

Governance (Academic Senate) Rule 2006 No 6

Division 1 Introduction

1 Name of Rule

- (1) This Rule is the Governance (Academic Senate) Rule 2006 No 6.
- (2) This Rule may be referred to as the Terms of Reference - Academic Senate.

2 Commencement

- (3) This Rule commences on 28 May 2009 (CNL09/59).

3 Purpose

- (4) This Rule is enacted for the purpose of defining the composition of the Academic Senate and delegating to the Academic Senate certain functions of the Council under the [Act](#).

4 Authority

- (5) This Rule is made pursuant to authority granted to the Council under section 20 and 32 of the [Act](#).
- (6) Note:

Under section 20 of the [Act](#), the Council may delegate all or any of its functions to a committee or other body of the University (other than its power of delegation). Section 32 of the Act states that the Council may make rules for the good government of the University and with respect to the functions, processes and procedures of bodies of the Council.

5 Glossary

- (7) In this Rule:
 - a. Academic Senate - means the Academic Senate established under section 16 of the Act.
 - b. Act - means the [Charles Sturt University Act 1989](#).
 - c. By-law - means the [Charles Sturt University By-law 2005](#).
 - d. Council - means the University Council established under section 9 of the Act.
 - e. Deputy Presiding Officer - means the Deputy Chair, Academic Senate.
 - f. Faculty - means a Faculty established by the Council.
 - g. Manager, Academic Senate - means a person appointed by the University, from time to time, who holds the position of Manager, Academic Senate.
 - h. Presiding Officer - means the Chair, Academic Senate.
 - i. Professoriate - means a person who holds a current appointment on the academic staff of the University to the position of Professor of the University or Associate Professor of the University, not including an Adjunct, Visiting or Emeritus Professor.
 - j. Professors' Forum - means the forum of Professors of the University, not including Associate, Adjunct, Visiting or Emeritus Professors.

k. University Secretary - means the Secretary appointed by the Council under clause 19 of the By-laws.

l. Vice-Chancellor - means the Vice-Chancellor of the University appointed under section 12 of the Act.

(8) Regulation means an academic policy, procedure, guideline or other similar document of the University.

6 Notes and Headings

(9) The notes in the text of this Rule do not form part of this Rule.

(10) Headings do not form part of this Rule.

Division 2 Functions

(11) Note:

Under clause 105 of the [By-Law](#), the Academic Senate is the 'principal academic body of the University'. The By-law prescribes the principal functions of Academic Senate which include advising the Council and Vice-Chancellor on all matters relating to teaching, scholarship and research, ensuring the high quality of teaching and learning and research within the University by developing and implementing appropriate policies, determining the list of graduands of the University advising the Vice-Chancellor on the teaching and research activities and on the allocation of teaching and research responsibilities within the University's facilities, considering and reporting on matters referred to it by the Vice-Chancellor and making recommendations to the Council or Vice-Chancellor about academic standards, research or facilities at the University.

7 Functions of the Academic Senate

(12) In addition to the functions prescribed in the By-law, the Academic Senate is to:

- a. provide advice to the Council and Vice-Chancellor on:
 - i. all matters relating to teaching, scholarship and research conducted at or in connection with the University, including general advice on the academic priorities and policies of the University;
 - ii. teaching and research activities of the University and on the allocation of teaching and research responsibilities within the University facilities;
 - iii. academic aspects of the formulation and review of the University's strategic plan;
 - iv. any academic matters that it considers to be of importance; and
 - v. the maintenance of academic standards;
- b. monitor and manage academic risks including to:
 - i. establish systems and processes to monitor and manage compliance with the Threshold Standards under the Tertiary Education Quality Standards Agency Act 2011 with respect to academic matters;
 - ii. establish systems and processes to identify, manage and mitigate academic risks in accordance with the University's [Risk Management Policy](#);
 - iii. report to the Finance, Audit and Risk Committee on any issues of non-compliance, potential non-compliance or material change, including actions to address this; and
 - iv. certify compliance each year to the University Council with the TEQSA Threshold Standards relating to academic matters;
- c. accredit and review new and existing academic courses, with particular responsibility for ensuring that:
 - i. the structure and requirements of each course are consistent with the award to which it leads;
 - ii. the depth of content and standard of assessment of each course is appropriate to the award to which it leads;
 - iii. the methods of course delivery are appropriate in achieving the purpose of the course; and
 - iv. the course and the award to which it leads are consistent with the Australian Qualifications Framework;

