



The University of Sydney

Academic Board Agenda

Academic Board Officer: Keri Neveltsen

Secretariat, Quadrangle, A14

Phone: 9351 3305; Fax: 9351 3572

E-mail: K.Neveltsen@secretariat.usyd.edu.au

Web site: <http://www.usyd.edu.au/su/ab/>

Enclosure for the agenda

for the meeting of the Academic Board on 11 June 2003

- ★ 5. **Report of the Chair**
 - 5.2 **General report**
 - 5.2.2 **Review of the Academic Board and the Academic Forum: University of Sydney Amendment (Academic Board) By-law 2003 and other University legislation**

Recommendation

That the Academic Board note the report of the Chair of the Academic Board relating to the Review of the Academic Board and the Academic Forum: University of Sydney Amendment (Academic Board) By-law 2003 and other University legislation, as set out in the report presented.

5.2.2 Review of the Academic Board and the Academic Forum: University of Sydney Amendment (Academic Board) By-law 2003 and other University legislation

The University of Sydney Amendment (Academic Board) By-law 2003 came into effect on 23 May 2003. The By-law provides for amendments to the current provisions relating to the Academic Board, Academic Forum, and Student Proctorial Panel, to give effect to recommendations arising from the Review of the Academic Board and the Academic Forum.

Following its introduction, consequential amendments to University legislation have been required as outlined below and in the accompanying pages:

(1) *University of Sydney Amendment (Academic Board) By-law 2003* ...

Having previously adopted recommendations arising from the Review of the Academic Board and the Academic Forum, Senate, at its meeting of 6 May 2002, approved the legislation required to enact the recommendations:

Senate resolved

- (i) with any changes hereafter made of a non-substantial nature including (but not limited to) as recommended by Parliamentary Counsel, to approve the University of Sydney (Academic Board Amendment) By-law 2002 and the University of Sydney (Academic Governance) Rule 2002 and note that the Rule will come into effect on and from the date the By-law is effected;
- (ii) to note that further amendments to University legislation also need to be effected as a consequence of the Review, and that these amendments will be referred to Senate at a later date to be effected at the same time as the By-law,
as recommended in the report; and
- (iii) congratulated the Chair of the Academic Board and relevant officers for their work in bringing the Review to this stage.

Parliamentary Counsel suggested changes to the proposed By-law and re-named it the University of Sydney Amendment (Academic Board) By-law. These changes were discussed with the University, accepted and incorporated into the By-law, the final version of which is enclosed.

(2) *University of Sydney (Academic Governance) Rule 2003* ...

At its meeting of 6 May 2002, Senate, on the recommendation of the Academic Board, adopted the University of Sydney (Academic Governance) Rule 2002 as the Rules under which the revised Academic Board would operate.

Due to the delay in the passage of the By-law and the requirement that the Rule now be promulgated, the University Solicitor's office has advised that minor amendments to the Rule be made to the title, to update the year in which the Rule is introduced, and to the commencement, to accurately reflect the title of the By-law.

The *University of Sydney (Academic Governance) Rule 2003* is enclosed.

(3) *University of Sydney (Student Proctorial Panel) Rule 2003* ...

At its meeting of 2 September 2002, Senate, on the recommendation of the Academic Board, adopted the University of Sydney (Student Proctorial Panel) Rule 2002 to address membership issues arising as a direct result of the Review of the Academic Board and the Academic Forum.

Due to the delay in the passage of the By-law and the requirement that the Rule now be promulgated, the University Solicitor's office has advised that minor amendments to the Rule be made to the title, to update the year in which the Rule is introduced, and to the commencement, to accurately reflect the title of the By-law.

The *University of Sydney (Student Proctorial Panel) Rule 2003* is enclosed.

(4) University of Sydney (Academic Board Membership) Rule 2002

At its meeting of 2 September 2002, Senate, on the recommendation of the Academic Board, adopted the *University of Sydney (Academic Board Membership) Rule 2002*, which provided for an extension of the terms of office of members and officers of the Academic Board until the date on which the By-law came into effect. Following the enactment of the By-law this Rule has been subsequently repealed.

(5) University of Sydney (Academic Forum Membership) Rule 2002
The University of Sydney

At its meeting of 2 September 2002, Senate, on the recommendation of the Academic Board, adopted the *University of Sydney (Academic Board Membership) Rule 2002*, which provided for an extension of the terms of office of members and officers of the Academic Forum until the date on which the By-law came into effect disestablishing the Forum. Following the enactment of the By-law this Rule has been subsequently repealed.

(1) University of Sydney Amendment (Academic Board) By-law 2003

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has approved the following By-law made by the Senate of the University of Sydney under the *University of Sydney Act 1989*.

University of Sydney Amendment (Academic Board) By law 2003

under the

University of Sydney Act 1989

1 Name of By-law

This By-law is the *University of Sydney Amendment (Academic Board) By-law 2003*.

2 Amendment of University of Sydney By-law 1999

The University of Sydney By-law 1999 is amended as set out in Schedule 1.

Schedule 1: Amendments

1 Clauses 49, 50 and 51

Omit the clauses. Insert instead:

49 Academic Board

(1) The Academic Board:

(a) is to comprise at least 18 members and (subject to this clause) to consist of the membership prescribed by rules made by the Senate, and

(b) is to have the functions prescribed by rules made by the Senate, and

(c) is to report directly to the Senate.

(2) Of the members of the Academic Board:

(a) one is to be Chair and one is to be Deputy Chair, and

(b) at least 9 are to be academic staff, of whom at least 4 are to be professors, and at least 4 are not to be professors, and

(c) at least 9 are to be students.

(3) For the purposes of section 17 of the Act, the Academic Board is prescribed as a body to which the Senate may delegate its functions.

50 Definitions applying to rules relating to election procedures for Academic Board

In any rule relating to election procedures for the Academic Board:

academic staff member means a person who is employed as a member (other than as a casual member) of the academic staff of the University by the University (including a person who is employed by the Australian Graduate School of Management under employment arrangements approved by the Senate) at the time for close of nominations for the election concerned, as specified in the notice of ballot for the election

student means a person (other than a person who is an academic staff member) who is enrolled as a student of the University (including the University's Australian Graduate School of Management faculty) at the time for close of nominations for the election concerned, as specified in the notice of ballot for the election.

