



The University of Sydney

Academic Board

Meeting held on Wednesday 11 June 1997

Minutes of the meeting of the Academic Board held at 2.15 pm on Wednesday 11 June 1997 in the Professorial Board Room.

There were present: the Chair (Professor R Pesman) presiding, the Deputy Chairs (Professors D J H Cockayne, J Lawler, J R Lawrence, R McPhedran and A Sefton), the Acting Vice-Chancellor and Principal (Professor D Anderson), Professor C Adam, Associate Professors R Arnold and R Atherton, Ms S Baker, Dr A E Brew, Professors K K Campbell, J P Carter, B Cass and R E Collins, Associate Professors L J Copeland, E Cornell and C J Durrant, Professors K Eltis, L D Field and G Gill, Associate Professor C B Gillies, Professor M A Harris and Ms C Hyde, Associate Professor A F Masters, Mr K Oliver, Drs M Peat, P Phibbs and A Reynolds, Professors B D Roufogalis, R L Russell, S M Salisbury and W Schworm, Associate Professor G M Stone, Mr R Wilson and Dr G Wright.

Present as observers were: Dr W Adams (Secretary to the Academic Board), Mrs J Campbell, Professors R Johnstone, L M Koder and J P Seale (for Professor S R Leeder), Associate Professor C J Thomas (for Professor I J Klineberg) and Professor J A Young.

Present by invitation were: Ms S Ashworth, Ms H Fleming, Ms L Maral and Mr C Prosser.

In attendance: Ms E Bergmann.

P This symbol denotes items which were starred for discussion at the meeting. All other items were dealt with as recommended in the agenda.

58/97 Minutes

*** It was agreed that the minutes of the meeting of the Academic Board held on Wednesday 14 May 1997 be confirmed and signed as a correct record.

59/97 Business arising out of the minutes

None.

60/97 Report of the Chair

The following reports had been circulated and tabled:

(see agenda and supplementary agenda item A4.)

Part I

1. Report on Senate Matters

*** The Board noted the report.

2. International Relations Committee

*** The Board noted the report.

3. Procedures and Guidelines for the establishment of awards, prizes and scholarships

*** The Board noted the report.

4. Amendment of Policy Document on the Appointment of All Categories of Academic Staff: Representative of the Chair of the Board on Chair Selection Committees

*** The Board adopted the recommendation of the Chair to amend the Policy Document on the Appointment of All Categories of Academic Staff to provide that members and former members of the Central Promotions Committee be eligible to represent the Chair of the Board on Chair Selection Committees.

5. Action under delegated authority and reports from the Academic Groups

*** The Board noted the report.

6. Work in progress and issues under consideration

- (1) Working Party on the Academic Year
- (2) Working Party to examine the present procedures for student appeals against academic decisions
- (3) McGaw Review of the HSC
- (4) Status of "green papers" considered by the Board/Forum

*** The Board noted the report.

7. Question Time

*** The Board noted that there were no questions.

P Part II

At the meeting the Chair reported on the following matters:

1. Honours and distinctions

Professor Iven Klineberg was a recipient of Queen's Birthday Honours, having been made a Member of the Order of Australia (AM) for service to dentistry, particularly craniomandibular disorders and oro-facial pain management.

2. Next meeting of the Academic Forum

The next meeting of the Academic Forum would be held on Monday 18 August 1997 (and not on Monday 23 June which had been held in reserve).

*** The Board noted the Chair's report.

61/97 Statement by the Vice-Chancellor and Principal

The following reports had been circulated and tabled:

(see agenda and supplementary agenda item A5.)

Part I

1. Report on Senate Matters

*** The Board noted the report.

P 2. Draft Policy Document: Intellectual Property Policy

Mr Oliver had given notice that he would move as follows:

Motion 1:

That, in respect of the Draft Intellectual Property Policy, the Board request from the Vice-Chancellor advice as to the following matters:

- (1) By what legal means is it intended to enforce, in respect of intellectual property created or developed by students, the University's claim to the proportions of net revenue from the exploitation of such property specified in Schedule A of the Draft Policy?
- (2) Specifically, if it is intended that the claim be rendered enforceable by a contractual undertaking on the part of the student, what will be the legal consideration for that contractual undertaking?
- (3) Will students who assign, or agree to assign, to the University their rights in intellectual property by means of a contract or deed be expected to pay

the stamp duty on any such instrument? If not, what is the estimated annual cost to the University of the stamp duty payable in respect of such instruments, and can the Vice-Chancellor assure the Board that this cost will not impact adversely upon the funds available for core teaching and research activities?