- d. approve the list of awards to be offered by the University;
- e. formulate, approve and review regulations in relation to academic matters including, but is not limited to, regulations applying to admission, enrolment, credit, assessment, examination, exclusion and graduation;
- f. determine the lists of graduands of the University specifying the award and the level of award that each of the graduands is to receive;
- g. approve the regulations applying to prizes that are to be available on a University-wide basis;
- h. require the production and submission of reports in relation to academic issues from, or refer academic matters to, Faculties, other organisational units and committees for consideration and action as required;
- i. assure the quality of teaching, scholarship and research in the University;
- j. initiate and oversee a formal and regular program of review of academic and research activities of the University;
- k. provide a forum to facilitate information flow and debate in relation to academic issues within the University and between the senior executive officers of the University and the wider academic community;
- l. review and report on all matters referred to it by the Council or the Vice-Chancellor; and
- m. make recommendations to the Council or the Vice-Chancellor about academic standards or facilities at the University.

(13) The Academic Senate has such other functions as may be necessary to enable it to exercise the functions specified in clause 9.

(14) In exercising its functions under this section 7, the Academic Senate may:

- a. require the production and submission of reports from employees of the University; and
- b. commission independent reviews.

(15) Where it is necessary or convenient for the exercise by the Academic Senate of its functions, the Presiding Officer of the Academic Senate may request the Vice-Chancellor to:

- a. require the attendance of an employee, contractor or student of the University at a meeting of the Academic Senate or a committee established by the Academic Senate; or
- b. produce any document in the custody of the University.

(16) Subject to the Act and By-law, the Academic Senate has such delegated authority as may be necessary to exercise the functions of the Academic Senate under this Rule.

(17) Note:

Under section 20 of the Act, the Council may, in relation to any matter or class of matters or in relation to any activity or function of the University delegate all or any of its functions (except its power of delegation) to any member or committee of the Council or to any authority or officer of the University or to any other person or body prescribed by the By-laws.

Division 3 Term and Composition

(18) Note:

(19) Section 16 of the [Act](#) provides for there to be an Academic Senate of the University consisting of the Vice-Chancellor, members of the academic staff of the University, and of other universities, appointed by the Council and such other persons as are determined by the Council in accordance with the [By-laws](#). Clause 101 and 102 of the By-laws provide that the Council may by resolution determine the qualifications required to be held by persons in order to become members of the Academic Senate and the persons who may be members of the Academic Senate under

section 16 (1) (d) of the Act.

8 New Academic Senate to be Constituted Every Two Years

(20) A new Academic Senate shall be constituted every two years after 30 June.

(21) The term of the members of the Academic Senates shall expire on the day prior to the first scheduled meeting of the new Academic Senate held after the 30 June.

9 Composition of the Academic Senate

(22) The Academic Senate shall comprise the:

- a. Vice-Chancellor;
- b. Official Members;
- c. Nominated Members;
- d. Appointed Members; and
- e. Elected Members.

10 Official Members

(23) The Official Members of the Academic Senate are:

- a. the Presiding Officer; and
- b. the Deputy Presiding Officer;

of the Academic Senate elected in accordance with Division 4 of this Rule.

11 Nominated Members

(24) The Vice-Chancellor shall nominate a maximum of 3 persons as Nominated Members of the Academic Senate from amongst the officers of the University who hold the position of Deputy Vice-Chancellor or Pro Vice-Chancellor.

12 Appointed Members

(25) The Appointed Members of the Academic Senate are:

- a. the Executive Dean of each Faculty of the University;
- b. the Executive Director, Division of Library Services;
- c. the Pro Vice-Chancellors;
- d. the Presiding Officer, Indigenous Board of Studies; and
- e. the Dean of Students.

