

Academic Board Regulations 2013

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Victoria University
Academic Board Regulations 2013

Part 1—Preliminary

VICTORIA UNIVERSITY

Victoria University Act 2010

Academic Board Regulations 2013

The Council makes the following Regulations.

Dated: 29 August 2013

THE COMMON SEAL of VICTORIA)
UNIVERSITY was affixed to this)
document at the direction of the **COUNCIL**)
in the presence of:)
)



.....
Professor Peter Dawkins
Vice-Chancellor and President

.....
Professor Anne Jones
Deputy Vice-Chancellor

PART 1—PRELIMINARY

1. Objective

The objective of these Regulations is to make provision for the operation of the Academic Board following the commencement of the *Governance, Academic and Student Affairs Statute 2013*.

2. Authorising provision

These Regulations are made under the *Governance, Academic and Student Affairs Statute 2013* and sections 28, 29 and 30 of the *Victoria University Act 2010*.

3. Commencement

These Regulations come into operation on 1 November 2013.

Note

Section 26 of the *Interpretation of Legislation Act 1984* provides for the exercise of powers between the making and commencement of a subordinate instrument.

4. Definitions

In these Regulations—

Chair means the chairperson of the Academic Board elected in accordance with regulation 9(2);

College means an organisational unit described as a College;

Committee means a committee of the Academic Board appointed under regulation 24;

Co-opted member means a member of the Academic Board referred to in regulation 8;

Deputy chair means the deputy chairperson of the Academic Board elected in accordance with regulation 9(2);

Ex officio member means a member of the Academic Board referred to in regulation 7;

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Professional staff means staff who are classed as Higher Education Workers under the Victoria University (Academic and General Staff) Enterprise Agreement 2011 or any successor agreement.

Staff means staff employed by the University at a time fraction of 0.5 full time equivalent or more.

Teaching and research staff means staff who are classed as teaching and research academic staff under the Victoria University (Academic and General Staff) Enterprise Agreement 2011 or any successor agreement and Teacher under the Victorian TAFE Teaching Staff Multi Business Agreement 2009 or any successor agreement.

PART 2—MEMBERSHIP

5. Membership Categories

The Academic Board consist of the following membership categories:

- (a) Elected members; and
- (b) Ex officio members; and
- (c) Co-opted members.

6. Elected Members

Elected members will comprise—

- (a) two members elected by and from teaching and research staff from each College;
 - (b) two members elected by and from teaching and research staff who work in organisational units other than a College;
 - (c) four members elected by and from professional staff;
 - (d) one member elected by and from Indigenous staff;
 - (e) four student members, comprising—
 - (i) one student elected by and from students enrolled in a higher education degree by coursework course of study; and
 - (ii) one student elected by and from students enrolled in a higher degree by research course of study; and
 - (iii) one student elected by and from students enrolled in a Vocational and/or Further Education course of study; and
 - (iv) one student elected by and from onshore international students.
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7. Ex officio members

There will be seven ex officio members, comprising—

- (a) the Vice-Chancellor;
- (b) six members of staff who hold positions determined by the Vice-Chancellor after consultation with the Academic Board.

8. Co-opted members

- (1) The Academic Board following a majority vote may appoint a person to be a member of the Academic Board as a co-opted member.
- (2) There will be a maximum of four co-opted members.

9. Office of the Chair and Deputy Chair

- (1) The Academic Board must elect one person from among its members to be the Chair of the Academic Board.
- (2) The Academic Board must elect one person from among its members to be the Deputy Chair of the Academic Board.
- (3) Subject to sub-regulation (4) and (5), the Academic Board may remove the Chair or Deputy Chair of the Academic Board if—
 - (a) in the opinion of the Academic Board, the member is incapable of performing his or her duties as a Chair or Deputy Chair;
 - (b) in the opinion of the Academic Board, the Chair or Deputy Chair:
 - (i) refuses to perform his or her duties as Chair or Deputy Chair;
 - (ii) is inefficient in the performance of his or her duties as Chair or Deputy Chair;
 - (iii) is derelict in the performance of his or her duties as Chair or Deputy Chair;

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Part 2—Membership

- (iv) is negligent or reckless in the performance of his or her duties as Chair or Deputy Chair; or
 - (v) has otherwise breached his or her duties as Chair or Deputy Chair.
- (4) The Academic Board can only remove a Chair following a unanimous decision of the Academic Board, excluding the Chair's vote.
- (5) The Academic Board can only remove a Deputy Chair following a unanimous decision of the Academic Board, excluding the Deputy Chair's vote.

