



Charles Sturt University

Governance (Academic Senate) Rule 2006 No 6

A Rule for the purpose of defining the composition of the Academic Senate and delegating to the Senate certain functions of the Council under the Act.

THE COMMON SEAL OF THE UNIVERSITY WAS
AFFIXED IN ACCORDANCE WITH CLAUSE 2.5
OF THE RULE ON THE USE OF THE COMMON
SEAL BY THE SECRETARY PURSUANT TO A
RESOLUTION OF THE COUNCIL.

Signature – Vice-Chancellor

Signature – University Secretary

CNL09/59

Resolution



Charles Sturt University

Governance (Academic Senate) Rule 2006 No 6

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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

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

3 Purpose

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

This Rule is made pursuant to authority granted to the Council under section 20 and 32 of the Act.

Notes

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 Definitions

- (1) In this Rule:

Academic Senate means the Academic Senate established under section 16 of the Act.

Act means the *Charles Sturt University Act 1989*.

By-law means the *Charles Sturt University By-law 2005*.

Council means the University Council established under section 9 of the Act.

Deputy Presiding Officer means the Deputy Chair of the Academic Senate.

Faculty means a Faculty established by the Council.

Manager, Academic Senate means a person appointed by the University, from time to time, who holds the position of Manager, Academic Senate.

Presiding Officer means the Chair of the Academic Senate.

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.

Professors' Forum means the forum of professors of the University, not including Associate, Adjunct, Visiting or Emeritus Professors.

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

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

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

6 Notes and Headings

- (1) The notes in the text of this Rule do not form part of this Rule.
- (2) Headings do not form part of this Rule.

Division 2 Functions

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

- (1) 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; and
 - (ii) teaching and research activities of the University and on the allocation of teaching and research responsibilities within the University's facilities; and
 - (iii) academic aspects of the formulation and review of the University's strategic plan; and

- (iv) any academic matters that it considers to be of importance; and
 - (v) the maintenance of academic standards; and
- (b) 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; and
 - (ii) the depth of content and standard of assessment of each course is appropriate to the award to which it leads; and
 - (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; and
- (c) approve the list of awards to be offered by the University; and
- (d) 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; and
- (e) determine the lists of graduands of the University specifying the award and the level of award that each of the graduands is to receive; and
- (f) approve the regulations applying to prizes that are to be available on a university-wide basis; and
- (g) 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; and
- (h) assure the quality of teaching, scholarship and research in the University; and
- (i) initiate and oversee a formal and regular program of review of academic and research activities of the University; and
- (j) 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; and

- (k) review and report on all matters referred to it by the Council or the Vice-Chancellor; and
 - (l) make recommendations to the Council or the Vice-Chancellor about academic standards or facilities at the University.
- (2) The Academic Senate has such other functions as may be necessary to enable it to exercise the functions specified in sub-clause (1).
- (3) In exercising its functions under this clause 7, the Academic Senate may:
- (a) require the production and submission of reports from employees of the University; and
 - (b) commission independent reviews.
- (4) 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.
- (5) 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.

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

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-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 2 years

- (1) A new Academic Senate shall be constituted every 2 years after 30 June.
- (2) The term of the members of the Academic Senate 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

(1) The Academic Senate shall comprise the:

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

10 Official Members

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

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

The Appointed Members of the Academic Senate are:

- (a) the Dean of each Faculty of the University; and
- (b) the Executive Director, Library Services; and
- (c) the Executive Director, Division of Learning and Teaching Services; and
- (d) the Director, Centre for Indigenous Studies.

13 Elected Members

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

- (a) two members of the professoriate nominated and elected by the Professors' Forum; and
- (b) one representative of each Faculty of the University, nominated from, and elected by, the Faculty Board of that Faculty; and

- (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.
- (2) 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

- (1) 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.
- (2) A person nominated or elected under this clause 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.
- (3) 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.

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 2 years from and including the date on which the member takes office. The term of each Academic Senate under this Rule is 2 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

- (1) There shall be a Presiding Officer and a Deputy Presiding Officer of the Academic Senate.
- (2) The Presiding Officer and Deputy Presiding Officer shall be the members of the Professoriate elected by the Academic Senate.
- (3) 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

- (1) All members of the Professoriate are eligible to be nominated and elected as Presiding Officer or Deputy Presiding Officer, provided that he or she does not

occupy the position of Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellor, Dean, Associate Dean or Head of School.

- (2) Despite clause 16 (1), 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 26A (2).

