

# University of Wollongong By-law 2005

[2005-616]



New South Wales

## Status Information

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### Authorisation

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# University of Wollongong By-law 2005



New South Wales

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# University of Wollongong By-law 2005



New South Wales

## Part 1 Preliminary

### 1 Name of By-law

This By-law is the *University of Wollongong By-law 2005*.

### 2 Interpretation

(1) In this By-law:

**Academic Senate** means the Academic Senate of the University.

**elected academic staff member** of the Council means a member of the Council referred to in section 8D (1) (a) of the Act.

**elected non-academic staff member** of the Council means a member of the Council referred to in section 8D (1) (b) of the Act.

**elected student (postgraduate) member** of the Council means a member of the Council referred to in section 8D (1) (c) of the Act who is a postgraduate student of the University.

**elected student (undergraduate) member** of the Council means a member of the Council referred to in section 8D (1) (c) of the Act who is an undergraduate student of the University.

**full-time staff of the University** includes persons employed by the University for the equivalent of at least 2 days a week:

- (a) on a continuing basis, or
- (b) for a minimum fixed period of 2 years.

**graduate member** means a member of the Council elected under section 8E of the Act.

**Returning Officer** means the Returning Officer for an election, as referred to in clause 1 of Schedule 1.

**the Act** means the *University of Wollongong Act 1989*.

- (2) In this By-law, a reference to an authority, officer or office is a reference to that authority, officer or office in and of the University.
- (3) For the purposes of section 3 (2) of the Act (which provides for references to a graduate of the University), honorary awards are prescribed.

## **Part 2 Chancellor and Deputy Chancellors**

### **3 Term of office of Chancellor**

For the purposes of section 10 (2) of the Act, the prescribed period for which the Chancellor is to hold office is 4 years from a starting date determined by the Council.

### **4 Election of Chancellor or Deputy Chancellors**

An election to fill a vacancy in the office of Chancellor or a Deputy Chancellor is to be held at an ordinary meeting of the Council.

### **5 Nomination of Chancellor or Deputy Chancellors**

A nomination for election to the office of Chancellor or a Deputy Chancellor:

- (a) must be signed by 2 persons who are members of the Council, and
- (b) must be submitted in writing to the Secretary to Council before the commencement of the item of business of the meeting of the Council during which that election is to be held.

## **Part 3 Vice-Chancellor**

### **6 Authority**

Nothing in this Part affects the precedence or authority of the Chancellor or a Deputy Chancellor.

### **7 Functions of Vice-Chancellor**

The Vice-Chancellor is:

- (a) to promote and further the development and interests of the University including, but without limiting the generality of this clause, the welfare of staff and students, and
- (b) to be responsible to the Council for the general academic, administrative, financial and other business of the University, and
- (c) to exercise a general supervision over all staff and students of the University, and
- (d) to do all things ancillary to those functions referred to in paragraphs (a), (b) and (c).

## **8 Functions and authority delegated by Council**

Without prejudice to the generality of clause 7, the Vice-Chancellor is to exercise such functions and authority as may from time to time be delegated by the Council.

## **9 Powers of Vice-Chancellor in relation to University bodies**

The Vice-Chancellor is, by virtue of holding that office, a member of any board, committee or faculty within the University and, unless the Council determines otherwise, may preside at a meeting of any such board, committee or faculty.

## **Part 4 Council membership**

### **10 (Repealed)**

### **11 Qualification for election as elected academic staff member**

- (1) For the purposes of section 8D (3) of the Act, the prescribed qualifications in respect of a person seeking election as an elected academic staff member are the qualifications specified in this clause.
- (2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Academic Staff) containing the names and last known addresses of:
  - (a) professors within the University, and
  - (b) persons employed as full-time staff of the University in the position of associate professor, senior lecturer or lecturer within the University, or such other position within the University as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph, and
  - (c) officers holding the positions of Deputy Vice-Chancellor and Pro Vice-Chancellor within the University and such other positions within the University as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.
- (3) The persons qualified to be elected as an elected academic staff member are those persons whose names appear on the Roll of Academic Staff at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (4) The persons entitled to vote for the academic staff members are those persons whose names appear on the Roll of Academic Staff at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (5) The provisions of Schedule 1 apply to an election conducted under this clause.

