

Governance (Academic Senate) Rule 2018

Section 1 - Preliminary

Name of Rule

(1) This Rule is the Governance (Academic Senate) Rule 2018.

Commencement

(2) This Rule commences on 1 January 2019 under resolution CNL18/113.

Purpose

(3) This Rule is enacted to define the composition of the Academic Senate and confer on that body certain functions under the [Charles Sturt University Act 1989](#).

Authority

(4) This Rule is made by the authority granted to the Council under sections 20 and 32 of the [Charles Sturt University Act 1989](#).

Note: Under section 20 of the [Charles Sturt University Act 1989](#), 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.

Glossary

(5) 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. Executive Management - means those staff of the University appointed to a position at executive remuneration levels 1-5.
- f. Faculty - means a Faculty established by the Council.
- g. Non-executive academic members of Faculty - means members of the academic staff of the Faculty who hold a substantive position of at least 0.5 FTE and a minimum contract length of two years, and are not appointed to an executive remuneration package at levels 1-5 (normally academic staff appointed at executive remuneration levels 1-5 include Executive Deans, Deputy Deans and Heads of School).
- h. Professoriate - means the group of persons who hold a current position as a Level D Associate Professor or Level E Professor of the University, not including an Adjunct, Visiting or Emeritus Professor.
- i. University Secretary - means the Secretary appointed by the Council under clause 19 of the By-law.
- j. Vice-Chancellor - means the Vice-Chancellor of the University appointed under section 12 of the Act.

Notes and headings

(6) The notes and headings in this Rule do not form part of this Rule.

Section 2 - Rule

Part A - Committee

Establishment of the Committee

(7) There is to be an Academic Senate, which is the principal academic body of the University.

Terms of reference

(8) The Academic Senate through its own activities or those of its subcommittees shall exercise the following functions:

- a. exercise academic governance of the University on behalf of the University Council through institutional oversight, risk management and reporting to the Council on academic standards compliance, academic risk, quality and outcomes in teaching, learning, research, as well as research training;
- b. provide advice and recommendations to the University Council and University management on academic matters, including advice on academic outcomes, policies and practices;
- c. require the production and submission of reports in relation to academic issues from, or refer academic matters to; management, faculties, other organisational units or committees for consideration and action as required;
- d. establish and maintain leadership in academic governance and quality at an institutional level;
- e. set and monitor institutional benchmarks for academic quality and outcomes, and as necessary initiate action to improve performance against these benchmarks;
- f. approve academic policies and monitor and review their effectiveness;
- g. review the academic and course delegations annually to ensure these are being implemented effectively, and recommend amendments to the delegations to the Council for approval;
- h. critically scrutinise, approve and accredit courses of study and their associated qualifications;
- i. oversee academic and research integrity, including monitoring of potential risks;
- j. critically evaluate the quality and effectiveness of educational innovations or proposals for innovations;
- k. evaluate the effectiveness of institutional monitoring, review and improvement of academic activities;
- l. to approve the lists of graduands of the University specifying the award and the level of award that each of the graduands is to receive; and
- m. ensure that students have opportunities to participate in academic governance.

(9) The Academic Senate has such other functions as may be necessary to enable it to exercise the functions specified in clause 8.

(10) Functions particular to the subcommittees of the Academic Senate shall be set out in the Membership and Terms of Reference of each Committee.

(11) Authorities delegated to the Academic Senate by the Council are set out in the [Delegations and Authorisations Policy - Delegation Schedule 01 - Strategy and Policy Delegations](#) and [Delegation Schedule 09 - Academic and Course Delegations](#).

Part B - Membership

Notes:

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-law.

Clauses 101 and 102 of the By-law provide that the Council may by resolution determine the qualifications required to be held by persons 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.

