Governance Rule

Section 1 - Council Preliminary

Part A - Enactment

(1) This Rule is made by the Council of the University of Newcastle under section 29 of the University of Newcastle Act 1989 No 68 (NSW) ('the Act').

Part B - Commencement

(2) This Rule takes effect on 22 September 2017.

Part C - Interpretation

(3) Headings and bold type are for convenience only and do not affect the interpretation of this Rule.

(4) The singular includes the plural and the plural includes the singular.

(5) The word 'includes' in any form is not a word of limitation.

(6) A reference to a staff position:

a. which ceases to exist; or
b. whose powers or functions are transferred to another staff position, is a reference to the staff position which replaces it or which substantially succeeds to its powers or functions.

(7) A reference to a staff title which ceases to exist is a reference to the staff title which replaces it.

Section 2 - The University Council

Part D - Constitution of the Council

(8) For the purposes of section 8B(4) of the Act, Part D comprises the constitution rules.

(9) The Council consists of seventeen members.

(10) The number of members in each category of the Council is:

a. three official members;
b. five elected members;
c. seven Council appointed members; and
d. two Ministerially appointed members.

(11) For the purposes of section 8D of the Act, of the elected members of the Council:

a. two members are elected (academic staff) members, elected from and by the academic staff;
b. one member is elected (non-academic) staff, elected from and by the non-academic staff (comprising of the University's professional staff and teachers);
c. two members are elected (student) members, one elected from and by the undergraduate students of the University; and one elected from and by the postgraduate students of the University.

(12) For the purposes of section 8E of the Act:

a. the minimum number of members of the Council who must be external persons that are graduates of the University is three; and
b. the appointment of the external persons to become members of the Council is by appointment by the Council under section 8F or by the Minister under section 8G of the Act.

Part E - Delegation of Authority

(13) For the purposes of section 17 of the Act:

a. the Council retains the authority to determine the matters listed in Schedule 1;
b. the Council delegates academic related matters as set out in Schedule 2; and
c. the Council delegates to the Vice-Chancellor all other functions of the Council other than those matters not delegated in accordance with Clause 13(a) or (b).

(14) For the purposes of section 21B of the Act, the Council delegates authority to the Vice-Chancellor the responsibility to establish and maintain procedures for the operation of the Commercial Activities Policy.

(15) For the purposes of section 21C of the Act, the Council delegates authority to the Vice-Chancellor the responsibility to maintain a Register of Commercial activities, which includes the matters prescribed by section 21C of the Act.

Part F - Election to the Council

(16) Election to the Council will be in accordance with Schedule 5.

Part G - Keeping of Rolls

(17) For the purposes of section 8D of the Act, the University Secretary must keep and maintain:

a. a roll of academic staff, containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of:
    i. professors within the University; and
    ii. persons employed as contingent, continuing or fixed term staff of the University in the position of associate professor, Senior Lecturer or Lecturer within the University, or such other position within the University as may be specified from time to time in resolutions made by the Council for the purposes of this clause; and
    iii. officers holding the positions of Deputy Vice-Chancellor and Pro Vice-Chancellor within the University, and such other positions within the University as may be specified from time to time in resolutions made by the Council for the purposes of this clause; and
b. a roll of professional staff, containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of the contingent, continuing or fixed term staff of the University who are professional staff; and

c. a roll of teachers, containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of the contingent, continuing or fixed term staff of the University who are teachers; and
d. a roll of undergraduate and postgraduate students, containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of students who are enrolled in a course and active in a program leading to an award.

Part H - Indemnity and Insurance

(18) Subject to, and so far as may be permitted under law, the University may:

a. indemnify any officer of the University, or its controlled entities, against liabilities incurred whilst undertaking their duties as an officer of the University, or one of its controlled entities. An indemnity granted under this provision will be subject to a deed of protection and release (Deed of Protection) being entered into with the officer;
b. make a payment (whether by way of advance, loan or otherwise) in respect of legal costs incurred by an officer in defending an action for a liability, which is the subject of a Deed of Protection.

(19) The University will arrange (and pay the premium for) insurance for officers, in accordance with the terms outlined in the Deed of Protection.