- (4) Can the Vice-Chancellor advise the Board as to whether profits arising from exploitation of students' intellectual property constitute "fees" within the meaning of section 3 of the Higher Education Funding Act?
- (5) Will the Senate be advised to exercise its powers to make by-laws and/or rules for the purpose of rendering enforceable the provisions of the Draft Policy with respect to intellectual property created or developed by students?
- (6) If the answer to question (5) is NO, what is the basis for the statement in the Introduction to the Draft Policy that "[t]he University may institute disciplinary proceedings against any...student who fails to adhere to this policy"?
- (7) If the answer to question (5) is YES, could the Vice-Chancellor advise the Board as to the general character of the by-laws and/or rules that will be recommended?

Motion 2:

That, pending receipt of the advice requested pursuant to the foregoing motion, the Draft Intellectual Property Policy lie on the table.

Mr Oliver advised that, while he sought a response to the questions raised in motion 1, motion 2 was not intended to prevent discussion of the draft policy.

The Acting Vice-Chancellor noted that this was a draft policy which was coming to the Board for the purpose of consultation, and that other relevant groups would also be consulted.

In discussion, a number of difficulties were raised in relation to the draft.

It was suggested that, rather than a document that sought to cover every situation, a set of clearly stated broad principles was needed; and that a working party should be established, comprising members of the Academic Board working with the Deputy Vice-Chancellor (International and Development), the Acting Pro-Vice-Chancellor (Research) and others, to review the draft Intellectual Property Policy, taking note of the questions raised in the notice of motion and comments made at the meeting, to consult and to bring back a document of principles and some suggestions relating to practice.

Mr Oliver agreed to withdraw motions 1 and 2 in light of the suggested establishment of a working party and on being assured that his questions would be addressed by the Working Party.

The Chair, seconded by Professor K Eltis, accordingly moved the following new motion:

That the Board agree that a working party, comprising members of the Academic Board working with the Deputy Vice-Chancellor (International and Development), the Acting Pro-Vice-Chancellor (Research) and others, be established to prepare a new draft Intellectual Property Policy, taking note of the questions raised in the notice of motion, comments made at the meeting and comments submitted in writing to the Chair.

*** The Board resolved as recommended.

P 3. Draft Policy Document: Code of Conduct

In response to a question, the Acting Vice-Chancellor clarified that the reference in section 1.5 to "All staff members of the University are accountable through the Vice-Chancellor to ... the New South Wales and Federal Parliaments" referred to the need for staff to comply with the various State and Federal legislative Acts, some of which were listed at Appendix 1.

*** The Board noted the Code of Conduct Draft Policy Document and requested that the draft be modified to comply with the Intellectual Property Policy.

P Part II

At the meeting, the Acting Vice-Chancellor, Professor Anderson, reported on the following matters:

1. Enterprise bargaining

Both the University of Sydney (Academic Staff) Enterprise Agreement and the University of Sydney (General Staff) Enterprise Agreement had been formally certified by the Industrial Relations Commission on 30 May 1997.

2. University as trading corporation

An IRC Commissioner had recently determined that the University of Wollongong was to be regarded as a trading corporation, and while this decision should not be regarded technically as a precedent, it seemed likely that the University of Sydney would be so regarded in the presently adjourned case concerning the Camden Farms Agreement, which awaited re-listing before the commission as a proposed Division 2 agreement (Workplace Relations Act, 1996).

3. Fees for local undergraduate students

The Vice-Chancellor had established a fees project management group and a fees reference group, each chaired by Professor Eltis.

4. Pilot Summer School

The Pilot Summer School had been approved by Senate subject to ongoing consultations with academic and general staff unions, and the position of Director was soon to be advertised.

5. University Private Hospital proposal

The Vice-Chancellor on his return from overseas planned to hold an open public forum in July for discussion of the University Private Hospital proposal.

6. University Librarian

It was planned that those applicants who had been short-listed for the position of University Librarian would be interviewed in late June.

7. Recent developments in the higher education sector

The Acting Vice-Chancellor reported on the recent meeting of Deputy Vice-Chancellors (Academic) in Canberra. While the Federal Government intended to maintain public spending on higher education, it would encourage private investment. Forty-six private institutions already provide accredited programs and it would be useful for universities to have comparative data on costs and performance in relation to such institutions as well as in relation to each other; Mr R West, Chair of the Higher Education Review Committee, was believed to favour the thinking of the Dearing Review in the United Kingdom on further differentiation in the higher education sector and on incoming academics receiving prior training and accreditation; the issue of whether university research into domestic violence protected researchers from the obligations specifically mentioned in the Crimes Act was raised; and a consultant had been appointed to advise the AVCC on implications for universities of the Government's competition policy.