Categories

(12) Under this Rule, there will be three categories of membership:

- a. Official members, which shall consist of:
 - i. the Vice-Chancellor;
 - ii. the Chair of the Academic Senate; and
 - iii. the Deputy Chair of the Academic Senate.
- b. Appointed members, which shall consist of:
 - i. the Provost and Deputy Vice-Chancellor (Academic);
 - ii. two officers of the University who hold the position of Deputy Vice-Chancellor, as nominated by the Vice-Chancellor;
 - iii. three officers of the University who hold the position of Pro Vice-Chancellor, as nominated by the Vice-Chancellor;
 - iv. the Executive Dean of each Faculty of the University;
 - v. the Chair, Indigenous Board of Studies;
 - vi. one undergraduate student appointed by the Academic Senate, on the advice of the Student Senate;
 - vii. one postgraduate student appointed by the Academic Senate, on the advice of the Student Senate; and
 - viii. one higher degree by research student, appointed by the Academic Senate, on the advice of the University Research Committee or relevant subcommittee.
- c. Elected members, which shall consist of:
 - i. six members of the Professoriate elected by members of the Professoriate, at least one of whom must be research active at the time of their election;
 - ii. three members of the academic staff of each Faculty of the University who are not members of the Professoriate, elected by and from the academic staff members of the Faculty and who will have the following qualifications:
 - hold an appointment of not less than 0.5 of a full-time equivalent position; and
 - is either employed as a member of the permanent staff of the University; or
 - is employed on a contract which, at the date of election, has a remaining duration of at least two years.

Terms of office

(13) Academic Senate members will have a two-year term, with the exception of:

- a. those who are members of the Academic Senate only because they hold particular offices or positions at the University (refer to clause 104 of the By-law); and

- b. one half of the elected and student members of the Academic Senate, who will serve for three years from 2019 in order to achieve continuity of operation as provisioned by clause 14.

(14) The Academic Senate may by resolution stagger the filling of positions in the categories of membership described in clauses 12a(ii)(iii), 12b and 12c, where it deems this beneficial to its continuity of operation.

(15) Members of the Academic Senate elected under clause 12c may be re-elected provided that they are, at the time of their election, eligible for membership in that category.

(16) Notwithstanding clause 13, the Council may by resolution vary the term of one or more members of the Academic Senate, and of the Chair and Deputy Chair of the Academic Senate, where this is appropriate in the view of the Council.

(17) Where the Council varies the term of one or more members of the Academic Senate and/or the Chair or Deputy Chair of the Academic Senate in accordance with clause 16, the election or recruitment process for new members, Chair or Deputy Chair will commence on a date determined by the Council.

Role of the Chair

(18) The Chair shall be responsible for:

- a. effectively chairing meetings of the Academic Senate;
- b. managing the functions and responsibilities of the Academic Senate, including continuous improvement and quality assurance processes, in accordance with this Rule and any legislative or regulatory requirement;
- c. presenting reports to the Council about matters considered at meetings of the Academic Senate held since the previous meeting of the Council;
- d. consulting with the University Secretary or delegate on the preparation of agendas and minutes of the Academic Senate and its committees;
- e. ensuring that appropriate follow-up action ensues;
- f. referring matters through the respective chair to subcommittees of the Academic Senate or officer of the University;
- g. participating as a member of selection panels for the following positions:
 - i. Executive Dean;
 - ii. Pro Vice-Chancellor;
 - iii. Deputy Vice-Chancellor; and
 - iv. Vice-Chancellor.

(19) Where the Chair cannot for any reason participate in a panel as required under clause 18g, they may nominate a member of the Academic Senate to be a member of the selection panel (with such member to have the same rights and responsibilities as the Chair).

Role of the Deputy Chair

(20) The Deputy Chair shall:

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

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

office.

Part C - Appointment and election of members

Appointment of Chair

(22) The Chair of the Academic Senate will be appointed by the Council.

Applications for position of Chair

(23) Applications for the position of Chair will be invited from suitably experienced people both within and external to the University. The returning officer will determine the application process to be undertaken in accordance with the requirements of this Rule, subject to any recommendations given by Council.