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Part 2—Membership

10. Term of office

- (1) Subject to regulation 14, the term of office of an elected member of the Academic Board is two years unless terminated earlier.
 - (2) A person who is or has been a member of the Academic Board is eligible to be appointed or elected (or reappointed or re-elected) to the Academic Board.
 - (3) The term of office of a member of the Academic Board is terminated if the member—
 - (a) Being an *ex officio* member, ceases to hold the relevant office;
 - (b) Being a student member, ceases to be a student;
 - (c) Being a staff member, ceases to be a staff member;
 - (d) Being a co-opted member, ceases to be a student or staff;
 - (e) Fails to attend three consecutive meetings of the Academic Board without the approval of the Academic Board; or
 - (f) Fails to attend six meetings of the Academic Board in one calendar year without the approval of the Academic Board.
 - (4) If a member of the Academic Board who is a student is suspended from being a student or is otherwise excluded from the University or any of its premises, facilities, programs or courses of study, his or her membership of the Academic Board is suspended for the same duration.
 - (5) A member does not cease to hold office if:
 - (a) There is a change to the title of his or her office or position, if the member continues to have the same or substantially the same duties and responsibilities as he or she had prior to the change; or
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Part 2—Membership

- (b) The member is promoted within the University.
- (6) Subject to regulation 13(4), if a member of the Academic Board ceases to be a member other than by reason of the expiry of the member's term of office, then within two months of that vacancy occurring, a person must be appointed or an election conducted as prescribed to fill the vacancy and to hold office subject to these regulations, for the remainder of the term.

11. Term of office of Chair and Deputy Chair

- (1) The term of office of the Chair and Deputy Chair is two years.
- (2) A person who is or has been the Chair is eligible to be appointed and reappointed to that role but must not serve more than two consecutive terms.
- (3) A person who is or has been the Deputy Chair is eligible to be appointed and reappointed to that role but must not serve more than two consecutive terms.
- (4) A Chair who has been reappointed to that role for two consecutive terms cannot hold the role again until the expiration of four years from the last date the role was last held.

12. Term of office of co-opted member

- (1) The term of office of a co-opted member is one year.
- (2) A co-opted member can be re-appointed.

13. Casual Vacancies

- (1) The Academic Board may appoint a person to fill a casual vacancy in the office of an elected member of the Academic Board if an election to fill the casual vacancy would occur within 13 months before the expiry of the term of office.
 - (2) A person who is to be appointed as a member of the Academic Board to fill a casual vacancy must have the like qualifications (if any) as that of the member whose office has become vacant.
 - (3) A member appointed to fill a casual vacancy is entitled to hold office during the remainder of the term of office.
 - (4) If a vacancy occurs within three months before the expiry of the member's term of office, the office may be left vacant for the remainder of the term.
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14. Term of half of the members of the first Academic Board

- (1) Fourteen of the elected members of the first Academic Board constituted under these regulations will hold office for a term of one year as follows:
 - (a) Nine members elected by and from teaching and research staff from each College;
 - (b) One member elected by and from teaching and research staff who work in organisational units other than a College;
 - (c) Two members elected by and from professional staff; and
 - (d) Two student members.
- (2) The Director – Legal, Governance & Risk will conduct a ballot to determine which of the members will hold office for a term of one year.
- (3) The ballot will be held at least two weeks prior to the first meeting of the Academic Board held after the first election conducted to constitute an Academic Board under these regulations.

15. Proxies

Each member of the Academic Board may, by notice in writing to the Academic Board nominate a proxy and such proxy may attend and vote at a meeting of the Academic Board provided that:

- (a) such proxy is not a current proxy of any other member; and
- (b) his or her proxy is within the same elected category and sub-category as the nominating member.

16. Vacancy of Office

- (1) A member of the Academic Board other than the Chair may resign by writing delivered to the Chair.
 - (2) The Chair may resign by writing delivered to the Vice-Chancellor.
 - (3) The Council may remove a member of the Academic Board from membership of the Academic Board if—
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- (a) in the opinion of the Council, the member is incapable of performing his or her duties as a member;
 - (b) in the opinion of the Council, the member:
 - (i) refuses to perform his or her duties;
 - (ii) is inefficient in the performance of his or her duties;
 - (iii) is derelict in the performance of his or her duties;
 - (iv) is negligent or reckless in the performance of his or her duties; or
 - (v) has otherwise breached his or her duties as a member.
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PART 3—MEETINGS

17. Calling of meetings

- (1) The Academic Board must meet at least 10 times in each year.
- (2) The Chair may call a meeting at any time.
- (3) The Chair must call a meeting if requested to do so by —
 - (a) The Chancellor;
 - (b) The Vice-Chancellor; or
 - (c) a written request, signed by at least thirteen members of the Academic Board.
- (4) A meeting which has been requested under sub-regulation (3) must be held within 21 days of receipt of the request unless the Chair considers that it is impracticable to do (in which case the meeting shall be held as soon as is practicable).