51 Savings and transitional provisions

(1) Any person who, immediately before the commencement of this clause, held office as:

(a) Chair of the Academic Board, or

(b) Deputy Chair of the Academic Board, or

(c) a member of the Academic Board,

continues to hold office as such up to and including 31 December 2003.

(2) Any person who, immediately before the commencement of this clause, held office as a member of the Student Proctorial Panel referred to in clause 64 (1)

(b) or (c) (as in force immediately before that commencement) continues to hold office as such until successors are appointed:

(a) at the first meeting of the Academic Board in 2004, or

- (b) at another time determined by the Senate under clause 64 (2).
- (3) Subclauses (1) and (2) are subject to any provision of this By-law and any Rule with respect to cessation of membership, or vacation of office, of the body concerned (other than because of expiry of term of office).
- (4) An election for the Academic Board must be held, in accordance with rules made by the Senate, within such time as will allow the results of the election to be declared on or before 31 December 2003.
- (5) A casual vacancy occurring in an office the term of which is continued under subclause (1) must be filled in accordance with rules made by the Senate as they were in force immediately before the commencement of this clause except that:
 - (a) the term of the office expires on 31 December 2003, and
 - (b) any rule that dictates which gender of person is to fill the vacancy does not apply.
- (6) A casual vacancy occurring in an office of a member of the Student Proctorial Panel the term of which is continued under subclause (2) must be filled as follows:
 - (a) in the case of an undergraduate student member, by appointment of a suitably qualified student nominated by the Chair of the Student Proctorial Panel after consultation with the Student Representative Council,
 - (b) in the case of a postgraduate student, by appointment of a suitably qualified student nominated by the Chair of the Student Proctorial Panel after consultation with the Sydney University Postgraduate Representative Association,
 - (c) in the case of a staff member, by a member of the academic staff nominated by the Chair of the Student Proctorial Panel after consultation with the Pro-Vice-Chancellor of the College from which the vacancy occurs.

Note: Under the University of Sydney (Student Proctorial Panel) Rule 2003, the academic staff members of the Student Proctorial Panel are to be drawn from each of the University's Colleges (being the College of Health Sciences, the College of Humanities and Social Sciences, and the College of Sciences and Technology).
- (7) The term of an office filled pursuant to subclause (6) expires on the day that the successors to the members of the Student Proctorial Panel whose offices are continued under subclause (2) are appointed (as referred to in subclause (2)).
- (8) Subclauses (2) and (7) are subject to clause 64 (5).

2 Clause 54 Definitions

Omit the definition of Academic Forum.

3 Clause 64 Student Proctorial Panel

Omit clause 64 (1) (b) and (c). Insert instead:

- (b) 9 members of the academic staff (of whom at least 4 are to be professors and at least 4 are not to be professors) appointed by and from the members of the Academic Board, and
- (c) 9 student members of the Academic Board appointed by and from the student members of the Academic Board.

4 Clause 64 (2) and (4)

Omit “(as the case may be) the Academic Board or the Academic Forum” wherever occurring.

Insert instead “the Academic Board”.

5 Clause 64 (7)

Omit “a Deputy Chair”. Insert instead “the Deputy Chair”.

(2) **University of Sydney (Academic Governance) Rule 2003**

University of Sydney (Academic Governance) Rule 2003

Part 1 – Preliminary

1. Citation and commencement

(1) Citation

This Rule is made by the Senate of the University of Sydney pursuant to section 37(1) of the Act, and pursuant to Chapter 6 of the University of Sydney By-law 1999.

(2) Commencement

This Rule commences on the same day that the University of Sydney Amendment (Academic Board) By-Law 2003 comes into force.

2. Purpose

This Rule:

- (a) repeals and replaces the Rules relating to the constitution and functions of, and elections to the Academic Board and the Academic Forum in force immediately before this Rule came into effect; and
- (b) prescribes the membership, functions and procedures of the Academic Board.

3. Dictionary

(1) Definitions

In this Rule the following words or expressions have these meanings:

<i>absolute majority of votes</i>	an amount greater than 50% of valid votes
<i>academic staff member</i>	as defined in Chapter 6 of the <i>University of Sydney By-Law 1999</i> (as amended)
<i>Act</i>	the <i>University of Sydney Act 1989</i> (NSW) (as amended)
<i>Board of Studies</i>	an academic unit of the University described as such
<i>By-Law</i>	the <i>University of Sydney By-Law 1999</i> (as amended)
<i>Chair</i>	a person elected as Chair of the Academic Board pursuant to Part 3 of this Rule
<i>College</i>	the Colleges of: <ul style="list-style-type: none">(a) Health Sciences;(b) Humanities and Social Sciences;(c) Sciences and Technology;
	<i>Explanatory note:</i> this definition does not include academic colleges as defined in Part 5 of the Act, which are equivalent to Faculties (see definition below)
<i>Dean</i>	<ul style="list-style-type: none">(a) a dean of a Faculty; or(b) a director or a principal of an academic college as defined in Part 5 of the Act

<i>Deputy Chair</i>	a person appointed as the Deputy Chair of the Academic Board pursuant to Part 3 of this Rule
<i>election</i>	an election conducted according to Part 5 of this Rule
<i>Faculty</i>	(a) a faculty of the University; or (b) an academic college as defined in Part 5 of the Act
<i>majority</i>	an amount greater than 50%
<i>non-professorial member of academic staff</i>	a member of academic staff who is not a professor
<i>notice of election</i>	a notice of an election given by the returning officer under Rule 18
<i>primary vote</i>	preferences marked on a voting paper equal to the number of vacancies to be filled, and which shall have equal value
<i>professor</i>	a member of academic staff who is appointed or promoted to the position of professor
<i>Roll</i>	a roll established according to Rule 15(1)
<i>secondary votes</i>	preferences marked on a voting paper beyond the primary votes to be allocated in rank order according to their numerical values
<i>special resolution</i>	a resolution passed at an Academic Board meeting by at least two thirds of all Academic Board members who are present at that meeting and are eligible to vote
<i>Standing Committee</i>	a committee of that description established under Rule 12
<i>student</i>	as defined in Chapter 6 of the <i>University of Sydney By-Law</i> 1999 (as amended)

Part 2 – Functions and membership of the Academic Board

4. (1) General functions

Subject to the governing authority and powers of the Senate and to the powers of the Vice-Chancellor, the Academic Board has principal responsibility:

- (a) to maintain the highest standards in teaching, scholarship and research and, in that process, to safeguard the academic freedom of the University;
- (b) to oversee and monitor the development of all academic activities of the University; and
- (c) to communicate with the academic community through the Faculties, colleges and boards of studies and similar organisational units.