### **12 Qualification for election as elected non-academic staff member**

- (1) For the purposes of section 8D (3) of the Act, the prescribed qualifications in respect

of a person seeking election as an elected non-academic staff member are the qualifications specified in this clause.

- (2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Non-academic Staff) containing the names and last known addresses of the full-time staff of the University who are not staff to whom clause 11 (2) applies.
- (3) The persons qualified to be elected as an elected non-academic staff member are those persons whose names appear on the Roll of Non-academic Staff at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (4) The persons entitled to vote for the non-academic staff member are those persons whose names appear on the Roll of Non-academic Staff at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (5) The provisions of Schedule 1 apply to an election conducted under this clause.

### **13 Qualification for election as elected student (undergraduate) member**

- (1) For the purposes of section 8D (3) of the Act, the prescribed qualifications in respect of a person seeking election as an elected student (undergraduate) member are the qualifications specified in this clause.
- (2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Undergraduate Students) containing the names and last known addresses of:
  - (a) persons who are enrolled as candidates proceeding to an undergraduate degree or diploma in the University (other than persons so enrolled who are members of the staff of the University), and
  - (b) such other persons as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.
- (3) The persons qualified to be elected as an elected student (undergraduate) member are those persons whose names appear on the Roll of Undergraduate Students at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (4) The persons entitled to vote for the undergraduate student member are those persons whose names appear on the Roll of Undergraduate Students at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (5) The provisions of Schedule 1 apply to an election conducted under this clause.

### **14 Qualification for election as elected student (postgraduate) member**

- (1) For the purposes of section 8D (3) of the Act, the prescribed qualifications in respect of a person seeking election as an elected student (postgraduate) member are the



qualifications specified in this clause.

- (2) The Returning Officer is to keep a roll (in this By-law referred to as the Roll of Postgraduate Students) containing the names and last known addresses of:
  - (a) persons who are enrolled as candidates proceeding to a postgraduate degree, diploma or certificate in the University (other than persons so enrolled who are members of the staff of the University), and
  - (b) such other persons as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.
- (3) The persons qualified to be elected as an elected student (postgraduate) member are those persons whose names appear on the Roll of Postgraduate Students at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (4) The persons entitled to vote for the postgraduate student member are those persons whose names appear on the Roll of Postgraduate Students at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (5) The provisions of Schedule 1 apply to an election conducted under this clause.

## **15 Graduate members**

- (1) For the purposes of section 8E (4) of the Act, the prescribed qualifications in respect of a person seeking to be a graduate member are the qualifications specified in this clause.
- (2) The Returning Officer is to keep:
  - (a) a roll (in this By-law referred to as the Roll of Graduates) containing the names and last known addresses of the graduates of the University, and
  - (b) a register in relation to each election of graduate members (in this By-law referred to as the Graduate Election Register) containing the names and last known addresses of graduates of the University who have duly applied to be listed on the register in relation to the election concerned.
- (3) At least 30 days before an election of graduate members, the Returning Officer is to invite graduates of the University to apply to be listed on the Graduate Election Register relating to that election in the manner and within the time specified in the invitation.
- (4) The Returning Officer is to make such an invitation by placing a notice to that effect:
  - (a) in a newspaper circulating throughout Australia, and
  - (b) on the Internet by means of the website of the University, and

(c) by any other means that the Returning Officer considers appropriate.

- (5) The persons qualified to be elected as graduate members are persons whose names appear on the Roll of Graduates, other than members of the staff and students of the University, at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (6) The persons entitled to vote for the graduate members are those persons whose names appear on the Graduate Election Register for the election concerned, other than members of the staff and students of the University, at the date and time prescribed pursuant to clause 3 (2) of Schedule 1 for the close of nominations.
- (7) The provisions of Schedule 1 apply to an election conducted under this clause.

