

1992—No. 673

UNIVERSITY OF WESTERN SYDNEY ACT 1988—BY-LAW

(University of Western Sydney By-law 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the University of Western Sydney Act 1988, has been pleased to approve the By-law made by the Board of Governors of the University of Western Sydney and set forth hereunder.

KERRY CHIKAROVSKI,
Assistant Minister for Education.

CHAPTER 1—PRELIMINARY

Citation

1. This By-law may be cited as the University of Western Sydney By-law 1992.

Commencement

2. This By-law commences on 1 January 1993.

Division of By-Law

3. This By-law is divided as follows:

CHAPTER 1—PRELIMINARY

CHAPTER 2—THE BOARD OF GOVERNORS

Division 1—The Chancellor and Deputy Chancellor

Division 2—The members of the Board

Division 3—Meetings of the Board

CHAPTER 3—OFFICERS OF THE UNIVERSITY

CHAPTER 4—THE ACADEMIC BOARD

CHAPTER 5—MANAGEMENT OF THE UNIVERSITY AND THE UNIVERSITY PRECINCTS

CHAPTER 6—DISCIPLINE

Division 1—Staff

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Division 3—Appeals

Division 4—General

CHAPTER 7—ACADEMIC DRESS

CHAPTER 8—RESIDENTIAL COLLEGES ETC.

CHAPTER 9—COURSES OF STUDY AND AWARDS

CHAPTER 10—FEES

CHAPTER 11—RULES

CHAPTER 12—MISCELLANEOUS

Definitions

4. (1) In this By-law:

“**Academic Board**” means the Academic Board of the University constituted under section 23 of the Act;

“**academic staff**” means such of the staff of the University as are designated academic staff under clause 18 (2) (a);

“**Board**” means the Board of Governors of the University;

“**chief executive officer**”, in relation to a network member, means the chief executive officer for that network member appointed under section 16 of the Act;

“**Office of the Vice-Chancellor**” means such part of the University as comprises the Vice-Chancellor and such of the other members of staff of the University as assist the Vice-Chancellor in carrying out the Vice-Chancellor’s functions and as are not members of staff of any network member;

“**network member**” means:

- (a) the University of Western Sydney, Nepean; or
- (b) the University of Western Sydney, Hawkesbury; or
- (c) the University of Western Sydney, Macarthur; or
- (d) such other network members as may be established from time to time under section 6 of the Act;

“**non-academic staff**” means such of the staff of the University as are designated non-academic staff under clause 18 (2) (b);

“**the Act**” means the University of Western Sydney Act 1988;

“**University**” means the University of Western Sydney;

“**University network**” means the federated University network for the time being established under section 6 of the Act;

“**University precincts**” means any premises that are for the time being under the control and management of the University.

(2) In this By-law, a reference to full-time employment, in relation to any staff position, is a reference to employment in that position on a basis designated by the Board as a half-time or greater basis.

CHAPTER 2—THE BOARD OF GOVERNORS

Division 1—The Chancellor and Deputy Chancellor

The Chancellor and Deputy Chancellor

5. (1) The Chancellor and Deputy Chancellor are to be elected according to procedures to be prescribed by the rules made by the Board.

(2) For the purposes of section 13 (2) of the Act, the prescribed term of office for the Chancellor is 4 years from the date of election.

(3) The Chancellor and Deputy Chancellor may, without specific appointment, exercise the right of membership of any committee established by the Board.

(4) Subject to sections 13 and 14 of the Act, an election to fill a vacancy in the office of Chancellor or Deputy Chancellor is to take place:

- (a) in the case of a vacancy that is to arise as a consequence of the expiration of the current term of office of the Chancellor or Deputy Chancellor, at the last meeting of the Board before the term of office expires; or
- (b) in any other case, at a meeting of the Board held within 2 months after the vacancy arises.

(5) A person who holds, or has held, office as Chancellor or Deputy Chancellor is, subject to the Act, eligible for re-appointment to that office.

Division 2—The members of the Board

Returning officers

6. (1) The Vice-Chancellor must from time to time appoint a returning officer to conduct elections for the elected members of the Board.