13 Elected Members

(26) The Elected Members of the Academic Senate are:

- a. two members of the professoriate nominated and elected by the Professors; Forum, at least one of whom must be research active at the time of their election;
- b. two members of the academic staff of each Faculty of the University (at least one of whom must hold a 'teaching and research' or a 'teaching and professional' position), elected by and from the academic staff members of the Faculty and who have the following qualifications:
 - i. holds an appointment of not less than a fraction of 0.5; and

- ii. is employed as a member of the permanent staff of the University; or
 - iii. is employed on a contract which, at the date of election, has a remaining duration of at least three years;
- c. one undergraduate student, elected or appointed by the Academic Senate in accordance with a procedure determined by resolution of the Academic Senate from time to time; and
 - d. one postgraduate student, elected or appointed by the Academic Senate in accordance with a procedure determined by resolution of the Academic Senate.

(27) Subject to this Rule, a current member of the Academic Senate may be re-elected to the Academic Senate provided that they are, at the time of their election, eligible for membership in that category.

14 Term

(28) The term of office of the Presiding Officer and Deputy Presiding Officer shall end at the conclusion of the first meeting of the newly constituted Academic Senate after 30 June.

(29) A person nominated or elected under this section holds office as a member of the Academic Senate for the term of the Academic Senate to which the person has been nominated or elected.

(30) The term of office of all members of the Academic Senate expires on the day prior to the first meeting of the newly constituted Senate held after 30 June.

(31) Note:

Clause 104 of the [By-law](#) provides that a member of the Academic Senate referred to in section 16 (1) (c) or (d) of the [Act](#) holds office, subject to the Act and the By-law, for two years from and including the date on which the member takes office. The term of each Academic Senate under this Rule is two years. This clause does not apply to persons who are members of the Academic Senate only because they hold particular offices or positions at the University.

Division 4 Official Members

15 Presiding Officer and Deputy Presiding Officer

(32) There shall be a Presiding Officer and a Deputy Presiding Officer of the Academic Senate.

(33) It does not matter that a nominee for Presiding Officer or Deputy Presiding Officer of the Academic Senate is not, at the time of nomination, a member of the Academic Senate.

16 Qualifications of the Presiding Officer and Deputy Presiding Officer

(34) All members of the Professoriate are eligible to be nominated and elected as Presiding Officer provided that he or she does not occupy the position of Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor, Executive Dean, Associate Dean or Head of School.

(35) All members of the Professoriate are eligible to be nominated and elected as Deputy Presiding Officer provided that he or she holds a full time academic appointment and, if elected to the position, does not occupy the position of Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor or Executive Dean.

(36) Despite clauses 28 and 29, a person shall not be disqualified from being nominated and elected as Presiding Officer or Deputy Presiding Officer solely because the person is acting temporarily in a position in the circumstances set out in clause 51.

17 Form of Nomination for Presiding Officer and Deputy Presiding Officer

(37) Nominations must be made by two members of the Academic Senate and endorsed by the nominee.

18 Contested and Uncontested Elections

(38) If there is only one nomination for election of the Presiding Officer or Deputy Presiding Officer, the returning officer must declare the nominated candidate to be elected.

(39) If there are two or more nominations for election of the Presiding Officer or Deputy Presiding Officer, the returning officer must conduct a poll of members of the Academic Senate by secret ballot.

19 Procedure for electing Presiding Officer and Deputy Presiding Officer

(40) At a poll for the election of the Presiding Officer or Deputy Presiding Officer, each member of the Academic Senate is entitled to cast a vote for 1 of the candidates only.

20 Determining Count

(41) When the poll is finished, the returning officer must count the number of votes cast at the poll for each candidate.

(42) If one candidate has received more votes than any other, the returning officer must declare that candidate to be elected.

(43) If two or more candidates receive an equal number of votes cast at the poll and no other candidate receives more votes than those candidates, the returning officer must conduct a further poll.

21 Conduct of Further Poll

(44) A further poll is to be conducted by secret ballot.

(45) At a further poll each member of the Academic Senate is entitled to vote for one of the candidates who received an equal number of votes at the original poll.

