

UCDSU INDEPENDENT APPEALS AND DISCIPLINARY BOARD

Reference No. 20/01

The Returning Officers

Applicants

and

The President

Notice Party

DECISION

1. Background

1.1. This matter arises in the context of the unprecedented closure of the University campus by reason of the current COVID-19 virus pandemic. The Executive Elections obviously cannot proceed in the normal manner as envisaged in the Union Constitution as a result of this.

1.2. Article 16.15 of the Union Constitution provides as follows:

“16.15 Should a situation not provided for in this Constitution arise, the IADB shall have the power to formulate and enforce such transitory or alternative provisions as it may consider necessary.”

1.3. Article 18.3.2 of the Union Constitution provides as follows:

“18.3.2 Nothing in this Constitution shall prevent the possibility of online or electronic voting. Where the Returning Officers propose to use online or electronic voting in an

election or referendum, they may only do so with the consent of both the Executive and Council, each acting by a two-thirds majority. The IADB may overturn a decision to use online or electronic voting at least one week prior to the primary polling date of the relevant election or referendum if the IADB has a significant concern in relation to the security, integrity or accuracy of the proposed online or electronic voting.”

- 1.4. The Union Returning Officer has made proposals to the IADB on behalf of the Returning Officers for transitory or alternative provisions considered necessary to deal with the present situation.

2. Decision

- 2.1. The IADB met by way of electronic communication as permitted by Article 16.9 and, having afforded the President an opportunity to comment on the proposals, decided to put in place the following transitory or alternative provisions:

- (a) That the IADB approves the decision of the Returning Officers to hold the Executive Elections by way of online or electronic voting.
- (b) That the approval of Council required for the implementation of online or electronic voting may be given by electronic means and that any formalities in that regard may be dispensed with, including notice, quorum and/or the requirement for a two-thirds majority.
- (c) That the Returning Officers may dispense with any formal or other requirements of the Constitution where they consider this to be appropriate and necessary for the conduct of the Executive Elections without further formal approval of the IADB, although the Chair of the IADB should be appraised of any significant instances where this dispensation is invoked.
- (d) That the Returning Officers may move voting in the Executive Elections to such date or dates as they consider appropriate, having consulted with the President, including a date or dates outside of university teaching term.

- (e) That the holding of the election of Campaign Coordinators and any other elections due to take place be postponed until after the announcement of the results of the Executive Elections. The IADB will consider this matter further after the Executive Elections in consultation with the President, President Elect and Returning Officers.

Clr. Michael D. Clark PhD
Secretary

Morgan Shelley B.L.
Chair

3rd April 2020