(2) Subject to the Act and this Division, the decision of the returning officer on all matters affecting the eligibility of candidates and voters or the conduct and result of an election is final.

(3) The returning officer must appoint a polling officer from each network member to assist in the conduct of an election.

Rolls for network members

7. The returning officer must ensure that, by the date that nominations are called for an election, there is available for each network member:

- (a) a Roll of Academic Staff containing the names of those persons who are members of the full-time academic staff employed at the network member and who have accepted and entered upon duty in a position with tenure of one year or more; and
- (b) a Roll of Non-Academic Staff containing the names of those persons who are members of the full-time non-academic staff employed at the network member and who have accepted and entered upon duty in a position with tenure of one year or more, being persons whose names are not entered on a Roll of Academic Staff; and
- (c) a Roll of Students containing the names of those persons who are enrolled at the network member as candidates proceeding to an undergraduate degree, diploma or certificate, being persons whose names are not entered on a Roll of Academic Staff or a Roll of Non-Academic Staff; and
- (d) a Roll of Students containing the names of those persons who are enrolled at the network member as candidates proceeding to a postgraduate degree, diploma or certificate, being persons whose names are not entered on a Roll of Academic Staff or a Roll of Non-Academic Staff.

Rolls for Office of the Vice-Chancellor

8. The returning officer must ensure that, by the date that nominations are called for an election, there is available for the Office of the Vice-Chancellor:

- (a) a Roll of Academic Staff containing the names of those persons who are members of the full-time academic staff employed in the Office of the Vice-Chancellor and who have accepted and entered upon duty in a position with tenure of one year or more; and

- (b) a Roll of Non-Academic Staff containing the names of those persons who are members of the full-time non-academic staff employed in the Office of the Vice-Chancellor and who have accepted and entered upon duty in a position with tenure of one year or more, being persons whose names are not entered on a Roll of Academic Staff.

Qualifications for candidates and voters

9. (1) The qualifications for election as a member of the Board referred to in section 9 (6) (a) of the Act, and the qualifications for voting at such an election, are that the candidate or voter, as the case may be, must have his or her name entered on a Roll of Academic Staff at the close of nominations for the relevant election.

(2) The qualifications for election as the member of the Board referred to in section 9 (6) (b) of the Act, and the qualifications for voting at such an election, are that the candidate or voter, as the case may be, must have his or her name entered on a Roll of Non-Academic Staff at the close of nominations for the relevant election.

(3) The qualifications for election as a member of the Board referred to in section 9 (6) (c) of the Act, and the qualifications for voting at such an election, are that the candidate or voter, as the case may be, must have his or her name entered on the appropriate Roll of Students at the close of nominations for the relevant election.

(4) The qualifications prescribed by this By-law are in addition to the qualifications prescribed by section 9 (6) of the Act.

(5) Nothing in this By-law entitles a person to stand for election for more than one position as a member of the Board merely by virtue of the fact that his or her name is entered on more than one Roll kept under this By-law.

(6) An election is not invalid merely because of the failure or refusal of a returning officer or other person assisting a returning officer to issue voting papers to, or to accept a vote from, a person who is not included in the relevant Roll.

Election procedure

10. (1) Subject to this By-law, all elections are to be conducted in accordance with procedures to be prescribed by the rules made by the Board.

(2) The elected members of the Board are to be elected by secret ballot using an optional preferential system of voting as set out in those rules.

(3) If a ballot results in a draw between two or more candidates, the decision as to who is or are to be the successful candidate or candidates is to be determined by lot.

Terms of office

11. The elected members of the Board hold office for the following periods:

- (a) the members who are members of the academic staff hold office for 2 years from the date of election;
- (b) the member who is a member of the non-academic staff holds office for 2 years from the date of election;
- (c) the members who are students hold office for 1 year from the date of election.

Casual vacancy in office of academic or non-academic staff member of Board

12. (1) In the event that a casual vacancy in the office of a member of the Board elected pursuant to section 9 (6) (a) or (b) of the Act occurs within the first 18 months of the term of that office, the vacancy is to be filled by a further election in accordance with the rules.