Section 3 - The Academic Senate

Part I - Constitution of the Academic Senate

(20) For the purposes of clause 16 of the University of Newcastle By-law 2017 ('the By-law') and Schedule 1 of this Rule:

a. the ex-officio members of the Academic Senate are:
    i. Vice-Chancellor;
    ii. Deputy Vice-Chancellor Global;
    iii. Deputy Vice-Chancellor (Academic) and Vice President;
    iv. Deputy Vice-Chancellor (Research and Innovation);
    v. College Pro Vice-Chancellors;
    vi. Pro Vice-Chancellor Student Experience;
    vii. Academic Registrar;
    viii. Pro Vice-Chancellor Education Innovation;
    ix. Pro Vice-Chancellor (Research);
    x. Pro Vice-Chancellor Industry and Engagement;
    xi. Pro Vice-Chancellor (Academic Excellence);
    xii. Pro Vice-Chancellor Indigenous Strategy and Leadership;
    xiii. Director, Pathways and Academic Learning Support Centre;
    xiv. Dean of Graduate Research; and
    xv. Chief Executive Officer of Newcastle Australia Institute of Higher Education (Singapore); and
b. there are to be twenty eight staff elected members comprising of:
    i. three academic staff members at Level A, B or C elected from each College by the academic staff at that level within that College;

ii. three academic staff members at Level D or E elected from each College by the academic staff at that level within that College;
iii. two academic staff members from the elected members of each College Board elected by the College Board;
iv. two academic staff member from the Pathways and Academic Learning Support Centre elected by the academic staff from that Centre;
v. one academic staff member at Level E or D from a University location other than a premises owned, operated or occupied by the University within the City of Newcastle Local Government Area (Newcastle Campuses) and elected by academic staff members based at a campus or premises other than the Newcastle Campuses; and
vi. one academic staff member at Level A or B or C from a University location other than a premises owned, operated or occupied by the University within the City of Newcastle Local Government Area (Newcastle Campuses) and elected by academic staff members based at a campus or premises other than the Newcastle Campuses.

c. there are to be three enrolled undergraduate students, one of whom must be from a University location other than a premises owned, operated or occupied by the University within the City of Newcastle Local Government Area (Newcastle Campuses), elected by the University's undergraduate student body;
d. there are to be two enrolled postgraduate students, comprising of:
    i. one postgraduate coursework student elected by the University's postgraduate coursework student body; and
    ii. one enrolled postgraduate higher degree by research student elected by the University's postgraduate higher degree by research student body; and
e. there is to be one international student elected by the University's international student body;
f. there is to be one Aboriginal and/or Torres Strait Islander student elected by the University's Aboriginal and Torres Strait Islander student body;
g. there may be up to four additional academic staff or student members selected from within the University nominated by the President of Academic Senate and endorsed by the Academic Senate, to provide for inclusiveness in the membership of the Academic Senate in regard to aspects such as: gender, Indigenous representation, location, and academic unit of the University; and
h. the University Secretary and the Director, Strategy Planning and Performance will have standing Rights of Audience and Debate at all meetings of Academic Senate.

Part J - President and Deputy President of Academic Senate

(21) A President of Academic Senate will be elected from amongst the staff members at Level E or D by the academic staff of the University whose names appear on the Roll of Academic Staff maintained in accordance with Clause 17.

(22) A Deputy President of Academic Senate - Teaching and Learning will be elected by the Academic Senate from amongst the elected academic staff members at Level E or D.

(23) A Deputy President of Academic Senate – Research will be elected by the Academic Senate from amongst the elected academic staff members at Level E or D.

(24) The President Academic Senate and the Deputy Presidents of Academic Senate shall undertake such functions as the Academic Senate may determine by resolution from time to time.

(25) During the absence of the President Academic Senate, or during the inability of the President to act, one of the Deputy Presidents will be appointed as Acting President Academic Senate with all the functions of the President Academic Senate:

a. by the President Academic Senate; or
b. in the event that the President Academic Senate is unable to make an appointment, by the Returning Officer according to lot.