#### **16 Nomination procedures relating to appointed members**

- (1) The Council is to establish a Council Nominations Committee consisting of the following persons:
  - (a) the Chancellor,
  - (b) at least one Deputy Chancellor,
  - (c) the Vice-Chancellor,
  - (d) 2 members of the Council who are not academic or non-academic staff members, or undergraduate or postgraduate students, of the University.
- (1A) Despite subclause (1), the Committee may be differently constituted if the Council so determines.
- (2) At least 60 days before the term of office of a member of the Council appointed under section 8F or 8G of the Act expires, the Council Nominations Committee is to identify persons who may be suitable for appointment as such a member.
- (3) The Committee is:
  - (a) to determine which of those persons are to be recommended to the Council:
    - (i) for suggestion for appointment by the Minister, or
    - (ii) for appointment by the Council,as the case may be, and
  - (b) to recommend the length of appointment for each such person, and
  - (c) to forward those recommendations to the Council.
- (4) The Council is:

- (a) to consider the recommendations forwarded by the Committee, and
  - (b) to determine which of the recommended persons are to be:
    - (i) suggested for appointment by the Minister, or
    - (ii) appointed by the Council,as the case may be, and
  - (c) to determine:
    - (i) in the case of the persons referred to in paragraph (b) (i), the suggested length of appointment for each such person, or
    - (ii) in the case of the persons referred to in paragraph (b) (ii), the length of appointment for each such person.
- (5) The Chancellor is to forward the determinations referred to in subclause (4) (b) (i) and (c) (i) to the Minister.

#### **17 Casual vacancies**

- (1) For the purposes of clause 3 of Schedule 1 to the Act, the prescribed manner for filling a casual vacancy is, subject to subclause (2), the same manner as that in which the person whose seat is vacant was appointed or elected.
- (2) In the event of a casual vacancy in the office of any elected member of the Council occurring within less than one year of the date on which the member's term of office would have expired, such vacancy is to be filled by some person, whose name appears on the appropriate roll kept under this Part, appointed by the Council in the place of that member in the manner described in clause 18.

#### **18 Elections to fill certain casual vacancies for elected members**

- (1) An election to fill a casual vacancy in the office of an elected member of the Council in the circumstances referred to in clause 17 (2) is to be held by the Returning Officer at a scheduled meeting of the Council.
- (2) The Returning Officer is to advise the members of the Council of the election to be held by including a notice of the election with the papers circulated with the agenda for the meeting.
- (3) The election is to be effected in such manner as may be determined at the meeting.

#### **19 Rolls**

A person who is entitled to be enrolled or listed on a roll or register kept under this Part may inspect that roll or register during the time that the office of the Secretary to Council

is open.

## **20 Term of office**

(1) For the purposes of section 9 (1) (c) and (d) of the Act:

- (a) the term of office of an elected academic staff member is 2 years, and
- (b) the term of office of an elected non-academic staff member is 2 years, and
- (c) the term of office of an elected student (undergraduate) member is 2 years, and
- (d) the term of office of an elected student (postgraduate) member is 2 years, and
- (e) the term of office of a graduate member is 4 years.

(2) The term of office of some of the elected members of any class:

- (a) who are elected at the first election of members of that class, and
- (b) who receive fewer votes than the other elected members of that class,

is, if a resolution made by the Council so provides, to be reduced from the period specified in subclause (1) to such shorter period as may be specified in the resolution in order to provide for the retirement in rotation of the elected members of that class.

## **Part 5 Management of the University**

### **21 Rules relating to management of University**

The Council may make rules for or with respect to all matters with respect to which the Council is empowered to make by-laws under section 28 (1) (other than paragraphs (b) and (k)) of the Act.

## **Part 6 The common seal**

### **22 Custody of common seal**

The common seal of the University is to be kept in the custody of the Secretary to Council.

### **23 Use of common seal**

The common seal of the University is to be affixed to any instrument or document in the presence of, and the affixing of the seal is to be attested by:

- (a) the Chancellor, a Deputy Chancellor, the Vice-Chancellor or any other member of the Council, and
- (b) the Secretary to Council.

## **24 Register of use of common seal**

- (1) The Secretary to Council is to maintain a register of the use of the common seal.
- (2) The register of the use of the common seal is to record:
  - (a) the nature of, and parties to, an instrument or document to which the common seal was affixed, and
  - (b) the date on which the common seal was affixed to an instrument or document, and
  - (c) the names of the persons who attested the affixing of the common seal.

## **Part 7 Courses and degrees**

### **25 Degrees and diplomas**

The degrees and diplomas to be conferred and awarded by the University are to be specified in rules made by the Council for the purposes of this clause.