(2) In the event that a casual vacancy in the office of a member of the Board elected pursuant to section 9 (6) (a) or (b) of the Act occurs otherwise than within the first 18 months of the term of that office, the Board must appoint a member (being a person qualified to hold that office) for the residue of the term of office.

Casual vacancy in office of student member of board

13. (1) In the event that a casual vacancy in the office of a member of the Board elected pursuant to section 9 (6) (c) of the Act occurs within the first 9 months of the term of that office, the vacancy is to be filled by a further election in accordance with the rules.

(2) In the event that a casual vacancy in the office of a member of the Board elected pursuant to section 9 (6) (c) of the Act occurs otherwise than within the first 9 months of the term of that office, the Board must appoint a member (being a person qualified to hold that office) for the residue of the term of office.

Division 3—Meetings of the Board**Holding of meetings**

14. (1) An ordinary meeting of the Board is to be held at intervals of not more than 3 months.

(2) A special meeting of the Board may be convened by:

- (a) the Chancellor or, in the absence of the Chancellor, the Deputy Chancellor; or
- (b) the Vice-Chancellor,

for the consideration of any business considered urgent by the Chancellor, Deputy Chancellor or Vice-Chancellor, as the case may be.

(3) A special meeting of the Board:

- (a) must be convened by the Chancellor or Vice-Chancellor upon the written request of 5 or more members of the Board setting forth the purpose for which the meeting is required to be convened; and
- (b) must be held within 14 days after the receipt of the request for that special meeting.

(4) An ordinary meeting is to be convened and conducted in accordance with procedures to be prescribed by the rules made by the Board.

(5) In the event of an equality of votes on any motion before the Board, the motion lapses.

Standing orders

15. The Board may make standing orders (not inconsistent with the Act or this By-law) for the regulation of the procedure at meetings of the Board.

CHAPTER 3—OFFICERS OF THE UNIVERSITY**The Vice-Chancellor**

16. (1) The Vice-Chancellor, as the chief executive officer of the University, is responsible to the Board for implementing the Board's decisions.

(2) The Vice-Chancellor is also responsible for:

- (a) promoting the interests and furthering the development of the University within and beyond Australia; and
- (b) promoting the academic development of the University; and

- (c) developing close ties between the University and other educational institutions and between the University and local, national and international communities; and
- (d) fostering the relationship between the University and government, business and industry; and
- (e) consulting with, and advising, the chief executive officers of the network members in relation to matters concerning the University and the network members; and
- (f) managing, in consultation with the chief executive officers of the network members, the overall academic, administrative, financial and other business of the University; and
- (g) developing and maintaining, in consultation with the chief executive officers of the network members, the premises and facilities of the University; and
- (h) conducting, in consultation with the chief executive officers of the network members, forward planning for the University; and
- (i) supervising the appointment, promotion, development and reclassification of staff employed in the Office of the Vice-Chancellor and the discipline and dismissal of such staff; and
- (j) developing, in consultation with the chief executive officers of the network members, University policy in relation to administrative and financial matters; and
- (k) managing the administrative, financial and other business of the Office of the Vice-Chancellor; and
- (l) exercising such other functions as are conferred or imposed on the Vice-Chancellor by or under the Act.

(3) The Vice-Chancellor may, without specific appointment, exercise the right of membership of any committee established by the Board.

(4) The Board may appoint members of staff to be deputy Vice-Chancellors of the University.

(5) In the event of the illness or absence from office of the Vice-Chancellor, or pending the appointment of a person to fill a vacancy in the office of Vice-Chancellor, the Chancellor may request a deputy Vice-Chancellor to exercise the functions of the Vice-Chancellor.

(6) In the exercise of his or her functions, the Vice-Chancellor has such authority as may be necessary or convenient to give effect to the provisions of the Act, the by-laws, the rules and the Board's resolutions.

(7) A person may not hold office as Vice-Chancellor while holding office as the chief executive officer of a network member.

Chief executive officers of network members

17. (1) The chief executive officer of a network member is, as the principal executive officer of the network member, responsible for implementing the Board's decisions to the extent to which those decisions relate to the network member.