(2) Advisory functions

The Academic Board will provide advice to the Senate and the Vice-Chancellor on:

- (a) academic matters relating to and affecting the University's teaching and research activities and its educational programs, including general advice on the academic priorities and policies of the University;
- (b) academic aspects of the formulation and review of the University's strategic plan;

- (c) policies concerning the academic aspects of the conditions of appointment and employment of academic staff;
- (d) any academic matters it considers to be of strategic importance, including any Faculty plans; and
- (e) the maintenance of academic standards.

(3) Specific functions

Subject to the governing authority and powers of the Senate and to the powers of the Vice-Chancellor, the functions of the Academic Board are to:

- (a) exercise authority as delegated to the Academic Board to approve new academic courses and changes to existing courses, the delegation being subject to:
 - (i) the Academic Board's reporting to the Senate on important implications of the proposals; and
 - (ii) the final endorsement of proposals by Senate, it being intended that Senate would:
 - (A) normally endorse the Academic Board's decisions;
 - (B) ordinarily give its endorsement promptly;
 - (C) refer decisions back to the Academic Board only in exceptional circumstances; and
 - (D) exercise its capacity for independent decision again only in exceptional circumstances;
- (b) determine policy concerning the programs of study or examinations in any Faculty, college or Board of Studies and within such policy, determine requirements to be satisfied by candidates for the award of degrees, diplomas or certificates;
- (c) determine the terms and conditions of awards, scholarships and prizes established within the University and make awards;
- (d) formulate and review policies, guidelines and procedures in relation to academic matters;
- (e) request reports from, or refer matters to Faculties, colleges and boards of studies and similar organisational units for consideration and action as required;
- (f) consider and take action as required on reports or academic submissions from Faculties, colleges or boards of studies or similar organisational units;
- (g) play an active role in assuring the quality of teaching, scholarship and research in the University and co-ordinate and maintain an overview of the academic activities of Faculties, colleges and boards of studies and similar organisational units;
- (h) initiate and oversee a formal and regular program of review of academic activities of Faculties, colleges and boards of studies, and similar organisational units;
- (i) provide a forum to facilitate information flow and debate within the University and between the senior executive officers of the University and the wider academic community;
- (j) make regular reports on the range of its activities to the Senate after each meeting of the Academic Board and make a formal, annual report on its activities and its assessment of its performance to the Senate;
- (k) consider and report on all matters referred to it by the Senate or the Vice-Chancellor; and
- (l) exercise any powers and perform any other duties delegated to it by the Senate.

5. Constitution

(1) Members

The Board consists of:

- (a) the Chair;
- (b) the Vice-Chancellor;
- (c) the following members ex officio:
 - (i) the Deputy Vice-Chancellors;
 - (ii) the Pro-Vice-Chancellors and Assistant Pro-Vice-Chancellors;
 - (iii) the Deans;
 - (iv) the University Librarian;
 - (v) the Director of the Koori Centre;
 - (vi) the Director of the Institute for Teaching and Learning;
 - (vii) the President of the Students' Representative Council; and
 - (viii) the President of the Sydney University Postgraduate Representative Association;
- (d) the following elected academic staff members, who do not already hold office as members under Rule 5(1) (a), (b) or (c) elected:
 - (i) by a group of voters defined by each relevant Faculty and approved by the Academic Board; and
 - (ii) according to guidelines approved from time to time by the Academic Board and the Senate:
 - (A) 3 academic staff members of each of the following Faculties:
 - (I) Agriculture, Food and Natural Resources;
 - (II) Architecture;
 - (III) Australian Graduate School of Management;
 - (IV) Dentistry;
 - (V) Education;
 - (VI) Engineering;
 - (VII) Law;
 - (VIII) Nursing;
 - (IX) Pharmacy;
 - (X) Rural Management;
 - (XI) Sydney College of the Arts;
 - (XII) Sydney Conservatorium of Music; and
 - (XIII) Veterinary Science;
 - (B) five academic staff members of each of the following Faculties:
 - (XIV) Arts;
 - (XV) Economics and Business;
 - (XVI) Health Sciences;
 - (XVII) Medicine; and
 - (XVIII) Science;
- (e) three non-professorial academic staff members, who do not already hold office as members under Rule 5(1)(a), (b), (c) or (d), elected by and from the non-professorial members of academic staff of each of the Colleges;
- (f) the following elected student members:
 - (i) one postgraduate coursework student elected by and from the postgraduate coursework student members of the Faculties and Boards of Studies in each of the Colleges;
 - (ii) one postgraduate research student elected by and from the postgraduate research student members of the Faculties and Boards of Studies in each of the Colleges; and
 - (iii) two undergraduate students elected by and from the undergraduate student members of the Faculties and Boards of Studies in each of the Colleges;

- (g) up to four members, who do not already hold office as members under Rules 5(1)(a) to (f) inclusive, co-opted by resolution at an ordinary meeting of the Academic Board on the recommendation of the Chair.

(2) Allocation of members

For the purposes of Rule 5(1):

- (a) the Vice-Chancellor may allocate to any one Faculty any member of the academic staff who is not a member of a department or school placed under the supervision of a Faculty; and
- (b) a member of the academic staff who is a member of more than one Faculty is taken to be a member only of the Faculty that supervises that person through the relevant department or school.

(3) When membership ceases

A person ceases to be a member of the Academic Board if that person at any time during their term of office:

- (a) resigns from the Academic Board;
- (b) in the case of a member elected under Rule 5(1)(a), (b) or (c), no longer holds the relevant position;
- (c) in the case of an academic staff member elected under Rule 5(1)(d) or (e), ceases to be:
 - (i) an academic staff member; or
 - (ii) an academic staff member in the category for which that person was elected (for example, if that person transfers to another Faculty);
- (d) in the case of a student member elected under Rule 5(1)(f), is no longer enrolled as a student;
- (e) is absent from three consecutive ordinary meetings of the Academic Board and is not, within 6 weeks of the last of those meetings, excused for his or her absence; or
- (f) dies.