(26) The Academic Senate may, by votes of two thirds of its membership in favour of motions of no confidence, recommend to the Council that action is initiated for the removal from office of the President or/and the Deputy President(s) of the Academic Senate, where the President or/and the Deputy President(s) have lost the confidence of the Academic Senate.

Part K - Functions of the Academic Senate

(27) The Academic Senate has the following functions that include, for the purposes of clause 18(f) of the By-Law and Schedule 1 to this Rule, the teaching and learning, research, and research training (academic) governance functions as described in the Higher Education Standards Framework Threshold Standards (HESF):

a. act as the principal advisory committee to the Council and Vice-Chancellor to provide academic leadership advice, reporting, and compliance assurance on academic governance and standards, and oversight of academic risk processes;
b. provide appropriate academic input to the University's strategic plan;
c. act as the principal academic forum for discussion and deliberation of academic matters through informed and open discussion;
d. critically evaluate the quality and effectiveness of educational innovations or proposals for innovations (based on HESF);
e. jointly manage effective and targeted two-way communication between the Academic Senate, Council, senior executive, committees and the wider University community on academic activities and relevant academic standards across the University;
f. consider any relevant teaching and learning and/or research and research training proposal made by any college, school, or board, at or in connection with the University, including providing general advice on academic priorities;
g. approve new programs and/or awards that meet self-accreditation requirements, having been satisfied of effective quality assurance of new program design and consistency of processes;
h. ensure that existing and established programs are regularly monitored, reviewed, and updated for continuous improvement, utilising internal and external advice/input where appropriate;
i. approve, monitor, and review the development of academic policies and other high-level procedural documentation as appropriate, and oversee their effectiveness and implementation;
j. maintain oversight of academic integrity including monitoring for potential risks;
k. review required performance reports and survey outcomes to evaluate the effectiveness of the University's academic and research monitoring and review systems, including endorsing internal and external institutional benchmarking to support best practice;
l. maintain standing orders for the Academic Senate and its committees;
m. determine the structure and functions of Academic Senate committees;
n. monitor, review, and recommend updates to the Delegation of Academic Matters to align with the academic policy framework and ensure effective and consistent implementation across the University;
o. conduct regular self-evaluation (reviews) of the effectiveness of academic governance and monitoring systems; and
p. exercise the authorities delegated to the Academic Senate by the Council under Schedule 1 and 2.

Part L - Election to the Academic Senate

(28) Election to the Academic Senate will be in accordance with Schedule 5.

Part M - Term of Office to the Academic Senate

(29) The term of office of an academic staff member elected to the Academic Senate in accordance with Clause 20(b) or (g) (including the elected academic staff members who are also elected as Deputy President of Academic Senate - Teaching and Learning in accordance with Clause 22 and the Deputy President of Academic Senate – Research in accordance with Clause 23) is two years.

(30) The term of office of an undergraduate student or postgraduate student elected to the Academic Senate in accordance with Clause 20 (c), (d), (e), or (f) is one year.

(31) The term of office of the President of the Academic Senate elected in accordance with Clause 21 is three years.

(32) The maximum number of consecutive terms of office for the positions below is two terms, unless the Academic Senate otherwise resolves in relation to the academic staff member currently holding such a position:

a. President of the Academic Senate;
b. Deputy President of Academic Senate - Teaching and Learning; or
c. Deputy President of Academic Senate – Research.

Part N - Vacancies

(33) If a casual vacancy occurs in the office of an elected member to the Academic Senate (other than the President of the Academic Senate), the Academic Senate may:

a. where the vacancy is in respect of an office to be held by an enrolled undergraduate student in accordance with Clause 20(c) or by an enrolled postgraduate student in accordance with Clause 20(d), the Academic Senate may resolve to appoint an enrolled student to fill the vacancy for the unexpired portion of their predecessor's term of office;
b. where the vacancy is in respect of an office to be held by an academic staff member in accordance with Clause 20(b) (including the elected academic staff members who are also elected as Deputy President of Academic Senate - Teaching and Learning in accordance with Clause 22 and the Deputy President of Academic Senate – Research in accordance with Clause 23), the Academic Senate may resolve to appoint an academic staff member to fill the vacancy for the unexpired portion of his or her predecessor's term of office; or
c. in either case – the Academic Senate may resolve to not fill the casual vacancy.