(2) The chief executive officer of a network member is also responsible for:

- (a) the day-to-day management of the network member; and
- (b) promoting the interests of the network member by fostering relationships and communicating with business and industry, regional and local government authorities and other organisations, groups and individuals; and
- (c) recruiting, admitting and enrolling students at the network member; and
- (d) the maintenance of academic standards, the conduct of courses, the development of the specialisations of the network member and the development and supervision of research programs; and
- (e) managing the academic, administrative, financial and other business of the network member and, without limiting the generality of the foregoing, managing the expenditure of any funds allocated to the network member and the investment and realisation of any such funds; and
- (f) developing and maintaining the premises and facilities of the network member; and
- (g) developing and maintaining consultancy, entrepreneurial and fundraising activities at the network member, including research and development companies, industrial and business estates and foundations; and
- (h) the appointment, development, promotion, discipline and dismissal of staff and the reclassification of positions held by existing staff; and
- (i) the welfare and discipline of students enrolled at the network member; and
- (j) in consultation with the Vice-Chancellor, forward planning for the University; and
- (k) exercising such other functions as are conferred or imposed on the chief executive officer of a network member by or under the Act.

(3) The chief executive officer of a network member may establish such committees, with such membership and such terms of reference, as are necessary for the day-to-day management of the network member.

(4) The chief executive officer of a network member may, without specific appointment, exercise the right of membership of any such committee and may, if he or she so desires, preside at any meeting of any such committee.

Other officers

18. (1) For the purposes of section 4 (c) of the Act, the full-time members of the non-academic staff are members in addition to the other persons referred to in that paragraph.

(2) The members of staff:

- (a) who are designated as academic staff or
- (b) who are designated as non-academic staff,

are to be determined by resolution of the Board.

CHAPTER 4—THE ACADEMIC BOARD

Functions of the Academic Board

19. The Academic Board is the principal advisory body to the Board of Governors in relation to academic matters and has such functions as may be conferred or imposed on it by the rules made by the Board of Governors.

CHAPTER 5—MANAGEMENT OF THE UNIVERSITY AND THE UNIVERSITY PRECINCTS

Management of the University precincts

20. (1) The Board may make rules for or with respect to the management of the University and the University precincts and, in particular, for or with respect to:

- (a) prohibiting or restricting access by persons to any building or area within the University precincts; and
- (b) the conduct within the University precincts of students and staff.

(2) The chief executive officer of a network member may make rules for or with respect to the regulation of traffic on land within the precincts of the network member and, in particular, for or with respect to:

- (a) prohibiting or restricting the driving, parking or use of vehicles on any such land; and

- (b) the payment of such fees and charges as the chief executive officer considers necessary to be charged for or in connection with the driving, parking or use of vehicles on any such land; and
- (c) the imposition and payment of penalties for the driving, parking or use of vehicles in contravention of the rules.

Student organisations

21. The chief executive officer of a network member may make rules for or with respect to the establishment and management of student organisations at the network member.

Students to agree to abide by the University's laws

22. No person may be admitted as a student of the University unless the person agrees (by means of a signed undertaking) to comply with the Act, this By-law and the rules.

CHAPTER 6—DISCIPLINE

Division 1—Staff

Application of Division

23. (1) This Division applies to and in respect of all members of staff of the University.

(2) In the event of an inconsistency between the provisions of this Division and the provisions of any other Act or law (including any industrial award or industrial agreement) relating to the discipline of the persons to whom that other Act or law applies, the provisions of that other Act or law prevail.

Breach of discipline defined

24. A member of staff is to be regarded as having committed a breach of discipline if he or she:

- (a) contravenes any provision of the Act, this By-law or a rule; or
- (b) wilfully disobeys or disregards any order or direction lawfully made or given under the Act, this By-law or a rule; or
- (c) is convicted by a court of an offence that is of a kind that can reasonably be regarded as constituting a serious impediment to the discharge by the member of staff of his or her functions or to the discharge by other members of staff of their functions; or

- (d) is guilty of disgraceful or improper conduct; or
- (e) is grossly or persistently inefficient, negligent or careless; or
- (f) is incompetent in the discharge of his or her functions.