(46) The returning officer must count the number of votes cast for each candidate at the further poll and, if one candidate has received more votes than any other, the returning officer must declare that candidate to be elected.

(47) If two or more candidates receive an equal number of votes cast at the further poll, and no other candidate receives more votes at the further poll, the returning officer must decide by lot which of the candidates with an equal number of votes is to be declared elected. For that purpose, the returning officer:

- a. must write the names of the candidates concerned on similar slips of paper,
- b. must fold the slips so as to prevent identification, and
- c. must mix the slips and draw one of them at random.

(48) The candidate whose name is drawn first following the procedure under clause 41 is to be declared elected.

22 Order in which Elections for Presiding Officer or Deputy Presiding Officer are to be Held

(49) The election of the Presiding Officer is to be held first if both the Presiding Officer and Deputy Presiding Officer are to be elected at the same meeting of the Academic Senate.

23 Casual Vacancy to be Declared

(50) Where the person elected as the Presiding Officer or Deputy Presiding Officer of the Academic Senate is a current member of the Academic Senate, the position held by that person before the election will be deemed to have become vacant and will be filled in accordance with the procedures for filling a casual vacancy under Division 5 of this Rule.

24 Term

(51) Unless otherwise determined by a resolution of the Council or Chancellor's Foresighting Committee of the Council, a person may not serve more than two consecutive terms as Presiding Officer or Deputy Presiding Officer of the Academic Senate.

(52) Note:

(53) Section 31 (1) of the Act provides that the Council may make rules for the good government of the University, including determining the manner of election of the presiding member of the Academic Senate.

25 Role of the Presiding Officer

(54) The Presiding Officer shall:

- a. be responsible for managing and supervising the functions and business of the Academic Senate;
- b. present reports to the Council about matters considered at meetings of the Academic Senate held since the previous meeting of the Council;
- c. consult with the Manager, Academic Senate on the preparation of agendas and minutes of Academic Senate and its Committees;
- d. ensure that appropriate follow-up action ensues;
- e. in consultation with the Manager, Academic Senate, refer matters received, in the first instance, to the appropriate Committee of the Academic Senate
- f. be a member of selection panels for the following positions:
 - i. Executive Dean;
 - ii. Pro Vice-Chancellor;
 - iii. Deputy Vice-Chancellor; and
 - iv. Vice-Chancellor;

or, where the Presiding Officer, cannot participate in the panel for any reason, to nominate a member of the Academic Senate or of the Professoriate to be a member of the selection panel (such member to have the same rights and responsibilities as the Presiding Officer).

26 Role of the Deputy Presiding Officer

(55) The Deputy Presiding Officer shall:

- a. assist the Presiding Officer in the performance of his or her functions as the Presiding Officer determines from time to time; and
- b. act as the Presiding Officer during approved absences of the Presiding Officer; and
- c. act as the Presiding Officer where the University Secretary forms the view that the Presiding Officer is incapacitated or unable to act.

(56) For the purpose of the Act, a person acting as the Presiding Officer shall be a member of the Council and assume the membership of any committee of which the Presiding Officer is a member for the time being in the place of the holder of the office.

26A Casual Vacancy

(57) A casual vacancy will arise in the office of a member of the Academic Senate where the member:

- a. dies;

- b. resigns the office by writing under his or her hand addressed to:
 - i. in the case of a member, the Presiding Officer
 - ii. in the case of the Presiding Officer, the University Secretary
- c. ceases to be employed by the University
- d. is absent from three consecutive meetings of the Academic Senate of which reasonable notice has been given and is not excused by the Academic Senate for his or her absence,
- e. in the case of the Presiding Officer or Deputy Presiding Officer, ceases to be qualified for election;
- f. in the case of a member appointed under section 12, ceases to be qualified for appointment;
- g. in the case of a member elected under section 13, ceases to be qualified for election; or
- h. is removed from office by the Council.

(58) Notwithstanding clause 49e, a casual vacancy will not arise in the office of Presiding Officer or Deputy Presiding Officer solely because the member is appointed to act in a position prescribed under clause 28 or 29:

- a. for a period not exceeding six months; or
- b. for such additional period as may be determined by the Council.

