. Applicant Responsibilities

- 4.1. Prior to the JCUMSA election period, each electoral candidate is expected to read the position description for the role they wish to nominate for.
- 4.2. Prior to nomination, all electoral candidates nominating for an Executive position are required to discuss their nomination and the expectations of the role they wish to nominate for within the current committee, with the member currently occupying the role.

- 4.3. During the voting period, electoral candidates must ensure that they have read and continue to abide by, the Constitution, By-Laws and Policies of the Association.
- 4.4. Electoral applicants may withdraw from an election at any time prior to the opening of the general meeting at which the role is to be accepted.
 - 4.4.1. Should an electoral applicant choose to withdraw from an election, the individual must provide notification to, and obtain acknowledgement of the withdrawal from the Electoral Officer
 - 4.4.2. Should an electoral applicant choose to withdraw from an election after the voting period has commenced, the Electoral Officer and the electoral applicant may maintain confidentiality regarding this decision until the voting period is complete if requested by the withdrawing candidate. The electoral applicant will then be removed from the electoral count.

5. Voting Period

- 5.1. The election of members of the Executive and other positions (as per By-Law 3.1) occurs annually and shall take place during the months of August or September in the year prior to the commencement of that elected term.
- 5.2. The voting period shall last for five (5) business days.
- 5.3. The Electoral Officer, in conjunction with the current IT Officer, shall make available to all JCUMSA Ordinary members the opportunity to cast an electronic ballot over the voting period.
- 5.4. Voting will be through an anonymous online system.
- 5.5. It is not possible the change a vote once it has been cast.
- 5.6. Ballots for General Committee positions will contain an additional option of “Abstain” that shall be counted towards total votes, but not towards a winning tally.
- 5.7. All election ballots will have the candidates’ names listed in a randomly selected order if permitted by the chosen electronic voting platform. If a randomisation option is not possible, then candidates shall be listed alphabetically by surname.
- 5.8. Voters may only vote once.
- 5.9. Candidates or their helpers must not interfere with the functioning of the online voting system (including attempting to vote more than once).
- 5.10. JCUMSA receives assistance from the College of Medicine & Dentistry to conduct the voting process.
 - 5.10.1. Candidates are not to approach the College for any information regarding the election process or any results. Doing so may result in your vote being withdrawn, or if you are a nominating candidate then your nomination may be withdrawn.
- 5.11. All Ordinary Members of the Association, including those in the current Executive Committee and those running in the election, are entitled to vote in the given election.

6. Campaigning

- 6.1. Candidates will be permitted to campaign within the forty-eight (48) hour period immediately prior to the commencement of voting and for the entire Voting Period.
- 6.2. Candidates should ensure their campaign does not reflect on JCUMSA in a negative way.
- 6.3. Candidates should not engage in slander, intimidation or harassment of other candidates.
- 6.4. Each electoral applicant shall enjoy the right to inform the student body of their candidacy in a manner consistent with the Constitution, By-Laws and Policies of the Association.
 - 6.4.1. Acceptable campaigning tools include
 - (a) Word-of-mouth
 - (b) Candidate statements submissions
 - (c) Social media posts on personal social media accounts or private messages on personal accounts
 - 6.4.2. Candidates or their helpers may not use the following mechanisms of promotion
 - (a) Lecture bashing
 - (b) Dedicated Facebook groups, Facebook pages or Facebook events
 - (c) Facebook posts in JCUMSA year-level pages and other student organisation Facebook pages including but not limited to GPSN, RHINO, INSAKA
 - (d) Email through the med#lists@jcu.edu.au mailing lists, Learn JCU mailing lists or other bulk email lists
 - (e) Posters put up at the medical school or greater university
 - (f) JCUMSA does not authorise the use of the JCUMSA logo or imagery on promotional material
- 6.5. At no time shall an electoral applicant in an election of the Association use the Association's resources, any privileges bestowed upon them by the Association, or gifts to promote their candidacy.
- 6.6. If a candidate is found to be campaigning using these prohibited mechanisms, their nomination may be withdrawn by the Election Officer as per By-Law 7.
- 6.7. Current JCUMSA position-holders are not to tamper with the voting process by any means necessary. Inappropriate abuse of power to influence election results will result in a disciplinary process with the election officer and JCUMSA President. This may result in a ban from nominating for future positions or being involved in future elections.

7. Electoral Applicant Disqualification

- 7.1. An electoral applicant may be disqualified from an election if they fail to comply with any of the provisions of the Constitution, By-Laws and/or Policies of the Association
- 7.2. Should the Electoral Officer determine that an electoral applicant is to be disqualified, the Electoral Officer shall submit notice to the electoral applicant notifying them of the intention to disqualify ("Notice of Intention to Disqualify") advising:
 - (a) The purpose of the notification

- (b) The reason for the disqualification
 - (c) The date of any infraction
 - (d) Notice of the appeal process
- 7.3. An electoral applicant may appeal the disqualification by providing a notice of appeal to the current JCUMSA Secretary within two (2) business days of receipt of the Notice of Intention to Disqualify (“Notice of Appeal of Disqualification”)
- 7.4. Within two (2) business days of receipt of a Notice of Appeal of Disqualification, the current Executive Committee must convene a special Executive meeting to discuss the disqualification. At any such meeting, both the disqualified electoral applicant and the Electoral Officer will be given a full and fair opportunity to present both of their cases.
- 7.5. The current Executive will evaluate the circumstances surrounding the electoral applicant and decide whether to finalise the disqualification by a simple majority vote of the Executive members present at the meeting.
- 7.6. The Electoral Officer will give notice to the disqualified electoral applicant within twenty-four (24) hours of the decision made by the current Executive (“Notice of Disqualification”)
- (a) No further means of appeal will be allowed.

8. Election Results

- 8.1. The election of each position shall be by a majority of votes case.
- 8.2. In the event of an equality of votes, the vote shall be re-opened for an additional voting period contested between only the candidates tied in votes. This subsequent re-opened vote shall run in accordance with these By-Laws.
- 8.3. Applicants are able to hold one (1) Executive position or two (2) General Committee positions.
- 8.3.1. If one applicant applying for an Executive position wins more than one position, they will be considered to have won that Executive position, and to have withdrawn their nomination for their remaining preference(s).
 - 8.3.2. If one applicant applying exclusively for General Committee positions, wins more than two positions, they will be considered to have won their first two (2) preferences, and to have withdrawn their nomination for their remaining preference(s).
- 8.4. The Electoral Officer is required to send an email to all JCU medical students through the “med#@lists.jcu.edu.au” mailing lists
- 8.4.1. The Electoral Officer is required to arrange to have a list of successful candidates posted as a status update on the JCUMSA Facebook page

9. Inconsistency

- 9.1. In the event of an inconsistency between these By-Laws and the JCUMSA Constitution, the JCUMSA Constitution shall prevail to the extent of that inconsistency.

Date of Passed Changes (Current President)	Changes Made by (position)	Changes made
2022 Bianca Johnson	Bianca Johnson (President)	Document created