### **26 Award of degrees and diplomas**

- (1) The requirements to be satisfied for the award of degrees and diplomas, including the conditions governing the admission of students of other universities and institutions of higher education to any status within the University, are to be specified in rules made by the Council for the purposes of this clause.
- (2) The Council may revoke a conferral or award of a degree or diploma if the Council determines that the degree or diploma has been erroneously or inappropriately conferred or awarded.

### **27 Entrance standards and conditions of admission**

The entrance standards for students and the conditions to be satisfied for admission to the University are to be specified in rules made by the Council for the purposes of this clause.

## **Part 8 Honorary degrees**

### **28 Conferring of honorary degrees**

The Council may confer, *honoris causa*, any degree of the University.

### **29 Honorary Awards Committee**

- (1) The Council is to establish an Honorary Awards Committee which is to consist of the Chancellor, the Vice-Chancellor and such other persons as may be specified from time to time in resolutions made by the Council for the purposes of this clause.

- (2) The Honorary Awards Committee may recommend to the Council the persons on whom honorary degrees may be conferred and the criteria for selection of any such persons.

## **Part 9 Academic costume**

### **30 Academic costume**

- (1) The academic costume for the Chancellor consists of a gown of black damask lined with blue and trimmed with gold and a trencher cap of black with a gold tassel.
- (2) The form of academic costume for a Deputy Chancellor, the Vice-Chancellor, members of the Council, the officers of the University, the graduates and the students of the University is to be as specified from time to time in resolutions made by the Council for the purposes of this subclause.

### **31 Usages of academic costume**

The usages of the academic costumes are to be determined by resolution of the Council.

## **Part 10 University membership**

### **32 Members of the University**

For the purposes of section 4 (c) of the Act, the other members of staff of the University are the officers holding the positions of Deputy Vice-Chancellor, Chief Administrative Officer, Chief Finance Officer, Pro Vice-Chancellor and Director of Library Services and such other positions as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.

## **Part 11**

### **33 (Repealed)**

## **Part 12 The Academic Senate**

### **34 Members of the Academic Senate**

The Academic Senate is to consist of:

- (a) the Vice-Chancellor, and
- (b) such other persons as may be specified from time to time in resolutions made by the Council for the purposes of this paragraph.

### **35 Functions of the Academic Senate**

The Academic Senate is the principal academic body of the University and has responsibility for advising the Council and the Vice-Chancellor on matters relating to

teaching, scholarship, research and related activities in accordance with terms of reference specified from time to time in resolutions made by the Council for the purposes of this clause.

## **Part 13 Miscellaneous**

### **36 Repeal and savings**

- (1) The *University of Wollongong By-law 1991* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *University of Wollongong By-law 1991*, had effect under that By-law continues to have effect under this By-law (but only to the extent that it relates to this By-law and is not inconsistent with this By-law and the acts, matters or things done under this By-law).
- (3) In particular, any rule made pursuant to a provision of the repealed By-law is taken to have been made pursuant to the corresponding provision of this By-law.

## **Schedule 1**

(Clauses 11, 12, 13, 14 and 15)

### **1 Returning Officer**

- (1) The election is to be conducted by the Returning Officer.
- (2) The Returning Officer is to be the Secretary to Council, or a deputy appointed by him or her.
- (3) In the performance of any of the Returning Officer's functions under this By-law, the Returning Officer may be assisted by such persons as the Returning Officer appoints.
- (4) Subject to this By-law, the election is to be effected in such manner as the Returning Officer determines.

### **2 Timing**

In the conduct of the election, the following intervals are to be allowed:

- (a) between the date of publication (or other display) of the notice of election and the date and time for close of nominations—not less than 14 and not more than 28 days,
- (b) between the close of nominations and the posting of voting forms—not more than 14 days,
- (c) between the posting of voting forms and the date and time by which completed voting forms must be submitted to the Returning Officer—not less than 14 and not more than 28 days.