(59) For the purpose of clause 49c, a person is not be deemed to have ceased employment solely because the person has ended one contract of employment and commenced a new contract of employment within a reasonable period of time.

Division 5 Casual Vacancies

27 Casual Vacancy in Office of the Presiding Officer

(60) In the event of a casual vacancy in the office of Presiding Officer occurring during the first 12 months of the term of office it shall be filled by election in accordance with Division 4 of this Rule.

(61) In the event of the casual vacancy in the office of Presiding Officer occurring after the first 12 months of the term of office it shall be filled by the Deputy Presiding Officer.

(62) Until a casual vacancy in the office of Presiding Officer which occurs during the first 12 months of the term of office is filled, the Deputy Presiding Officer shall act as Presiding Officer.

(63) If a casual vacancy exists in both the office of the Presiding Officer and the Deputy Presiding Officer, the Vice-Chancellor shall act as Presiding Officer until either of the casual vacancies is filled.

(64) For a person elected to fill a casual vacancy in the office of Presiding Officer which is less than 12 months, then that term of office is not counted when applying the requirement that a person may not serve more than two consecutive terms as Presiding Officer.

(65) Note:

The [By-Law](#) prescribes, at clause 103 (1) and 103 (2), that casual vacancies in elected positions are to be filled by the Council. By virtue of this Rule, Council has determined that the manner for the filling of a casual vacancy in the position of the Presiding Officer shall be as set out in section 27.

28 Deputy Presiding Officer

(66) In the event of a casual vacancy in the office of Deputy Presiding Officer occurring during the first 12 months of the term of office it shall be filled by election in accordance with Division 4 of this Rule.

(67) In the event of a casual vacancy in the office of Deputy Presiding Officer occurring after the first 12 months of the term of office it shall be filled as determined by the Senate.

(68) For a person elected to fill a casual vacancy in the office of Deputy Presiding Officer which is less than 12 months, then that term of office is not counted when applying the requirement that a person may not serve more than two consecutive terms as Deputy Presiding Officer.

(69) Note:

The By-Law prescribes, at clause 103(1) and 103(2) that casual vacancies in elected positions are to be filled by the Council. By virtue of this Rule, Council has determined that the manner for the filling of a casual vacancy in the position of the Deputy Presiding Officer shall be as set out in section 28.

29 Casual Vacancies in the Position of a Nominated Member

(70) If there is a casual vacancy in a position of an Nominated Member the position shall be filled by the appointment of a person by the Vice-Chancellor who holds the same qualifications for appointment as set out in section 11.

(71) A person who fills a vacancy under this section holds office as a member of the Academic Senate, subject to the [Act](#) and this [By-law](#), for the rest of the term of the person's predecessor in office.

30 Filling of Casual Vacancy in the Position of an Elected Member

(72) If there is a casual vacancy in a position elected by the Professors' Forum the position shall be filled by the Professors' Forum electing an eligible candidate to the vacancy as set out in clause 21a.

(73) If there is a casual vacancy in a position elected by the Faculty the position shall be filled by the relevant Faculty electing an eligible candidate to the vacancy as set out in clause 21b.

(74) If there is a casual vacancy in a position elected by the undergraduate or postgraduate students the position shall be filled in accordance with a procedure determined by resolution of the Academic Senate as set out in clause 21c or d.

(75) A person who fills a vacancy under this section holds office as a member of the Academic Senate, subject to the [Act](#) and this [By-law](#), for the rest of the term of the person's predecessor in office.

(76) Note:

Clause 103 of the [By-law](#) provides that if a person who holds office as a member of the Academic Senate under section 16 (1) (d) of the [Act](#) by virtue of having been elected by a body of, or a body associated with, the University vacates office during the first 12 months of the member's term of office, the vacancy is to be filled by the Council after an election held by the Council. If a person who holds office as a member of the Academic Senate under section 16 (1) (d) of the Act by virtue of having been elected by a body of, or a body associated with, the University vacates office during the last 12 months of the member's term of office, the vacancy is to be filled by an appointment made by the Council. If a person who holds office as a member of the Academic Senate under section 16 (1) (d) of the Act by virtue of having been appointed or nominated to that office by a body of, or a body associated with, the University vacates office during the member's term of office, the vacancy is to be filled by the Council from a nomination made by that body. A person is not eligible to be elected, appointed or nominated to fill a vacancy under this section unless he or she holds the appropriate qualification (if any) to be a member of the Academic Senate of a category of the office that was vacated.