Inquiries into alleged breaches of discipline

25. (1) The Vice-Chancellor must cause inquiries to be made in relation to any breach of discipline that is alleged to have been committed by a member of staff employed in the Office of the Vice-Chancellor, whether or not a complaint has been made in relation to it.

(2) The chief executive officer of a network member must cause inquiries to be made in relation to any breach of discipline that is alleged to have been committed by a member of staff of the network member, whether or not a complaint has been made in relation to it.

Suspension pending completion of inquiries etc.

26. (1) The Vice-Chancellor or chief executive officer of a network member may suspend from office any member of staff in respect of whom inquiries are being made in relation to a breach of discipline that is alleged to have been committed by the member of staff. Such a period of suspension must not exceed 30 days.

(2) A member of staff may be suspended from office either with pay or without pay.

(3) Whether the member of staff is suspended with pay or without pay, the suspension ceases to have effect (unless sooner revoked) when the matter is determined under this Division.

(4) A member of staff is entitled to receive any pay withheld pursuant to this clause if the Vice-Chancellor or chief executive officer dismisses the matter or otherwise determines that it would be inappropriate, having regard to the circumstances of the case, that the member of staff be denied that pay.

Vice-Chancellor or chief executive officer to issue show cause notice

27. If, after completion of any inquiries, the Vice-Chancellor or chief executive officer of a network member believes that a member of staff may have committed a breach of discipline, the Vice-Chancellor or chief executive officer:

- (a) must cause notice of that fact to be served on the member of staff;
and

- (b) must give the member of staff a reasonable opportunity (being a period of not less than 7 days) within which to make written representations to the Vice-Chancellor or chief executive officer in relation to the alleged breach of discipline; and
- (c) must take into account any written representations made by the member of staff during that period.

Penalties

28. If, after having taken into account any written representations made by the member of staff within the time allowed, the Vice-Chancellor or chief executive officer of a network member is satisfied that the member of staff has committed a breach of discipline, the Vice-Chancellor or chief executive officer of a network member may direct that the member of staff:

- (a) be dismissed; or
- (b) be demoted in office; or
- (c) be suspended from office without pay for a period not exceeding 30 days; or
- (d) be denied any incremental progression of salary to which he or she might otherwise be entitled or eligible; or
- (e) be fined an amount not exceeding one month's salary; or
- (f) be cautioned or reprimanded; or
- (g) be excluded from specified facilities of the University for a specified period not exceeding 12 months; or
- (h) be subjected to any 2 or more of the penalties referred to in paragraphs (b)–(g)

Vice-Chancellor or chief executive officer to dismiss certain matters

29. If, after having completed inquiries into the matter and having heard the member of staff's representations in respect of the matter, the Vice-Chancellor or chief executive officer of a network member:

- (a) is satisfied that the member of staff has not committed a breach of discipline; or
- (b) is not satisfied that the member of staff has committed a breach of discipline

the Vice-Chancellor must dismiss the matter and inform the member of staff accordingly.

Vice-Chancellor or chief executive officer to give notice of decision

30. The Vice-Chancellor or chief executive officer of a network member must cause notice of any decision under clause 28, and of his or her reasons for the decision, to be served on the member of staff concerned within 7 days after the decision is made.

Right of appeal

31. (1) A member of staff may appeal against a decision of the Vice-Chancellor or chief executive officer of a network member under clause 28.

(2) Such an appeal must be made in writing and lodged with the Vice-Chancellor within 10 working days after notice of the decision is received by the member of staff concerned.

(3) The Vice-Chancellor or chief executive officer of a network member may, on the application of the member of staff concerned or otherwise, direct that any action to be taken as a consequence of a direction under clause 28 be stayed:

- (a) until the time for making an appeal against the direction, or the decision to which it relates, has expired; or
- (b) if an appeal against the direction or decision is made within that time, until the appeal has been finally determined.

Division 2—Students**Application of Division**

32. This Division applies to and in respect of all students of the University.

Breach of discipline defined

33. A student is to be regarded as having committed a breach of discipline if the student:

- (a) contravenes any provision of the Act, this By-law or a rule; or
- (b) wilfully disobeys any order or direction lawfully made or given under the Act, this By-law or a rule; or
- (c) is guilty of any disgraceful or improper conduct.