### 3 Notice of election

- (1) The Returning Officer is to give notice of the election:
  - (a) by publishing the notice on the Internet by means of the website of the University, and
  - (b) by any other means that the Returning Officer considers appropriate.
- (2) The notice of election is:
  - (a) to state the number of persons to be elected and the qualifications for candidature, and
  - (b) to specify the form of the nomination and the means by which it is to be submitted to the Returning Officer, and
  - (c) to prescribe a date and time by which nominations must reach the Returning Officer (referred to as the **close of nominations**).

### 4 Acceptance of nomination

- (1) The Returning Officer is not to accept a nomination unless:
  - (a) it is in writing in the form specified in the notice of election, and
  - (b) it is signed by 2 persons whose names appear on the appropriate roll kept under Part 4, and
  - (c) the person nominated has consented to stand for election by a notice in writing given to the Returning Officer before the time prescribed for the close of nominations or by a notation to that effect on the nomination form, and
  - (d) it is received by the Returning Officer before the time prescribed for the close of nominations.
- (2) If, following the close of nominations, the number of accepted nominations is less than the number of persons to be elected, the Returning Officer is to make a further call for nominations.
- (3) If, following the close of nominations, the number of accepted nominations is equal to the number of persons to be elected, the Returning Officer is to declare the persons nominated to be elected.
- (4) If, following the close of nominations, the number of accepted nominations exceeds the number of persons to be elected, the Returning Officer is to send by post or by other (including electronic) means a voting form to those persons entitled to vote at the address shown in respect of those persons on the Roll of Academic Staff, the Roll of Non-academic Staff, the Roll of Undergraduate Students, the Roll of Postgraduate



Students or the Graduate Election Register, as the case may be.

## **5 Voting form**

- (1) Each voting form is to contain the names of the candidates in alphabetical order.
- (2) Each voting form is to be accompanied by a form of declaration or other means of verification that the person so voting is qualified to vote at the election.
- (3) If a voting form has been lost or destroyed, a duplicate may be issued by the Returning Officer upon receipt of a written declaration that the voting form has been lost or destroyed.
- (4) Each voting form sent in accordance with clause 4 (4) is to be accompanied by a notice which:
  - (a) specifies the date and the time by which the completed voting form must reach the Returning Officer, and
  - (b) contains instructions for the transmission (whether electronically or otherwise) of the completed voting form to the Returning Officer, and
  - (c) states the date and time when the votes will be counted.

## **6 Voting**

The voter is to mark a cross on the voting form opposite the name of each candidate for whom the voter votes, but the number of candidates for whom a vote is cast is not to exceed the number of persons to be elected.

## **7 Counting of votes**

At the date and time appointed for the counting of votes, the Returning Officer or the Returning Officer's deputy is:

- (a) to count votes in accordance with the procedures for counting votes approved by the Returning Officer and published on the Internet by means of the website of the University, and
- (b) to ensure that the secrecy and integrity of the ballot is maintained.

## **8 Declaration of the election**

- (1) Where an election is held to elect one member, the Returning Officer is to declare as elected the candidate who receives the highest number of votes.
- (2) Where an election is held to elect more than one member, the Returning Officer is to declare as elected the persons who received the highest number of votes.

## **9 Equality of votes**

- (1) Where there is an equality of votes, the person to be elected is to be determined by lot by the Returning Officer.
- (2) For the purpose of subclause (1), **determined by lot** means determination in the following manner:

The name of each candidate who receives the same number of votes is to be written on separate and similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate whose name is first drawn is to be the elected candidate.

## **10 Scrutineer**

Each candidate is entitled to nominate a scrutineer to monitor the process for the counting of votes and any determination by lot.

## **11 Election not invalidated because of certain errors**

An election conducted under Part 4 is not invalid only because:

- (a) the name of a person who is entitled to be enrolled on a roll or listed on a register kept under Part 4 is omitted from the roll or register concerned, or
- (b) an eligible voter did not receive a voting form or did not see or (where applicable) receive a notice of election, or
- (c) some other kind of procedural irregularity occurs that, in the opinion of the Returning Officer, is minor and does not prejudice the fairness of the election process.

## **12 Custody of voting forms**

The voting forms and records for an election are to be kept in safe custody by the Returning Officer for a period of at least 4 months after the election and may be destroyed at any time after that period, except that if any objection has been received within that period about an election the voting forms and records for the election may only be destroyed with the approval of the Council.