Elections Tribunal – Meeting Summary

10am Monday 8th of September 2025

In Attendance (redacted)

Ellen Brackenreg - Chair
Student A - UG Student Member
Student B - PG Student Member
Richard Martino- Acting as Non-Voting Procedural Adviser
Nathan Butcher- (CPR Group) Non-Voting Advisor on the drafting of the WSUSU Constitution and Regulations.

Background

The tribunal was convened to review an appeal by a nominee (Redacted) who had been deemed by the Independent Returning Officer ineligible to run for election as a director on the Student Union Board.

The Chair noted that the Tribunal could not be convened by the WSUSU Board in line with the draft Regulations, given the Board not yet existing. However, the Chair noted that the current SRC Executive endorsed the formation of the Tribunal. It was further noted by the Chair, that the Regulations and other policies are draft documents only.

The Returning Officer ruled (Redacted) ineligible on two grounds:
1. He was not on the university roll (therefore could not vote).
2. He was on Leave of Absence when nominations closed (29 August).

Key Discussion Points

Status Definitions:

- Confusion over terms: enrolled, active, registered, leave of absence.
- Student Administration's advice: Approved leave = active status (can return), but not the same as "enrolled in a subject."
- HDR (PhD) students complicate matters: thesis submission & under-examination students may not be enrolled in subjects but may still be considered active.

Evidence Considered:

- Documents showed (Redacted) was on a Leave of Absence until 14 September (after nominations closed).
- No proof that he was enrolled before nominations closed.
- WSUSU Constitution clause 4.5.3 allows sitting directors to take an approved Leave of Absence, but does not cover nominees.
- Regulations specify eligibility as being enrolled in a WSU award course at the close of nominations.

- Looking at (Redacted)'s status in the Student Management System (SMS) showed they were only "registered" in his research during Q1 and Q2, and not for Q3.
- The PG Student Member noted that she was still enrolled in subjects with valid subject numbers when undertaking post-graduate research at Western.

Tribunal Members' Findings:

- UG Student Member: Rules are clear – (Redacted) was on leave at close of nominations, therefore ineligible.
- PG Student Member: Agreed – (Redacted) not enrolled at time of close. Some ambiguity between "registered" and "enrolled," but ultimately not satisfied.
- Chair: Recognized ambiguity in the Constitution and Regulations, especially regarding HDR students. Suggested clearer wording to prevent confusion.

Claim of Procedural Irregularity:

The Tribunal noted (Redacted)'s claim of procedural irregularity regarding the notification of the decision by the Returning Officer to (Redacted) falling outside of the 3 working days of the original nomination stipulated by the Regulations. It was determined that the breach relates only to notification timeframe of the decision to (Redacted) and does not relate to any alleged error which would impact the decision itself. Additionally, the Returning Officer in his report to the Tribunal noted keeping (Redacted) constantly informed throughout the process, and that the delay was due to the Returning Officer making additional inquires to make absolutely sure of any decision regarding (Redacted)'s ineligibility. These steps seem completely reasonable to the Tribunal, and potentially where to (Redacted)'s benefit.

Findings

(Redacted) is ineligible to nominate for the election because:

1. He was not enrolled in a WSU award course at the close of nominations.
2. He was on a Leave of Absence at the close of nominations.
3. He was also not on the roll for the election.

Outcome: Appeal dismissed. Returning Officer's ruling stands.

Additional Recommendations

1. Amend Constitution wording – clarify the definition of "student" and separate clauses around eligibility of nominees vs. serving directors on leave.
2. Clarify Regulations – ensure explicit requirement for being "enrolled and registered" at nomination close, to avoid misinterpretation.
3. Improve Transparency – publish clearer eligibility guidelines for student elections.

Hearing closed 10:26am