6. Terms of office

(1) Elected academic staff members

All academic staff members elected pursuant to Rule 5(1)(d) and (e) hold office for a term of 2 years from 1 January in the year immediately following the year of their election.

(2) Student members

All student members elected pursuant to Rule 5(1)(f) hold office for a term of 1 year from 1 January in the year immediately following the year of their election.

(3) Co-opted members

All co-opted members appointed pursuant to Rule 5(1)(g) hold office for the term and on such conditions as resolved by the Academic Board at the time of their appointment.

(4) Casual vacancies

A person filling a casual vacancy holds office from the time that person is elected or appointed to fill that casual vacancy, until the expiry of the term of that person's predecessor.

(5) Re-election in the same category

Elected members of the Academic Board are eligible for re-election in the same category, on the conditions that they:

- (a) are, at the time of their nomination, eligible for membership in that category; and

- (b) do not serve more than 2 full, consecutive terms as a member in that category.

Part 3 – Chair, Deputy Chair and Chairs of Standing Committees

7. Chair of the Academic Board

(1) Role and functions

The Chair of the Academic Board:

- (a) is responsible for managing and supervising the functions and business of the Academic Board;
- (b) is the point of contact between the academic community of the University and:
 - (i) the Senate; and
 - (ii) the senior executive management of the University;
- (c) subject to any delegations of authority approved by the Senate or resolutions of the Academic Board, may apportion authority for carrying out the functions of the Academic Board to other members of the Academic Board; and
- (d) must present reports to the Senate about matters considered at meetings of the Academic Board held since the previous meeting of the Senate.

(2) Election and term of office

The Chair:

- (a) must be an academic staff member who is a professor;
- (b) shall be elected by the members of the Academic Board as soon as practicable after elections to the Academic Board are held according to Part 5 of this Rule in the year immediately preceding that on which the Chair's next term of office is due to commence; and
Explanatory note: This is to ensure that the Chair is elected from the newly elected membership of the Academic Board, rather than the previous constituency
- (c) holds office for a period of 2 years from 1 January in the year immediately following election.

(3) Re-election

A person elected as Chair is eligible for re-election, so long as that person does not serve more than two full, consecutive terms as Chair.

(4) Disqualification

A person may not hold office as Chair while that person is:

- (a) the Vice-Chancellor [but subject to the Vice-Chancellor's right to preside at any meeting of the Academic Board pursuant to clause 47(3)(b) of the University of Sydney By-Law 1999];
- (b) a Deputy Vice-Chancellor;
- (c) a Pro-Vice-Chancellor;
- (d) an Assistant Pro-Vice-Chancellor; or
- (e) a Dean.

(5) Casual vacancy

The office of Chair becomes vacant if the person holding that office:

- (a) resigns in writing, either as Chair or from the University;
- (b) assumes any of the positions referred to in Rule 7 (4); or
- (c) dies.

8. Deputy Chair of the Academic Board

(1) Role and functions

The Deputy Chair of the Academic Board is to:

- (a) assist the Chair in the performance of his or her functions as the Chair determines from time to time;
- (b) act as an alternate chair of meetings of the Academic Board when the Chair is unable to do so or if a casual vacancy in the office of Chair occurs; and
- (c) attend meetings of the Senate in the place of the Chair when the Chair is unable to do so, or if a casual vacancy in the office of Chair occurs.

(2) Appointment and term of office

The Deputy Chair of the Academic Board:

- (a) must be an academic staff member;
- (b) shall be appointed by the Academic Board from among the Chairs of Standing Committees, on the nomination of the Chair, at the first meeting of the Academic Board following an election of Academic Board members; and
- (c) holds office for a period of 2 years following appointment.

(3) Re-appointment

A person appointed as a Deputy Chair is eligible for re-appointment, so long as that person does not serve more than two full, consecutive terms as Deputy Chair.

(4) Disqualification

A person may not hold office as Deputy Chair while that person is:

- (a) the Vice-Chancellor;
- (b) Chair;
- (c) a Deputy Vice-Chancellor;
- (d) a Pro-Vice-Chancellor;
- (e) an Assistant Pro-Vice-Chancellor; or
- (f) a Dean.

(5) Casual vacancy

The office of Deputy Chair becomes vacant if the person holding that office:

- (a) resigns in writing, either as Deputy Chair or from the University;
- (b) assumes any of the positions referred to in Rule 8(4); or
- (c) dies.

(6) Filling casual vacancies

If a casual vacancy occurs in the office of Deputy Chair, then the Academic Board shall fill that casual vacancy in accordance with the procedure set out in Rule 8(2) to hold office for the rest of the term of that person's predecessor.

9. Chairs of Standing Committees

(1) Appointment

Chairs of Standing Committees:

- (a) shall be appointed by and from the members of the Academic Board, on the nomination of the Chair at the first meeting of the Academic Board following an election of Academic Board members; and
- (b) hold office for a period of 2 years following appointment.

(2) Re-appointment

A person appointed as Chair of a Standing Committee is eligible for re-appointment, so long as that person does not serve more than 2 full, consecutive terms as Chair of that Standing Committee.

(3) Disqualification

A person may not hold office as Chair of a Standing Committee while that person is:

- (a) the Vice-Chancellor;
- (b) a Deputy Vice-Chancellor;
- (c) a Pro-Vice-Chancellor;
- (d) an Assistant Pro-Vice-Chancellor; or
- (e) a Dean.

(4) Casual vacancy

The office of the Chair of a Standing Committee becomes vacant if the person holding that office:

- (a) resigns in writing, either as Chair of that Standing Committee or from the University;
- (b) assumes any of the positions referred to in Rule 9(3); or
- (c) dies.

(5) Filling casual vacancies

If a casual vacancy occurs in the office of Chair of a Standing Committee, then the Academic Board shall fill that casual vacancy in accordance with the procedure set out in Rule 9(1) to hold office for the rest of the term of that person's predecessor.

Part 4 – Meetings and procedures of the Academic Board

10. Meetings

(1) Frequency of meetings

The Academic Board must meet at least eight times in any one calendar year.

(2) Who convenes meetings

The Chair must convene all meetings.