Summary exclusion from classes etc.

34. (1) The member of staff by whom a class is being conducted may exclude from the class any student whom he or she suspects of having

committed a breach of discipline during, or in relation to, the conduct of the class.

(2) A Librarian, or any member of the library staff authorised by a Librarian, may exclude from a library any student whom he or she suspects of having committed a breach of discipline in, or in relation to, the library.

(3) Any member of staff having responsibility for the operation or maintenance of any facility of the University may exclude from the facility, or from the use of the facility, any student whom he or she suspects of having committed a breach of discipline in, or in relation to, the facility.

(4) Unless sooner revoked, an exclusion under this clause ceases to have effect:

- (a) in the case of the exclusion of a student from a class, at the end of the session of the class during which the alleged breach of discipline occurred; and
- (b) in any other case, at the expiration of 7 days from the day on which the alleged breach of discipline occurred.

(5) A person by whom a student is excluded from a class, from a library or from any other facility of the University must cause notice of that fact to be given to the Vice-Chancellor or chief executive officer of the relevant network member within 7 days after the exclusion takes place.

Inquiries into alleged breaches of discipline

35. The chief executive officer of a network member may (whether as a consequence of the making of a complaint or otherwise) cause inquiries to be made in relation to any breach of discipline that is alleged to have been committed by a student of the network member.

Chief executive officer to issue show cause notice

36. If, after completion of any inquiries, the chief executive officer of a network member believes that a student may have committed a breach of discipline, the chief executive officer:

- (a) must cause notice of that fact to be served on the student; and
- (b) must give the student a reasonable opportunity (being a period of not less than 7 days) within which to make written representations to the chief executive officer in relation to the alleged breach of discipline; and

- (c) must take into account any written representations made by the student during that period.

Penalties

37. If, after having taken into account any written representations made by the student within the time allowed, the chief executive officer is satisfied that the student has committed a breach of discipline, the chief executive officer may direct that the student:

- (a) be expelled; or
- (b) be suspended for a specified period; or
- (c) be denied accreditation for the results of any tests or other forms of assessment for a specified period of assessment; or
- (d) be excluded from specified classes for a specified period; or
- (e) be excluded from specified facilities of the University for a specified period; or
- (f) if the breach of discipline involves loss or damage to property of the University, be required to repay to the University a specified amount (not exceeding the amount of the loss or damage); or
- (g) be permitted to attend specified classes, or to use specified facilities of the University, only in accordance with specified conditions; or
- (h) be cautioned or reprimanded; or
- (i) be fined; or
- (j) be subject to any 2 or more of the punishments referred to in paragraphs (b)–(i).

Chief executive officer to dismiss certain matters

38. If, after having completed inquiries into the matter and having heard the student's representations in respect of the matter, the chief executive officer of a network member:

- (a) is satisfied that the student has not committed a breach of discipline; or
- (b) is not satisfied that the student has committed a breach of discipline,

the chief executive officer must dismiss the matter and inform the student accordingly.

Chief executive officer to give notice of decision

39. The chief executive officer of the network member must cause notice of any decision under clause 37, and of his or her reasons for the decision:

- (a) to be served on the student concerned; and
- (b) if the decision involves the making of a direction under clause 37 (a), (b) or (c), to be given to the Board,

within 7 days after the decision is made.

Right of appeal

40. (1) A student may appeal against a decision of the chief executive officer under clause 37.

(2) Such an appeal must be made in writing and lodged with the presiding member of the Academic Board within 10 working days after notice of the decision is received by the student concerned.

(3) The chief executive officer may, on the application of the student concerned or otherwise, direct that any action to be taken as a consequence of a direction under clause 37 be stayed:

- (a) until the time for making an appeal against the direction, or the decision to which it relates, has expired; or
- (b) if an appeal against the direction or decision is made within that time, until the appeal has been finally determined or withdrawn.

Division 3—Appeals**Appeal Committees**

41. (1) The Board of Governors is to establish ad hoc Appeal Committees for the purpose of hearing appeals by members of staff.