A member drew attention to a possible review of the Administrative Decisions Tribunal leading to the setting up of State Administrative Decisions Tribunals, and sought clarification about implications for universities. The Acting Vice-Chancellor said he would look into this matter and asked for relevant material to be forwarded to him by Mr Oliver.

It was suggested that the University Solicitor be asked to advise on the issue of whether university research into domestic violence protected researchers from the reporting obligations specified in the Crimes Act.

62/97 Report by the Vice-Chancellor and Principal on proctorial matters

*** The Board noted that the Acting Vice-Chancellor tabled a report.

63/97 Report of the Academic Forum

The following report had been circulated:

(see agenda item A12.)

- 1. Forum focus: Selection of students into the University**
 - 2. Report from the Vice-Chancellor**
 - (1) Proposal to establish pilot Summer School in 1998**
 - (2) Status of University in industrial matters**
 - (3) Revised policy document on appointment of deans**
 - (4) Promotion briefing session**
 - (5) Eureka Prizes**
 - 3. Report from the Chair of the Academic Forum**
 - 4. Question time**
 - 5. Tribute to Professor John Mack, Chair of the Academic Board, 1991-7**
 - 6. Next Academic Forum meeting**
- *** The Board noted the report.

64/97 Report of the Orange Agricultural College

The following report had been circulated:

(see agenda item B14.)

Semester and vacation dates: 1998-9

- *** The Board approved the semester and vacation dates for Orange Agricultural College for 1998 and 1999 as requested.

65/97 Report of the Undergraduate Studies Committee

The following report had been circulated:

(see agenda item C1.)

- 1. Amendment of the Resolutions of the Senate**
 - (1) Faculties of Arts and Science: Bachelor of Liberal Studies**

*** The Board agreed to adopt the proposal and to recommend the amendment of the Resolutions of the Senate, as recommended.
 - (2) Faculty of Economics: Bachelor of Commerce (Liberal Studies)**

*** The Board agreed to adopt the proposal and to recommend the amendment of the Resolutions of the Senate, as recommended.
- 2. Admissions matters**

Faculty of Science - Proposal to change selection criteria

*** The Board noted the report.
- 3. Admission and selection into fee-paying undergraduate courses in 1998**

*** The Board noted the report.
- 4. Credit point values and nomenclature**

*** The Board noted the report.
- 5. Admissions**

*** The Board noted the report.
- 6. Overseas Qualifications Sub-Committee**

*** The Board noted the report.

66/97 Report of the Teaching and Learning Committee

The following report had been circulated:

(see agenda item C3.)

Annual Reports of Faculty Teaching Committees

- *** The Board noted the format for the reports and the 1996 Report on Teaching Activities before forwarding it to Senate.

67/97 Report of the Research Committee

The following report had been circulated:

(see agenda item C4.)

A. First report

- 1. Chair**
- 2. Taxation Status of Postgraduate Scholarships**
- 3. Partial Supplementation for Increased Salary Cost of Staff Employed on National Competitive Grants**
- 4. Review of University Research Grants Scheme (URGS)**
- 5. Report from the Pro-Vice-Chancellor (Research)**
- 6. Report from the Director, Research Development**
- 7. Report of the Director, Research and Scholarships Office**
- 8. Proposed New University Budget Model**

*** The Board noted the report.

B. Second report

- 1. Audit of 1996 DEETYA Publications Return**
- 2. Proposed New University of Sydney Budget Model**

*** The Board noted the report.

68/97 Report of the Library and Information Technology Committee

The following report had been circulated:

(see agenda item C5.)

- 1. Report of the IT Reference Group**
- 2. Report of the Chair**
- 3. Code of Conduct**
- 4. Structure and Functions of Information Technology Services**

*** The Board noted the report.

69/97 Report of the Academic Staffing Committee

The following report had been circulated:

(see agenda item C6.)

1. Policy Document on Academic Promotions Appeals

*** The Board adopted the Policy Document on Academic Promotions Appeals and commended it to the Vice-Chancellor for his approval.

2. Draft Policy Document - Promotion of Academic Staff

*** The Board noted the report.