(34) If a casual vacancy occurs in the office of the President of the Academic Senate, then the University Secretary is to conduct a new election for the vacant office in accordance with Schedule 5.

Part O - Proceedings of the Academic Senate

(35) In fulfilling its functions as set out in Clause 18 of the By-law and Clause 27 of these Rules, the Academic Senate may:

a. determine its own procedures through Standing Orders;
b. request that other persons attend meetings of Academic Senate;
c. establish committees to assist it in connection with the exercise of any of its functions.

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Section 4 - The Vice-Chancellor

Part P - Additional Title

(36) For the purposes of section 12(2) of the Act, the Council grants the Vice-Chancellor the additional title of President of the University.

Part Q - Functions of the Vice-Chancellor

(37) In accordance with section 12(3) of the Act, the Vice-Chancellor is the principal executive officer of the University, and is responsible for the management and operations of the University, subject to the matters over which authority has been retained by the Council in accordance with Part E of this Rule.

(38) The functions of the Vice-Chancellor are to:

a. implement the strategic plans approved by the Council;
b. conduct the external affairs of the University, including interaction and engagement with government and industry partnerships, the domestic and international community, and stakeholders;
c. conduct the academic, administrative, financial, and other affairs of the University;
d. exercise general supervision and control in relation to the members of staff of the University and the welfare and discipline of students;
e. monitor and evaluate the performance of the University and its constituent parts in relation to its academic, financial, and organisational objectives;
f. implement the resolutions of the Council;
g. report to the Council from time to time on the affairs of the University;
h. administer the Act, the By-law, rules, and policies of the University; and
i. such other functions as the Council may determine from time to time.

Part R - Authority of the Vice-Chancellor

(39) Subject to Part E, the Council delegates to the Vice-Chancellor such authority as may be necessary or convenient to fulfil the responsibilities of the position.

(40) With the exception of the committees of the Council, the Vice-Chancellor is an ex-officio member of every College, school, and committee of the University and any like body within the University, and may preside at any meeting of such college, school, committee or body.

(41) The authority of the Vice-Chancellor to preside at a meeting in accordance with Clause 40 does not extend to a meeting at which the Chancellor or Deputy Chancellor is present if the Chancellor or Deputy Chancellor desires to preside.

(42) Subject to Part E, the Vice-Chancellor may appoint members of the senior executive including the Deputy Vice-Chancellors and Pro Vice-Chancellors. Subject to the Conditions of Delegation in Schedule 4, such officers will have the functions, powers and authorities sub-delegated to them from time to time by the Vice-Chancellor.

Part S - Acting Vice-Chancellor

(43) In the event of the absence on leave of the Vice-Chancellor from the University or the illness or incapacity of the Vice-Chancellor, an Acting Vice-Chancellor is to be appointed:

a. by the Vice-Chancellor, if the Vice-Chancellor has no reason to believe that the absence, illness, or incapacity will exceed four weeks; or
b. by the Council in any other case or if the Vice-Chancellor does not make an appointment in accordance with Clause 43(a).

(44) The Vice-Chancellor may also appoint an Acting Vice-Chancellor where the Vice-Chancellor is absent from the University on official business and believes that such an appointment is necessary for the effective operation of the University.

(45) In the exercise of the functions of the Vice-Chancellor, the Acting Vice-Chancellor has such powers and authority as may be necessary or convenient to give effect to the provisions of the Act, the By-law, this Rule, and the resolutions of the Council.

Section 5 - Convocation

Part T - Meetings of Convocation

(46) For the purposes of clause 14 of the By-law, meetings of Convocation will be conducted in accordance with Schedule 6.

Part U - Functions of Convocation

(47) For the purposes of clause 15 of the By-law, the functions of Convocation are to:

a. discuss and pronounce an opinion on any matter relating to the University, including any matter referred to it by the Council;
b. advise the Council or Academic Senate on any matter relating to the University, including any matter referred to it by the Council.

Part V - Standing Committee of Convocation

(48) The Council may establish a standing committee of Convocation under section 14(6) of the Act.

(49) The constitution, functions, and powers of the standing committee of Convocation may be prescribed by the Council from time to time.