(2) The Academic Board is to establish a Standing Disciplinary Appeals Committee for the purpose of hearing appeals by students.

(3) The constitution and procedure of an Appeal Committee are to be as prescribed by the rules made by the Board of Governors.

(4) Subject to the rules, any or all of the members of an Appeal Committee may consist of persons who are not members of the Board of Governors or Academic Board, as the case may be.

Appeals to be referred to Appeal Committee

42. (1) Any appeal made under this Chapter is to be referred to the appropriate Appeal Committee for hearing.

(2) The Appeal Committee must hear and determine any such appeal.

(3) The decision of the Appeal Committee is final.

(4) The Vice-Chancellor or chief executive officer, as the case requires, must cause notice of the Appeal Committee's decision on an appeal to be given to the appellant as soon as practicable after the decision is made.

Division 4—General**Service of documents**

43. (1) Any notice or other document which is authorised or required to be served on a person by this Chapter may be served in any one of the following ways:

(a) by posting it; or

(b) by delivering it to the person personally; or

(c) if the person is resident at or has an office at the University, by delivering it to the place of residence or office.

(2) A document or notice that is delivered to the place of residence or office of a person is, unless the contrary is proved, taken to be received on the day on which it is delivered.

CHAPTER 7—ACADEMIC DRESS**Form of academic dress**

44. The form of academic dress to be worn:

(a) by the Chancellor, the Deputy Chancellor and the other members of the Board; and

(b) by the Vice-Chancellor, the chief executive officers of the network members and other officers of the University; and

(c) by the graduates and students of the University,

is to be as determined by the rules made by the Board.

Use of academic dress

45. The occasions on which academic dress is to be worn are to be as determined by the rules made by the Board.

CHAPTER 8—RESIDENTIAL COLLEGES ETC.**Affiliation of residential colleges etc. with the University**

46. (1) The Board may grant affiliation with the University to any residential college or to any educational or research establishment.

(2) The Board may revoke the affiliation with the University of any affiliated residential college or of any affiliated educational or research establishment.

(3) Before revoking the affiliation of an affiliated residential college or of an affiliated educational or research establishment, the Board:

- (a) must give 2 months' notice of its intention to do so to the governing body of the college or establishment; and
- (b) must allow the governing body of the college or establishment to make submissions to the Board in connection with the proposed action; and
- (c) must consider any submissions so made.

CHAPTER 9—COURSES OF STUDY AND AWARDS**Courses of study**

47. The chief executive officer for each network member may make rules, not inconsistent with any decision of the Academic Board with respect to the network member:

- (a) prescribing the terms and conditions for admission to, or exclusion from, a course of study offered by the network member; and
- (b) prescribing the form of teaching of, and assessment for, a course of study offered by the network member; and
- (c) prescribing the examinations for, and the granting of, fellowships, scholarships, exhibitions, bursaries and prizes offered to students at the network member.

Awards

48. (1) An academic award issued by the University is to include the name of the network member at which the course of study leading to the award was undertaken.

(2) The Board may, on its own motion or on the advice of the Academic Board grant an academic award without examination to a

person who, in the opinion of the Board, is eligible for or might properly be honoured by the award.

CHAPTER 10—FEES

Rules regarding fees

49. (1) The Vice-Chancellor and chief executive officers may make rules for or with respect to the payment of fees and charges for:

- (a) entrance to the University; and
- (b) tuition; and
- (c) attendance at lectures and classes; and
- (d) examinations; and
- (e) the conferring of degrees, diplomas and certificates; and
- (f) the provision and use of amenities and services, whether or not of an academic nature; and
- (g) student and staff residences; and
- (h) membership of student and other organisations; and
- (i) the parking and use of vehicular traffic within the University precincts; and
- (j) any other activities conducted by the University or within the University precincts.

(2) Such rules may prescribe:

- (a) the time when the fees or charges are to be paid; and
- (b) any discretions that may exist in respect of the payment of fees or charges; and
- (c) any penalties for non-payment of fees or charges; and
- (d) any exemptions from, or deferments of, any fees or charges.

