

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. 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.
- h. University Secretary – means the secretary appointed by the Council under clause 19 of the By-law.
- i. 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.

Delegated authority

(8) Authorities delegated to the Academic Senate by the Council are set out in the [Delegations and Authorisations Policy](#) - [Delegation Schedule A - Governance and Legal](#) and [Delegation Schedule E - Academic and Research](#).

Terms of reference

(9) The Academic Senate shall exercise the following functions:

- a. Exercise academic governance of the University on behalf of the 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. Approve the lists of graduands of the University specifying the award and the level of award that each of the graduands is to receive for recommendation of awards to the Council.
- m. Ensure that students have opportunities to participate in academic governance.

(10) The Academic Senate may delegate functions specified in clause 9, except the delegations referenced in clause 8, to be undertaken by its subcommittees.

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

(12) Functions particular to the subcommittees of the Academic Senate shall be set out in the membership and terms

of reference of each committee.

Part B - Membership

Note:

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.

Members

(13) Under this Rule, the Academic Senate will have the following members:

- a. Ex-officio members:
 - i. Vice-Chancellor
 - ii. Chair of the Academic Senate
 - iii. Deputy Chair of the Academic Senate
 - iv. Deputy Vice-Chancellors
 - v. Pro Vice-Chancellors
 - vi. Executive Dean of each faculty of the University
 - vii. Chair, Indigenous Board of Studies
- b. Nominated student members:
 - i. One undergraduate student nominated by the Student Senate
 - ii. One postgraduate coursework student nominated by the Student Senate
 - iii. One higher degree by research student nominated by the University Research Committee
- c. Elected members:
 - i. Six members of the professoriate, at least one of who must be research active at the time of their election.
 - ii. Three level A, B or C academic staff members of each faculty of the University,
 - iii. One professional/general staff member of the University, who is in a position that directly supports students or the student experience.

(14) Elected members will be elected from and by the eligible staff of the relevant electoral rolls kept by the returning officer in accordance with the [Election of Staff to University Committees Rule](#).

(15) The Academic Senate membership must always have more elected members than ex-officio members. If necessary, Council will increase the number of members in one or more of the categories at clause 13c.

Terms of office

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

(17) The Academic Senate may by resolution stagger the filling of positions in the categories of membership described

in clauses 13a(ii)(iii), 13b and 13c, where it deems this beneficial to its continuity of operation.

(18) Members of the Academic Senate elected under clause 13c may be re-elected provided that they are, at the time of their election, eligible for membership in that category.

(19) Notwithstanding clause 16, the Council may by resolution vary the term of the Chair of the Academic Senate, where this is appropriate in the view of the Council.

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

(21) Where the Council varies the term of the Chair of the Academic Senate in accordance with clause 19, the election or recruitment process for new members, Chair or Deputy Chair will commence on a date determined by the Council.

(22) Where the Academic Senate varies the term of one or more members of the Academic Senate or Deputy Chair of the Academic Senate in accordance with clause 20, the election or recruitment process for new members or Deputy Chair will commence on a date determined by the Academic Senate.

Role of the Chair

(23) The Chair is 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
 - iv. Vice-Chancellor

(24) Where the Chair cannot for any reason participate in a panel as required under clause 23g., 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

(25) The Deputy Chair is responsible for:

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

(26) 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.

(27) The Deputy Chair, Academic Senate is expected to:

- a. meet the responsibilities of the role working in close collaboration with the Chair, University Secretary and staff of the Office of Governance and Corporate Affairs,
- b. contribute to communicating the role of Academic Senate, its discussions and issues under consideration in conjunction with relevant organisational units and officers, and
- c. represent the Academic Senate on internal and external committees as required.

Part C - Appointment and election of members

Appointment of Chair

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

Applications for position of Chair

(29) Applications for the position of Chair will be invited from suitably experienced people within the University. The Council will determine whether applications will also be invited from suitably experienced people 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.

(30) 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 57.

(31) 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

(32) The Nomination and Remuneration Committee will review the applications submitted under clause 29 and create separate shortlists of eligible candidates for:

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

(33) Members of Academic Senate will receive the shortlist of internal candidates and, by secret ballot, determine their preferred candidate(s).

(34) 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 35.

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

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

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

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

Appointment by Council

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

(39) Notwithstanding clauses 29-38, the Council may by resolution directly appoint a suitably experienced person to the position of Chair, Academic Senate.

(40) 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.

(41) 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.

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

Election of the Deputy Chair

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

(44) 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.

(45) All members of academic staff at Levels C, D or E are eligible to be nominated and elected as Deputy Chair provided that they hold an appointment of at least 0.5 of a full-time equivalent position and a minimum contract of at least two years 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 56.

(46) Nominations for election to the position of Deputy Chair under clause 39 must be supported by two members of the Academic Senate.

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

(48) 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 using the compulsory preferential voting system. The candidate who has received an absolute majority will be declared elected.

(49) 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:

- a. 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.
- b. 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.
- c. 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:
 - i. must write the names of the candidates concerned on similar slips of paper, and
 - ii. must fold the slips so as to prevent identification, and
 - iii. must mix the slips and draw one of them at random.
 - iv. The candidate whose name is drawn first following the procedure under subclause (iii) is to be declared elected.

(50) In the event that there are no eligible nominations received, the Council may by resolution directly appoint a suitably experienced person to the position of Deputy Chair.

(51) 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.

(52) 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.

(53) 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.

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

Casual vacancies

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 casual vacancies in various membership categories as indicated further below.

(55) 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.

(56) 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, or
 - 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 30 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 45 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.

(57) Notwithstanding clause 56e-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.

(58) For the purpose of clause 56c, 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.

(59) A person who fills a casual vacancy 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 - Chair and Deputy Chair

(60) 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.

(61) 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.

(62) Should a casual vacancy arise in the office of the Deputy Chair for any other reason as identified in clause 56, an election for the role will be held in accordance with the requirements of this Rule.

(63) 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.

Casual vacancy - nominated student member

(64) If there is a casual vacancy in a nominated student 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.

Casual vacancy - elected member

(65) 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.

(66) 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

(67) The Executive Dean 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.

(68) 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

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

(70) 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 or appointment under this Rule, including appointments made by the Council.

(71) 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.

(72) 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.

Meetings

(73) 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.

Right of audience and debate

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

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

Transitional provision

(76) 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 as another officer is appointed or elected in their place.

Status and Details

Status	Current
Effective Date	1st May 2023
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Unit Head	Anthony Heywood University Secretary
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