Part W - Register of Convocation

(50) For the purposes of section 14 of the Act, the University Secretary will keep a Register containing the names and last known email addresses (or, if no email address is known, the last known address) of members of Convocation.

Section 6 - Awards and Titles

Part X - Programs Leading to an Award

(51) For the purposes of Schedule 1 to this Rule:

a. The award types offered by the University are:
    i. Diploma;

ii. Advanced Diploma;
iii. Associate Degree;
iv. Bachelor Degree;
v. Bachelor Honours Degree;
vi. Graduate Certificate;
vii. Graduate Diploma;
viii. Masters Degree;
ix. Professional Doctorate;
x. Higher Degree Research; and
xi. Higher Doctoral Degree;

b. The awards offered by the University are as determined from time to time by the Academic Senate.

Part Y - Conferral of Awards

(52) The conferral of an award, through the provision of a testamur, certifies that the requirements of the qualification have been met.

(53) A person who receives a testamur is a graduate of the University.

Part Z - Revocation of Awards

(54) For the purposes of Schedule 1 to this Rule:

a. the Vice-Chancellor may recommend to the Council that an award that has been conferred on a former student should be revoked; and
b. the Council reserves the right to revoke any award:
    i. awarded to a graduate if it is later determined that, when a student of the University, the former student was in breach of the Student Conduct Rule; or
    ii. awarded in error.

Part AA - Honorary Awards

(55) For the purposes of Schedule 1 to this Rule, the Council may grant honoris causa to persons who, in the opinion of the Council, are eligible for or might properly be honoured by those awards.

(56) Honorary awards may be made:

a. to honour individuals who have had a special association with one or more elements of the University, or with the University generally, other than just a member of staff of the University;
b. to honour others who, while they have had no direct association with the University, have made distinguished contributions either to higher education or to the community generally; and
c. in accordance with Schedule 7.

Honorary Titles

(57) The Council may confer the title of Honorary Professor or any other honorary title on such persons and in such circumstances as the Council may determine.

(58) The holder of an honorary title is to perform such duties and hold office for such period and upon such conditions

as the Council determines.

Revocation of Honorary Awards

(59) Honorary awards may be revoked if the Council is satisfied that:

a. the accuracy or completeness of the information which was the basis for the award was materially deficient; or
b. the recipient behaved in a way that calls into question the person's character, worthiness, or commitment to the values expressed in the University's Code of Conduct (as amended from time to time), either before or after the award was made.

Section 7 - Definitions

(60) In the context of this document:

a. Academic Senate means the Academic Senate of the University established under Section 15 of the University of Newcastle Act 1989 (NSW).
b. Act means the University of Newcastle Act 1989 (NSW), as amended from time to time.
c. Award means an academic qualification that is conferred when a student has completed the relevant program requirements.
d. By-law means the University of Newcastle By-Law 2017 (NSW), as amended from time to time.
e. Convocation means Convocation of the University established under section 14 of the Act.
f. Council means the governing authority of the University established under section 8A of the Act.
g. External person has the same meaning as set out in section 8 of the Act and means a person other than a member of the academic or non-academic staff of the University or an undergraduate or graduate student of the University.
h. Higher Education Standards Framework Threshold Standards means the standards made under legislative instrument dated 7 October 2015 pursuant to section 58 (1) of the Tertiary Education Quality and Standards Agency Act 2011 (Cth), as those standards may be amended or replaced from time to time.
i. honoris causa or honorary award is an honour conferred by the University, without examination, as a mark of esteem.
j. Returning Officer means the nominee of the University Secretary to conduct elections.
k. University means the University of Newcastle, a body corporate established under sections 4 and 5 of the Act.

Section 8 - Schedules

Schedule 1 - Matters Reserved for the Council and Council Committees

Schedule 2 – Delegation of Academic Matters

Schedule 3 – Delegations to the University Secretary (rescinded 4 March 2020)

Schedule 4 - Conditions of Delegation

Schedule 5 - Elections

Schedule 6 - Meetings of Convocation

Schedule 7 – Honorary Awards

Status and Details

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Enquiries Contact	Hamish Lithgow University Secretary Legal and Governance Services