17 Form of nomination for Presiding Officer and Deputy Presiding Officer

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

18 Contested and uncontested elections

- (1) If there is only 1 nomination for election of the Presiding Officer or Deputy Presiding Officer, the returning officer must declare the nominated candidate to be elected.
- (2) If there are 2 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

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

- (1) When the poll is finished, the returning officer must count the number of votes cast at the poll for each candidate.
- (2) If 1 candidate has received more votes than any other, the returning officer must declare that candidate to be elected.
- (3) If 2 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

- (1) A further poll is to be conducted by secret ballot.
- (2) At a further poll each member of the Academic Senate is entitled to vote for 1 of the candidates who received an equal number of votes at the original poll.

- (3) The returning officer must count the number of votes cast for each candidate at the further poll and, if 1 candidate has received more votes than any other, the returning officer must declare that candidate to be elected.
- (4) If 2 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, and
 - (b) must fold the slips so as to prevent identification, and
 - (c) must mix the slips and draw 1 of them at random.
- (5) The candidate whose name is drawn first following the procedure under sub-clause (4) is to be declared elected.

22 Order in which elections for Presiding Officer or Deputy Presiding Officer are to be held

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

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

Unless otherwise determined by a resolution of the Council or Executive 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.

Note

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

The Presiding Officer shall:

- (a) be responsible for managing and supervising the functions and business of the Academic Senate; and

- (b) present reports to the Council about matters considered at meetings of the Academic Senate held since the previous meeting of the Council; and
- (c) consult with the Manager, Academic Senate on the preparation of agendas and minutes of Academic Senate and its Committees; and
- (d) ensure that appropriate follow-up action ensues; and
- (e) in consultation with the Manager, Academic Senate, refer matters received, in the first instance, to the appropriate Committee of the Academic Senate.

26 Role of the Deputy Presiding Officer

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 an alternate chair of meetings of the Academic Senate when the Presiding Officer is unable to do so or if a casual vacancy in the office of the Presiding Officer occurs; and
- (c) attend meetings of the Council in the place of the Presiding Officer when he or she is unable to do so, or if a casual vacancy in the office of the Presiding Officer exists.

26A Casual Vacancy

- (1) A casual vacancy will arise in the office of a member of the Academic Senate where the member:
 - (a) dies, or
 - (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, or
 - (d) is absent from 3 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, or
 - (e) in the case of the Presiding Officer or Deputy Presiding Officer, ceases to be qualified for election, or

- (f) in the case of a member appointed under clause 12, ceases to be qualified for appointment, or
 - (g) in the case of a member elected under clause 13, ceases to be qualified for election, or
 - (h) is removed from office by the Council.
- (2) Notwithstanding clause 26A (1) (e), a casual vacancy will not arise in the office of Presiding Officer or Deputy Presiding solely because the member is appointed to act in a position prescribed under clause 16 (1):
- (a) for a period not exceeding six months; or
 - (b) for such additional period as may be determined by the Council.
- (3) For the purpose of clause 26A (c), 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

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.

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 clause 27.

28 Deputy Presiding Officer

- (1) 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.
- (2) 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.
- (3) 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.

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 clause 28.

29 Casual Vacancies in the position of a nominated member

- (1) 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 clause 11.
- (2) A person who fills a vacancy under this clause 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

- (1) 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 sub-clause 13 (a).
- (2) 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 sub-clause 13 (b).
- (3) 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 sub-clause 13 (c) or (d).

- (4) A person who fills a vacancy under this clause 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.

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 clause 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

- (1) A Faculty may nominate an alternate member of Faculty Board to attend meetings of the Academic Senate at which the member elected by the Faculty Board is unable to attend.
- (2) An alternate member under sub-clause (1) may only exercise a right of audience and debate.

32 Administration of Academic Senate

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

33 Returning Officer

- (1) The Manager, Academic Senate is the returning officer for all elections for members of the Academic Senate under this Rule.
- (2) 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.
- (3) 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.
- (4) The returning officer is entitled to attend meetings of the Academic Senate for the purpose of conducting an election under this Rule.
- (5) 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

- (1) 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.
- (2) 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

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.

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

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

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

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

Historical notes

Table of amendments

Amendment	Date	Short Description
CNL08/117	18 December 2008	Amendment to Clause 12(c) and 34(2)
CNL09/59	28 May 2009	Amendment to Clause 16 Clause 5 (2) deleted Addition of Clause 26A