(3) Special meetings

The Chair may at any time convene a special meeting of his or her own motion, and must do so if requested by:

- (a) the Senate;
- (b) the Vice-Chancellor; or
- (c) at least 50% of all members of the Academic Board.

(4) Secretary

The Registrar, or the Registrar's nominee, is to act as secretary of the Academic Board.

(5) Notices of meetings

Notices of meetings of the Academic Board:

- (a) must:
 - (i) subject to Rule 10(5)(ii), be given at least 7 days in advance of the meeting to which it relates; or
 - (ii) in the case of special meetings convened under Rule 10(3), be given at least 3 days in advance of the meeting to which it relates; and
 - (iii) specify the place, date and time of that meeting and a brief description of the business to be transacted at that meeting;
- (b) may be given in electronic or hard copy form.

(6) Meetings or resolutions not invalid in certain circumstances

A meeting held or a resolution passed at a meeting is not invalid because:

- (a) of an accidental failure to give notice of that meeting to a person entitled to receive notice;
- (b) a person entitled to receive notice of that meeting does not receive it; or
- (c) less than the prescribed time of notice of that meeting was given.

11. Meeting procedures

(1) Quorum

The quorum of the Academic Board is thirty members.

(2) No quorum

Subject to Rule 11 (3), no business may be transacted at a meeting unless a quorum of members is present at the meeting within 30 minutes of the time nominated in a notice given under Rule 10(5).

(3) Qualification

If a quorum is not present at a meeting, the meeting may consider procedural matters only.

(4) Minutes

Minutes of each meeting must be kept and must be:

- (a) signed by the Chair as a true and accurate record; and
- (b) distributed to each Board member no later than the date when notice of the next meeting is given.

(5) Resolutions

Any motion which is to be put to a vote by members of the Academic Board:

- (a) must be duly proposed and seconded;
- (b) subject to Rule 11(6), may be carried or lost by a majority of votes of those present at the meeting and eligible to vote; and
- (c) together with the results of any vote on that motion, must be recorded in the minutes.

(6) Special resolution

A special resolution is required to make or change a Rule made by the Academic Board.

(7) Motions without notice

Subject to Rule 11(9), only the Chair may put a motion without notice to a meeting of the Academic Board.

(8) Chair's ruling is final

Subject to Rules 11(9) and (10), the Chair's decision on all matters relating to meetings (including, without limitation, how meeting procedures are to be interpreted) is final.

(9) Motions of dissent

Members of the Academic Board may [and without the need for notice to be given under Rule 10(5)], by resolution of at least two-thirds of members present at the meeting:

- (a) overrule a ruling of the Chair; and
- (b) substitute their own ruling for the ruling of the Chair.

(10) Presiding over motions of dissent

The following person must preside at the meeting while a motion is put to, and resolved by, the members of the Academic Board under Rule 11(9):

- (a) the Deputy Chair; or
- (b) if that person is not present at that meeting, another member of the Academic Board elected by and from the members of the Academic Board present at that meeting.

(11) Voting at meetings

Voting at meetings must be conducted by:

- (a) show of hands; or
- (b) secret ballot, if demanded by any two members who are present and have the right to vote at that meeting, or if the Chair so directs.

(12) Member's vote

Each member present at a meeting of the Academic Board has one deliberative vote.

(13) Casting vote

If there is a tied vote then the person chairing that meeting of the Academic Board has one casting vote, in addition to a deliberative vote. However, this Sub-Rule does not apply to a motion under Rule 11(9).

12. Standing and other committees

(1) Establishment by Academic Board

The Academic Board may, by resolution, establish such Standing Committees or other committees or working parties as it thinks fit to assist or advise the Academic Board in the performance of its functions.

(2) Establishment by the Chair

The Chair may establish committees (but not Standing Committees) or working parties to provide advice in connection with the role and functions of the Academic Board and the Chair.

(3) Terms of reference and membership

The terms of reference and the membership of Standing Committees or other committees or working parties established under this Rule 12 are to be as determined by (as the case may be) the Academic Board or the Chair, but the following principles apply to all of them:

- (a) quality assurance matters shall be embedded in their terms of reference; and
- (b) they must, as appropriate, include the following members, taking into account gender, discipline and expertise:
 - (i) academic staff members who are not necessarily members of the Academic Board;
 - (ii) members of the non-academic staff of the University who have relevant professional expertise or experience; and
 - (iii) appropriate student representation – with all Standing Committees to include at least one student member and, where appropriate, one undergraduate student and one postgraduate student member.

Part 5 – Election procedures for the Academic Board

13. Procedural requirements

All elections to the Academic Board and for the Chair must be carried out according to the procedure set out in this Part 5.

14. Returning Officer

(1) Who acts as returning officer

The Registrar, or the Registrar's nominee, acts as the returning officer for all elections.

(2) Decision of returning officer is final

Subject to the By-Law and this Rule, the returning officer's decision is final in connection with any matter affecting the conduct of an election including, without limitation, eligibility of candidates and the results of any election.

(3) Agency

The returning officer may authorise another person to exercise any function of the returning officer under these Rules. Any function exercised by that authorised person is taken to have been exercised by the returning officer.

15. Rolls

(1) Rolls required

The returning officer must, for the purpose of elections, establish and maintain separate Rolls for each category of elected members of the Academic Board prescribed in Rule 5, current as at the date of close of nominations.

(2) Availability and inspection of Rolls

- (a) A copy of each relevant Roll must be available for inspection at the office of the returning officer during the University's usual business hours for at least 14 days before the date on which the election is due to be held.
- (b) A person's entitlement to inspect a Roll is subject to any policies or procedures of the University from time to time concerning privacy of personal information.

(3) Alteration of Roll

The Registrar is entitled to alter a Roll at any time by:

- (a) correcting any mistake or omission in the details of any eligible voter entered on that Roll;
- (b) altering, on the written application of any eligible voter, the name or address of the person entered on that Roll;
- (c) removing the name of any deceased person;
- (d) removing the name of any person who is no longer entitled to vote in that election, or in the relevant category of that election;
- (e) removing the superfluous entry where the name of the same eligible voter appears more than once on the Roll; or
- (f) reinstating the name of an eligible voter removed from the Roll, where the Registrar is satisfied that such person is still entitled to be entered on the relevant Roll.