18. Academic Board meetings

- (1) The secretary to the Academic Board must give at least five days' notice of a meeting of the Academic Board.
 - (2) Notice of meeting may be given by email or other electronic communication method used by the University.
 - (3) Notice of a meeting under sub-regulation (2) must—
 - (a) be in writing;
 - (b) be given to each member of the Academic Board;
 - (c) specify the time, place and agenda of the meeting.
 - (4) A meeting is not invalidated by—
 - (a) failure, by accidental omission or otherwise, to send a notice of meeting to a member of the Academic Board; or
 - (b) the fact that a member of the Academic Board has not received notice of a meeting.
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Part 3—Meetings

- (5) If not less than two thirds of the current members of the Academic Board agree, a meeting of the Academic Board (including a part of a meeting) may be held by means of a method of communication, or by means of a combination of methods of communication, approved by the Chair for the purposes of that meeting.
- (6) A member of the Academic Board who participates in such a meeting is deemed to be present at the meeting even if he or she is not physically present.
- (7) The Academic Board must ensure that minutes of meetings are available for inspection during business hours.
- (8) A report of the proceedings of each of the Academic Board meeting shall be provided to the next ordinary meeting of the Council.

19. Validity of proceedings

An act or decision of the Academic Board, or of a person acting as a member of the Academic Board, is not invalid by reason only of—

- (a) the composition of the Academic Board;
 - (b) a defect or irregularity in, or in connection with, the appointment or election of members, or that member;
 - (c) a vacancy in its membership;
 - (d) a defect or irregularity in, or in connection with, the election of a person to preside at a meeting; or
 - (e) a defect or irregularity in, or in connection with, the calling or running of a meeting of the Academic Board.
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20. Voting

- (1) Unless determined by the Chair otherwise, voting at a meeting of the Academic Board is by show of hands.
- (2) Unless specified otherwise, decisions are by majority. In the event of a tied vote the Chair has the casting vote.

21. Resolutions by circular

A written resolution by a majority of members of the Academic Board or a Committee is valid. The resolution may consist of several documents from one or more members and may be in the form of electronic mail or other messaging service provided it forms a written record.

22. Quorum

- (1) A question or resolution will not be decided or made at a meeting of the Academic Board unless there are present at the meeting at least one half of the current members (including proxies).
- (2) If a question or resolution cannot be decided or made at a meeting because the quorum requirements have not been satisfied—
 - (a) the Academic Board must meet within 5 weeks after such meeting; and
 - (b) at that subsequent meeting the Academic Board may decide the question or make the resolution notwithstanding the lack of a quorum.
- (3) The quorum for a meeting of a Committee is:
 - (a) If the Academic Board has specified a quorum, that quorum
 - (b) If the Academic Board has not specified a quorum, half of the number of members of the Committee.

23. Observers

- (1) The Academic Board may invite any person to attend the whole or part of a meeting to be an observer.
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Part 3—Meetings

- (2) Observers may speak at a meeting only at the invitation of the Chair.
 - (3) If there is incorrect behaviour on the part of an observer which could interfere with the running of a meeting, the Chair of the meeting:
 - (a) may request that the behaviour be corrected;
 - (b) if the behaviour continues, may ask the observer to leave;
 - (c) if an observer fails to leave as requested, may adjourn the meeting until the person is evicted.
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PART 4—COMMITTEES

24. Committees

- (1) The Academic Board may, by resolution, constitute, appoint and dissolve such committee as it thinks fit.
 - (2) The Academic Board will determine the composition and terms of reference of its committees.
 - (3) The Academic Board will elect a Chair for each committee from amongst the members of the Academic Board.
 - (4) A Committee may elect a Deputy Chair from the members of the Committee
 - (5) The term of a person's membership of a Committee is two years and is eligible for reappointment to the Committee.
 - (6) A Committee of the Academic Board must report to the Academic Board on its activities at such time and in such form as the Academic Board directs.
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Part 5—Delegation

PART 5—DELEGATION

25. Delegation

The Council on the recommendation of the Academic Board may delegate any of the Academic Board's powers, authorities, duties and functions, to the Academic Board's Chair, Deputy Chair or any other member of the Academic Board.

PART 6— REVOCATION OF REGULATIONS

26. Revocation of regulations

The Academic Board Interim Regulations 2013 are revoked.

27. Successor to previous Boards

- (1) In this section, *previous Boards* means the University's previous Academic Board established under the Academic Board Interim Regulations 2013.
 - (2) The Academic Board is the successor to the previous Board.
 - (3) Without limiting the meaning of sub-regulation (2)—
 - (a) any hearing, proceeding, investigation or other process commenced by a previous Board may be continued by the Academic Board as though it were commenced by the Academic Board;
 - (b) any policy, procedure, decision, condition or other thing made, adopted or approved by a previous Board will be treated as having been made, adopted or approved by the Academic Board;
 - (c) any matter submitted to a previous Board for report to the Council must be treated as having been submitted to the Academic Board for report to the Council; and
 - (d) any reference in any document to a previous Board shall, unless inconsistent with the context, be taken to include reference to the Academic Board.
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