(24) Within the University, members of the Professoriate will be eligible for appointment to the position of Chair if they:

- a. are Level D (Associate Professor) or Level E (Professor);
- b. hold an appointment of at least 0.5 of a full-time equivalent position and a minimum contract of at least two years;
- c. meet the selection criteria identified by the Council; and
- d. do not, upon appointment to the position of Chair, simultaneously occupy the position of Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor, Executive Dean, Deputy Dean, Sub Dean, Associate Dean or Head of School, except as allowed under clause 51.

(25) Candidates who are external to the University will be eligible for the position of Chair if they:

- a. have qualifications or experience equivalent to level D (Associate Professor) or E (Professor) academics; and
- b. meet the selection criteria identified by the Council.

Shortlisting and recommendation of candidates

(26) The Nomination and Remuneration Committee will review the applications submitted under clause 23 and create separate shortlists of eligible candidates for:

- a. internal candidates, which will be provided to Academic Senate; and
- b. external candidates.

The Nomination and Remuneration Committee may choose to interview candidates as part of this process.

(27) Members of Academic Senate will receive the shortlist of internal candidates and, by secret ballot, determine their preferred candidate(s). Academic Senate may request that shortlisted candidate(s) make a presentation to Academic Senate as part of this process.

(28) Academic Senate will advise the Nomination and Remuneration Committee of their preferred candidate with sufficient time for the candidate to be interviewed as stated at clause 29.

(29) The Nomination and Remuneration Committee will approve an interview panel that will interview and determine their preferred candidate from:

- a. the candidate(s) recommended by Academic Senate; and
- b. the shortlisted external candidates.

(30) The Nomination and Remuneration Committee will recommend to Council their preferred candidate(s).

(31) Academic Senate will recommend to Council their preferred candidate(s).

Appointment by Council

(32) Council will appoint the Chair, Academic Senate, taking into consideration the recommendations from the Academic Senate and the Nomination and Remuneration Committee.

(33) Notwithstanding clauses 23-32, the Council may by resolution directly appoint a suitably experienced person.

(34) Unless otherwise determined by a resolution of the Council or the Council Executive Committee, a person may not serve more than two consecutive terms as Chair, Academic Senate.

(35) Academic Senate may, through a vote of no confidence by the majority of its members, recommend to Council to end the appointment of the Chair.

(36) University Council may by resolution end the appointment of the Chair.

Election of the Deputy Chair

(37) The Deputy Chair will be elected by Academic Senate.

(38) Nominations for the position of Deputy Chair, Academic Senate will be invited from suitably experienced people within the University. The returning officer will determine the nomination process to be undertaken in accordance with the requirements of this Rule, subject to any recommendations given by Council.

(39) All members of the Professoriate are eligible to be nominated and elected as Deputy Chair provided that they hold at least 0.5 of a full-time equivalent position and, upon election, do not simultaneously occupy the position of Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor or Executive Dean, except as allowed under clause 51.

(40) Nominations for election to the position of Deputy Chair under clause 38 must be supported by two members of the Academic Senate.

(41) If there is only one nomination for election of the Deputy Chair, the returning officer will declare the nominated candidate elected.

(42) If there are two or more nominations for election of Deputy Chair, the returning officer will conduct a poll of members of the Academic Senate by secret ballot. Each member of the Academic Senate is entitled to cast a single vote for one candidate only. The candidate who has received more votes than any other will be declared elected.

(43) If two or more candidates receive an equal number of votes, the returning officer will conduct a further poll of members of the Academic Senate by secret ballot until one of the candidates has received more votes than any other.

(44) Notwithstanding clauses 37-43, the Council may by resolution directly appoint a suitably experienced person to the position of Deputy Chair.

(45) Unless otherwise determined by a resolution of the Council or the Council Executive Committee, a person may not serve more than two consecutive terms as Deputy Chair of the Academic Senate.

(46) Unless otherwise determined by a resolution of the Council or the Council Executive Committee, a person who held the position of Chair, Academic Senate in the preceding term may not nominate as Deputy Chair of the Academic Senate.