(4) Roll not invalid

Notwithstanding Rule 15(3), a Roll is not invalid because that Roll:

- (a) contains any mistake or omission in the details of any eligible voter entered on that Roll;
- (b) contains the name of any deceased person;
- (c) contains the name of any person who is no longer entitled to vote in that election, or the relevant category of that election;
- (d) contains more than one entry for the same eligible voter; or
- (e) does not contain the name of any person entitled to be entered on that Roll.

16. Eligibility for election and to vote

(1) Defined

A person is eligible for election to the Academic Board and/or (as the case may be) to vote in any election of the Academic Board if that person's name appears on the Roll in the relevant category at the time of close of nominations specified in the notice of election.

(2) Circumstances where a provisional vote may apply

Rule 16(3) applies to a person who claims he or she is entitled to vote in an election even though:

- (a) that person's name cannot be found on the Roll for the election for which the person is claiming an entitlement to vote;

- (b) the person's name is on the Roll, but contains an incorrect address, or no address; or
- (c) a mark on the Roll used in that election indicates incorrectly that the person has already voted in that election.

(3) Casting a provisional vote

A person to whom Rule 16(2) applies may cast a provisional vote if:

- (a) the person makes a request to the returning officer to do so; and
- (b) the person complies with clause 23(3).

17. Time intervals for different stages of the election process

When conducting an election, the returning officer must ensure that:

- (a) there are not less than 14 days nor more than 28 days between the publication of the notice that an election is to be held and the time for nominations to close;
- (b) there are not less than 14 days nor more than 28 days between the time nominations close and the issue of voting papers; and
- (c) where a postal vote is held, there are not less than 14 days nor more than 28 days between the issue of voting papers and polling day.

18. Notice of election

(1) What it must contain

When an election becomes necessary, the returning officer must publish a notice of election containing the following information:

- (a) that an election is necessary to a particular office;
- (b) the category or categories for election;
- (c) the number of vacancies to be filled in each category;
- (d) the term of office of each category;
- (e) inviting nominations for election;
- (f) the form in which a nomination must be made;
- (g) the date and time when nominations close;
- (h) the polling day for the election;
- (i) the method of election;
- (j) where appropriate, the time(s) and place(s) where polling is to take place; and
- (k) that the election procedures can be found in this Rule.

(2) How it must be published

The returning officer must give a notice of an election by any one of these methods:

- (a) placing a notice in the University News;
- (b) displaying the notice on all official University notice boards (including, without limitation, on the University's web-site); or
- (c) sending a hard copy or an electronic notice to each person entitled to vote in that election.

19. Nominating candidates

(1) Requirements

- (a) A separate nomination form must be completed for each candidate and for each category in which that person is nominated.
- (b) Each person who nominates another for election must be eligible for election in that category. A person cannot nominate himself or herself for election.
- (c) Each nomination must be signed by the candidate, and by the two persons nominating the candidate.
- (d) A person cannot nominate more than one person in any category of election. If this occurs, the returning officer is to treat the first signed nomination form received as the valid nomination for that election.

- (2) **Nominating in more than one category**
An eligible person may be nominated in more than one category of membership of the Academic Board.
- (3) **Non-withdrawal**
A nomination cannot be withdrawn once nominations have closed.
- (4) **Statement of information**
At the time of nomination, a candidate may provide a statement of no more than 100 words containing any of the following information:
 - (a) the candidate's name;
 - (b) his or her current occupation or position;
 - (c) if a student, his or her current course of enrolment and year; and
 - (d) any other information the candidate thinks relevant (for example, brief policy statements).
- (5) **Editing and distributing statement of information**
The returning officer may edit any information provided by a candidate under Rule 19(4). Edited statements will be printed as a summary of information and distributed with voting papers.
- (6) **Death or ineligibility of candidate**
If, before the declaration of a poll for an election, a candidate dies or is no longer eligible for election, the election must proceed as if:
 - (a) the candidate had not been nominated for election;
 - (b) the candidate's name had not been included on the voting papers printed for the election; and
 - (c) any vote for that person had not been cast.

20. Receiving nominations

- (1) **Deadline for receipt**
Nominations must be received by the returning officer no later than 4.00 pm on the date for close of nominations specified in the relevant notice of election.
- (2) **Rejection of nomination**
The returning officer must reject a nomination paper if satisfied that the nomination does not comply with the requirements of Rule 19(1). If a nomination is rejected, then the returning officer must, within seven days of receiving that nomination, send or deliver a notice to each person who has signed or endorsed that nomination paper, notifying the person that the nomination has been rejected.

21. Dealing with nominations

- (1) **Nominations less than or equal to positions vacant**
If the number of nominations received is less than or equal to the number of candidates to be elected, then the returning officer must declare those candidates elected.
- (2) **Number of nominations greater than positions vacant**
If the number of nominations received is greater than the number of candidates to be elected, then the returning officer must conduct an election in accordance with these Rules.

22. Secret ballots

(1) Election by secret ballot

All elections must be conducted by secret ballot.

(2) Confidentiality

A person involved in an election (including any scrutineer) must not disclose or assist another person to disclose any information as to how a person voted at that election.

23. Postal votes

(1) Postal vote required

All elections must be conducted by postal vote.

(2) Dispatch of electoral material

The returning officer must, at least 14 days before the ballot is due to be held, send to each voter on the relevant Roll, at the voter's address listed on that Roll:

- (a) a voting paper;
- (b) a notice describing:
 - (i) how the voting paper must be completed; and
 - (ii) the date and time by which the voting paper must be returned to the returning officer;
- (c) a declaration requiring the voter to state his or her name and that he or she is eligible to vote; and
- (d) two envelopes, one marked 'Voting Paper' and the other a returning envelope addressed to the returning officer.

(3) Voting

Each voter must, after completing a postal vote:

- (a) enclose and seal the voting paper in the envelope marked 'Voting Paper';
- (b) complete and sign the declaration of eligibility required under Rule 23(2)(c);
- (c) enclose and seal the envelope and declaration, referred to in Rule 23(3)(a) and (b) above, in the returning envelope addressed to the returning officer; and
- (d) send by post or deliver the envelope to the returning officer so that the returning officer receives it no later than the closing date for voting specified in Rule 23(2)(b)(ii).