Division 6 Miscellaneous

31 Alternate Faculty Members

(77) A Faculty may nominate an alternate member of Faculty Board to attend meetings of the Academic Senate at

which one, or both, of the members elected by the Faculty Board is unable to attend.

(78) An alternate member under clause 66 may only exercise a right of audience and debate.

32 Administration of Academic Senate

(79) The Manager, Academic Senate shall be responsible for the administration of the business of the Academic Senate.

33 Returning Officer

(80) The Manager, Academic Senate is the returning officer for all elections for members of the Academic Senate under this Rule.

(81) The returning officer may, subject to the [Act, By-laws](#) and Rules, decide all matters relating to the procedure for the conduct of an election under this Rule.

(82) Subject to the Act, By-laws and Rules, a decision of the returning officer relating to an election under this Rule, including a decision relating to the eligibility of a candidate or a voter, the conduct of the election or the result of an election, is final.

(83) The returning officer is entitled to attend meetings of the Academic Senate for the purpose of conducting an election under this Rule.

(84) The returning officer is to preside during any part of a meeting of the Academic Senate at which an election for the Presiding Officer or Deputy Presiding Officer is to be held. No business other than the election of the Presiding or Deputy Presiding Officer may be conducted at a meeting of the Academic Senate while the returning officer is presiding.

34 Right of Audience and Debate

(85) The following officers of the University shall have a right of audience and debate at meetings of the Academic Senate:

- a. the University Secretary; and
- b. the executive director of each division of the University.

(86) The Presiding Officer may grant to any other officer of the University a right of audience and debate for a specified period of time.

35 Meetings

(87) The rules for the conduct of meetings, including the number for a quorum, will be in accordance with the Rule for the Conduct of Meetings of Academic Committees.

(88) Note:

Clause 110 of the [By-Law](#) prescribes the authority that the Academic Senate has in relation the making of rules pertaining to the establishment of committees of the Academic Senate (provided that the functions of those committees do not exceed the functions conferred on the Academic Senate under clause 105 of the By-Law), the manner and time of convening, holding and adjourning meetings of the Academic Senate and its committees, the manner of voting at meetings of the Academic Senate and its committees, and the conduct of business of the Academic Senate and its committees.

36 Validation

(89) Any act, matter or thing that had effect and any regulation approved by the Academic Senate before the commencement of this Rule is taken to have effect under this Rule.

37 Transitional Provision

(90) A person who was a member of the Academic Senate immediately prior to the commencement of this Rule continues to be a member of the Academic Senate for the balance of the person's term of office.

38 Continuation of Academic Senate

(91) No amendment made by this Rule affects the continuity of the Academic Senate.

39 Variation to Term of the Senate and its Members

(92) Notwithstanding section 8 and 14, the Council may by resolution vary the term of one or more members of the Academic Senate, and of the Presiding Officer and Deputy Presiding Officer of the Academic Senate, where this is appropriate in the view of the Council.

(93) Where the Council resolves to extend the term of all members of the Academic Senate under clause 80, the term of the members of the Academic Senate at that time, including the Presiding Officer and Deputy Presiding Officer, are deemed to continue until a date determined by the Council.

(94) The term of the new Academic Senate will commence on the day following the expiry of the extended term of the Academic Senate under clause 81. Notwithstanding a variation to the term of the Academic Senate, the term of the next Academic Senate will expire in accordance with section 8 of the Rule, unless otherwise decided by the Council.

(95) Where the Council varies the term of one or more members of the Academic Senate, and/or the Presiding Officer or Deputy Presiding Officer of the Academic Senate in accordance with clause 80, an election for new members, and/or a new Presiding Officer and Deputy Presiding Officer will be held on a date determined by the Council.

Status and Details

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