(47) Academic Senate may, through a vote of no confidence by the majority of its members, recommend to Council to

end the appointment of the Deputy Chair.

(48) University Council may by resolution end the appointment of the Deputy Chair.

Casual vacancies

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

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

- a. becomes incapacitated;
- b. resigns the office by writing under their own hand addressed to:
 - i. in the case of a member, the Chair;
 - ii. in the case of the Chair, 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 their absence;
- e. in the case of the Chair, ceases to meet the conditions for appointment stated at clause 24 or is removed from office by the Council upon receipt of a vote of no confidence by a majority of the Academic Senate;
- f. in the case of the Deputy Chair, ceases to meet the conditions for election stated at clause 39 or is removed from office by the Council upon receipt of a vote of no confidence by a majority of the Academic Senate;
- g. in the case of an appointed member, ceases to be qualified for appointment;
- h. in the case of an elected member, ceases to be qualified for election;
- i. takes leave of absence for three months or greater; or
- j. is removed from office by the Council.

(51) Notwithstanding clause 50e-f, a casual vacancy will not arise in the office of Chair or Deputy Chair of Academic Senate solely because the member is appointed to act in an executive management position:

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

(52) For the purpose of clause 50c, a person is not 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.

Casual vacancy - Chair and Deputy Chair

(53) In the event of a casual vacancy in the office of Chair occurring it shall be filled by the Deputy Chair or by appointment by the Council.

(54) If a casual vacancy in the office of the Chair is filled by the Deputy Chair an election for the role of Deputy Chair will be held in accordance with the requirements of this Rule.

(55) Should a casual vacancy arise in the office of the Deputy Chair for any other reason as identified in clause 50, an election for the role will be held in accordance with the requirements of this Rule.

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

Note: The By-law prescribes, at clause 103(1) and (2) that casual vacancies in elected positions are to be filled by the Council. By virtue of this Rule, Council has determined the manner for the filling of a casual vacancy in the position of the Chair or Deputy Chair.

Casual vacancy - appointed member

(57) If there is a casual vacancy in a position of an executive appointed 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 clause 12b.

(58) If there is a casual vacancy in a student nominated member position, the position shall be filled by the appointment of a student from the same category of enrolment by the Academic Senate on the advice of the Student Senate or the University Research Committee.

(59) A person who fills a casual vacancy in the position of an appointed member shall hold the office as a member of the Academic Senate, subject to the Act and By-law, for the rest of the term of the person's predecessor in office.

Casual vacancy - elected member

(60) If there is a casual vacancy in a position elected by the Professoriate, the position shall be filled by the Professoriate electing an eligible candidate to the vacancy in accordance with the requirements of this Rule.

(61) 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 in accordance with the requirements of this Rule.

Part D - Miscellaneous

Alternate faculty members

(62) A Faculty may nominate an alternate senior member of Faculty Board to attend meetings of the Academic Senate at which one or more of the members elected by the Faculty is unable to attend.

(63) An alternate member will count for the purposes of a quorum. The alternate member shall have the same rights as the substantive member.

Returning officer

(64) The University Secretary or delegate will act as the returning officer for all elections for members of the Academic Senate under this Rule.

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

(66) Subject to the Act, By-law 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.

(67) The returning officer is to preside during any part of a meeting of the Academic Senate at which the preferred candidate for Chair is being determined or an election for the Deputy Chair is to be held. No other business may be conducted at a meeting of the Academic Senate while the returning officer is presiding.

Right of audience and debate

(68) The University Secretary will have right of audience and debate at meetings of the Academic Senate.

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

Meetings

(70) The rules for the conduct of meetings, including the number for a quorum, will be in accordance with the [procedure for conduct of meetings of Academic Committees](#).

Note: Clause 110 of the By-law prescribes the Academic Senate's authority to make Rules to establish 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.

Transitional provision

(71) A person who was a member of the Academic Senate immediately before the commencement of this Rule continues to be a member of the Academic Senate until such time in which another officer is appointed or elected in their place.

Status and Details

Status	Current
Effective Date	21st February 2020
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