(4) Security of voting papers

The returning officer must take all reasonable steps to ensure that all voting papers received under Rule 23(3) are stored securely until the close of the poll concerned.

24. Marking and returning voting papers

(1) Preferences must be allocated

Voters must vote by marking the numbers 1, 2, 3 and so on, next to every candidate, in order of preference.

25. Errors

(1) Election not invalidated because of certain errors

An election is not invalidated if:

- (a) any one or more of the events described in Rule 15(4) occurs;
- (b) an eligible voter did not receive a voting paper, or did not see displayed or receive a notice of election; or
- (c) an eligible voter's voting paper has not been accepted at the election.

(2) Returning officer may declare election invalid

Notwithstanding Rule 25(1), and without limiting any of the returning officer's other powers, the returning officer may, at any time, declare an election invalid because, in his or her opinion, one or more of the events described in that Rule has materially affected, or is likely to materially affect, the outcome of that election.

26. Scrutineers

(1) Each candidate may nominate a scrutineer

Each candidate for election may nominate one person to be present as that candidate's scrutineer at any counting of votes for that election. Any nomination under this Rule must be in writing, signed by the candidate, and given to the returning officer before counting of votes commences.

(2) Candidate may not be a scrutineer

A candidate for election is not eligible to be a scrutineer.

(3) Inspection of voting papers

A scrutineer is entitled to inspect any voting paper provided that, in the opinion of the returning officer, that scrutiny does not delay the counting of votes unreasonably.

27. Informal voting papers

(1) Informality

A voting paper is informal if it:

- (a) contains any mark or writing that, in the opinion of the returning officer, enables any person to identify the voter;
- (b) is not validated by the returning officer; or
- (c) in the opinion of the returning officer, contains no vote, or does not allocate a preference to each candidate.

(2) Not informal for any other reason

A voting paper:

- (a) cannot be declared informal for any reason other than a reason specified in Rule 27(1); and
- (b) must be given effect to according to the voter's intention so far as that intention is clear.

28. Tally sheet to be kept

(1) Contents of tally sheet

The returning officer must keep a tally sheet for each ballot containing the following information:

- (a) total number of voting papers;
- (b) a list of candidates;
- (c) primary votes allocated to each candidate;
- (d) secondary votes allocated to each candidate;
- (e) progressive total vote for each candidate;
- (f) informal votes, calculated by multiplying informal voting papers by the number of candidates to be elected; and
- (g) exhausted votes.

(2) Number of voting papers must tally

At each stage of counting the total votes divided by the number of candidates to be elected must correspond with the total number of voting papers.

29. Procedures for election of one candidate only

The returning officer must follow the procedures in Rule 30 where one candidate only is to be elected.

30. Counting votes for one candidate only

(1) Informal voting papers

Exclude all informal voting papers.

(2) Count primary votes

Count the primary votes for each candidate on formal voting papers.

(3) Total primary votes

Enter the total number of primary votes for each candidate next to that candidate's name on the tally sheet.

(4) Majority of votes

If a candidate receives an absolute majority of primary votes, then declare that candidate elected.

(5) Distribute secondary votes

Where no candidate receives an absolute majority of primary votes, distribute secondary votes according to Rules 30 (6) to 30 (11) until one candidate receives an absolute majority.

(6) Exclusion of candidates

Exclude the candidate with the fewest primary votes.

(7) Allocation of secondary votes

For each voting paper where the excluded candidate received a primary vote, allocate the next active secondary vote.

(8) Indicate excluded candidate

Indicate the excluded candidate and that the next secondary vote has been allocated.

(9) Exhausted voting papers

If there is no active secondary vote on any voting paper examined then that voting paper is exhausted.

(10) Exclusion of candidates

Add together the primary votes and secondary votes for each remaining candidate and exclude the candidate with the lowest number of total votes.

(11) Distribution of secondary votes

If, after the exclusion of a candidate, the next active secondary vote is to an excluded candidate then that secondary vote shall be disregarded and the next secondary vote, if any, distributed.

(12) Repeat process

Repeat the process as set down in Rules 30(6) to 30(11) until one candidate receives an absolute majority of votes.

(13) Equal lowest vote

If on any count two candidates have an equal number of votes and that number is the lowest on that count then:

- (a) the candidate with the lowest number of primary votes shall be eliminated; or
- (b) where the number of primary votes is equal, then the returning officer shall draw lots with the candidate first drawn remaining in the ballot.

31. Election procedures for more than one candidate

The returning officer must follow the procedures in Rule 32 where more than one candidate is to be elected.

32. Counting votes

(1) Informal voting papers

Exclude all informal voting papers.

(2) Count primary votes

Count the primary votes for each candidate on the formal voting papers.

(3) Total primary votes

Enter the total number of primary votes for each candidate next to that candidate's name on the tally sheet.

(4) Exclusion of candidates

Exclude the candidate with the fewest primary votes.

(5) Allocation of secondary votes

For each voting paper where the excluded candidate received a primary vote, allocate the next active secondary vote.

(6) Indicate excluded candidate

Indicate the excluded candidate and that the next secondary vote has been allocated.

(7) Exhausted voting papers

If there is no active secondary vote on any voting paper then that voting paper is exhausted.

(8) Exclusion of candidates

Add together the primary votes and secondary votes for each remaining candidate and exclude the candidate with the lowest of total votes.

(9) Allocation of secondary votes

If, after the exclusion of a candidate, the next active secondary vote indicates an excluded candidate, then that secondary vote must be disregarded and the next secondary vote, if any, allocated.

(10) Repeat process

Repeat the process as set down in Rules 32(5) to 32 (9) until only the number of candidates required to fill the vacancies remain.

(11) Equal lowest vote

If on any count, two candidates have an equal number of votes and that number is the lowest on that count then:

- (a) the candidate with the lowest number of primary votes shall be eliminated; or
- (b) where the number of primary votes is equal, then the returning officer must draw lots with the candidate first drawn remaining in the ballot.

33. Election in more than one category

(1) Order of election

Where a non-professorial member of academic staff is nominated in more than one category under Rule 5(1), and receives a sufficient number of votes to be declared elected under Rule 5(1)(d), that person must be declared elected in that category.

(2) Removal from subsequent categories

If a person is declared elected pursuant to Rule 33(1), then that person is no longer eligible for election to another category of membership, and must be removed from any list of candidates for that category of membership.