CHAPTER 11—RULES

Rules

50. (1) The Board may make rules for regulating, or providing for the regulation of, any matter for or with respect to which by-laws may be made and, in particular, for or with respect to:

- (a) the conduct of elections; and
- (b) the procedure to be followed at meetings of the Board or of committees established by the Board; and
- (c) the functions of the Academic Board; and

- (d) the forms and usages of academic dress; and
- (e) student affairs; and
- (f) disciplinary matters; and
- (g) appeals committees; and
- (h) courses of study and academic awards; and
- (i) alumni associations, however styled.

(2) The Vice-Chancellor may make rules, not inconsistent with the rules made by the Board, for the good conduct of the University.

(3) The chief executive officer of a network member may make rules, not inconsistent with the rules made by the Board or by the Vice-Chancellor, for the good conduct of the network member.

Publication of rules etc.

51. (1) In the case of a rule made by the Board or a rule made by the Vice-Chancellor:

- (a) the rule must be published by means of a notice displayed on each of the official notice boards of the Office of the Vice-Chancellor and of each of the network members; and
- (b) copies of the rule must be kept available for inspection at the offices of the Vice-Chancellor and of the chief executive officers of each of the network members.

(2) In the case of a rule made by a chief executive officer:

- (a) the rule must be published by means of a notice displayed on each of the official notice boards of the network member; and
- (b) copies of the rule must be kept available at the offices of the chief executive officer.

(3) A rule takes effect on the day on which it is published in accordance with this clause or on such later day as may be specified in the rule

Resolution of inconsistencies

52. (1) In the event of an inconsistency between the rules made by the Board and the rules made by the Vice-Chancellor or by the chief executive officer of a network member, the rules made by the Board prevail.

(2) In the event of an inconsistency between the rules made by the Vice-Chancellor and the rules made by the chief executive officer of a network member, the rules made by the Vice-Chancellor prevail.

CHAPTER 12—MISCELLANEOUS
Use of University emblem

53. (1) The Board may adopt a University emblem.

(2) The University emblem is not to be used, depicted or displayed otherwise than in such manner, and in such circumstances, as may be approved by the Board.

(3) The Board may delegate its authority to approve the use, depiction or display of the University emblem to such person or persons as it may from time to time determine.

Repeal of other by-laws

54. The following by-laws are repealed:

Hawkesbury Agricultural College By-law;

Nepean College of Advanced Education By-law;

The Milperra College of Advanced Education By-law.

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EXPLANATORY NOTE

The object of this By-law is to replace the existing By-laws with respect to the various network members of the University of Western Sydney with a single By-law with respect to the whole University. The matters with which the new By-law deals include the following:

- (a) the procedures for electing the Chancellor and Deputy Chancellor of the University and certain incidents of their appointments (Division 1 of Chapter 2);
- (b) the procedures for electing other members of the Board of Governors of the University and the qualifications for both candidates and voters at any such election (Division 2 of Chapter 2);

- (c) the procedures to be adopted at meetings held by the Board of Governors of the University (Division 3 of Chapter 2);
 - (d) the functions exercisable by the Vice-Chancellor, the chief executive officers and the other officers of the University (Chapter 3);
 - (e) the management (by means of rules) of the University precincts and student organisations and the requirement that students at the University must agree to abide by the Act, the By-law and any such rules (Chapter 4);
 - (f) the procedures for dealing with alleged breaches of discipline by members of staff of the University (Division 1 of Chapter 6);
 - (g) the procedures for dealing with alleged breaches of discipline by students of the University (Division 2 of Chapter 6);
 - (h) the hearing of appeals against determinations made with respect to alleged breaches of discipline (Division 3 of Chapter 6);
 - (i) service of documents for the purposes of disciplinary procedures (Division 4 of Chapter 6);
 - (j) the form and use of academic dress (Chapter 7);
 - (k) the affiliation with the University of residential colleges and educational and research establishments (Chapter 8);
 - (l) courses of study and academic awards (Chapter 9);
 - (m) the making of rules with respect to the matters for which fees and charges may be imposed (Chapter 10);
 - (n) the matters for which rules may be made and the procedures for making and publishing any such rules (Chapter 11);
 - (o) other matters of a minor or formal nature (Chapters 1 and 12).
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