34. Filling casual vacancies or dealing with insufficient nominations

(1) Elected academic staff members

(a) If a casual vacancy occurs in the office of any elected academic staff member of the Academic Board [other than in the office of the Chair], then that vacancy must be filled by the candidate at the immediately preceding election who was the last candidate to be excluded, and who remains eligible to be elected.

(b) If:

- (i) a casual vacancy cannot be filled according to Rule 34(1)(a); or
- (ii) there are insufficient nominations for any category of academic staff members,

then the Academic Board may fill that vacancy or position by appointing a person from the relevant Faculty or College (as the case may be) who is eligible to be elected to that category of members, after first consulting with the relevant Dean or Pro-Vice-Chancellor (as the case may be).

(c) If a casual vacancy or position cannot be filled according to Rule 34(1)(b), then the position shall remain vacant until it can be filled for the remainder of the term according to Rule 34(1)(a) or (b) [as the case may be].

Explanatory note: This Sub-Rule is designed to enable more than one attempt to fill a casual vacancy or position while the relevant term of office remains current.

(2) Elected students

(a) If a casual vacancy occurs in the office of any elected student member, then that vacancy must be filled by the candidate at the immediately preceding election who was the last candidate to be excluded, and who remains eligible to be elected.

(b) If:

- (i) a casual vacancy cannot be filled according to Rule 34(2)(a); or
- (ii) there are insufficient nominations for any category of student members,

then that vacancy or position must be filled by a student, who is not already a member of the Academic Board, on the nomination of the Pro-Vice-Chancellor of the College from which the vacancy or position occurs, who must first consult with the President of (as the case may be) the Students' Representative Council or the Sydney University Postgraduate Representative Association.

(c) If a casual vacancy or position cannot be filled according to Rule 34(2)(b), then the position shall remain vacant until it can be filled for the remainder of the term according to Rule 34(2)(a) or (b) [as the case may be].

Explanatory note: This Sub-Rule is designed to enable more than one attempt to fill a casual vacancy or position while the relevant term of office remains current.

(3) Chair

If a casual vacancy occurs in the office of the Chair:

- (a) on or after the last 6 months of the end of the Chair's term, then that vacancy must be filled by the Deputy Chair; or
- (b) before the last 6 months of the end of the Chair's term, then an election must be held to fill that vacancy according to Part 5.

(3) University of Sydney (Student Proctorial Panel) Rule 2003

University of Sydney (Student Proctorial Panel) Rule 2002

Part 1 – Preliminary

1. Citation and commencement

(1) Citation

This Rule is made by the Senate of the University of Sydney pursuant to section 37(1) of the University of Sydney Act 1989 for the purposes of the University of Sydney By-law 1999.

(2) Commencement

This Rule commences on the same day that the University of Sydney Amendment (Academic Board) By-Law 2003 comes into force.

2. Purpose

This Rule:

- (1) repeals and replaces Part 5 of the *University of Sydney (Amendment Act) Rule 1999* in its entirety; and
- (2) repeals any and all Resolutions of the Senate relating to the Student Proctorial Board and the Student Proctorial Panel; and
- (3) deals with matters relating to the Student Proctorial Board and Student Proctorial Panel.

Part 2 – Appointment to Student Proctorial Panel

3. Nominating for Student Proctorial Panel

- (1) For the purposes of clause 64(1)(b) of Chapter 8 of the *University of Sydney By-law 1999*, the Pro-Vice-Chancellor of each College of the University must on or before 31 January in each calendar year submit to the Chair of the Academic Board, three (3) names of members of that College:
 - (a) at least one (1) of whom is a member of the Academic Board who is a professor; and
 - (b) at least one (1) of whom is a member of the Academic Board who is not a professor,who are willing and have consented to serve as members of the Student Proctorial Panel.
- (2) For the purposes of clause 64(1)(c) of Chapter 8 of the *University of Sydney By-law 1999*, all student members of the Academic Board shall be automatically appointed as members of the Student Proctorial Panel.

4. Notice of appointment

For the purposes of clause 64(2) of Chapter 8 of the *University of Sydney By-law 1999*, the Chair of the Academic Board must ensure that the names of the persons described in Rules 3(1) and (2) above are included in the agenda of the first meeting of the Academic Board held in the relevant calendar year, for appointment by the Academic Board.

5. Filling casual vacancies

For the purposes of clause 64(3) of Chapter 8 of the *University of Sydney By-law 1999*, a suitably qualified person may be appointed to office to fill a vacancy at the next available meeting of the Academic Board.

6. Term of office

For the purposes of clauses 64(4) of Chapter 8 of the *University of Sydney By-law 1999*, all appointments, including appointments to fill casual vacancies, shall be from the date of appointment until the first meeting of the Academic Board in the following calendar year.

Part 3 – Meetings of the Student Proctorial Panel

7. Senior member

- (1) For the purposes of clause 65(6) of Chapter 8 of the *University of Sydney By-law 1999*, the senior member shall be determined in the following order:
 - (a) the member appointed in accordance with clause 64(1)(b) of Chapter 8 of the *University of Sydney By-law 1999*, who is a professor who has served the longest cumulative term as a member of the Student Proctorial Panel and who is not disqualified under clause 65(3) or (5) of Chapter 8 of the *University of Sydney By-law 1999*; or
 - (b) if there is no professor who is eligible to act in accordance with Rule 6(1)(a), a member appointed in accordance with clause 64(1)(b) of Chapter 8 of the *University of Sydney By-law 1999*, who is not a professor and who has served the longest cumulative term as a member of the Student Proctorial Panel and who is not disqualified under clause 65(3) or (5) of Chapter 8 of the *University of Sydney By-law 1999*.

Part 4 – Indemnity to members of Student Proctorial Boards

8. Indemnity to persons required to participate in Student Proctorial Board proceedings

Whereas certain persons may in the future be asked by the University to take part in proceedings pursuant to Chapter 8 of the *University of Sydney By-Law 1999* and whereas the University wishes to indemnify such persons against any costs or damages incurred by them as a result of properly carrying out their duties or requirements pursuant to said By-Law, the University will so indemnify any such persons provided that the person complies to the full satisfaction of the University with every aspect by the University in relation to the conduct of a defence.