A meeting of the Academic Senate will be held at 9.30am Tuesday 7 October 2014 in the Senate Room, Building C8A, Level 3.

★ This symbol indicates items that have been starred for discussion at the meeting.

Members are requested to notify the Chair of Academic Senate, Professor Dominic Verity, of any additional items which they wish to have starred, and the reason for seeking discussion of those items.

Members who are unable to attend the meeting are requested to send their apologies to Ms Amanda Phelps, University Committee Secretary (phone. 61 2 9850 7316 or e-mail senate@mq.edu.au).

AGENDA

Page Numbers
★ 1. APOLOGIES / WELCOME
2. ARRANGEMENT OF AGENDA
★ 2.1 Disclosure of Conflicts of Interest
★ 2.3 Adoption of Unstarred Items

Pages 3 to 29 ★ 3. MINUTES OF PREVIOUS MEETING
Meeting held on 2 September 2014
★ 4. BUSINESS ARISING FROM THE MINUTES
(not dealt with elsewhere in the Agenda)

Pages 30 to 31 4.1 Academic Senate items requiring action
Pages 32 to 39 4.2 University Medals
Pages 40 to 46 ★ 5. REPORT FROM THE CHAIR
★ 6. VICE-CHANCELLOR ORAL UPDATE
★ 7. STRATEGY AND POLICY
Pages 47 to 72 ★ 7.1 Intellectual Property Policy
Pages 73 to 75 ★ 7.2 Academic Appeals Policy
Pages 76 to 87 ★ 7.3 Composition of Academic Senate
Pages 88 to 90 ★ 7.4 English Language Policy / Delivery in languages other than English
Academic Senate
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Agenda

Pages 91 to 123 ★ 7.5 Student Discipline Policy / Procedure

Pages 124 to 135 ★ 7.6 Terms of Reference – Discipline Committees

★ 8. QUESTIONS ON NOTICE
Members are requested to submit Questions on Notice to the Chair two days in advance of the meeting.

9. GENERAL BUSINESS

Pages 136 to 137 ★ 9.1 Academic Probation Appeals Committee
★ 9.2 Program Proposals for MQ Pathway College
Refer to report from ASQC, item 1

Pages 138 to 139 9.3 University Elections Update

Pages 140 to 141 ★ 9.4 2016 Academic Year Plan

Pages 142 to 170 9.5 Emeritus Professorship Nomination

10. ITEMS FOR RATIFICATION

Pages 171 to 174 10.1 Saving Clause cases

Pages 175 to 177 10.2 Prize awards

Page 178 10.3 Matters approved by the Chair

10.4 Students qualified for an award from 3 to 29 September 2014
Report will be tabled.

11. REPORTS FROM STANDING COMMITTEES

Pages 179 to 180 11.1 Academic Standards and Quality Committee
Report of the meeting 16 September 2014.

Pages 181 to 189 11.2 Higher Degrees Research Committee
Report of the meetings held on 22 August and 26 September 2014.

12. OTHER BUSINESS

13. CONSIDERATION OF CONFIDENTIAL ITEMS

13.1 Standing Committee on Appeals
The minutes of the Standing Committee on Appeals meeting of 28 August 2014 will be tabled.

13.2 University Discipline Committee
The minutes of the University Discipline Committee meeting of 3 September 2014 will be tabled.

14 NEXT MEETING

The next meeting of Academic Senate will be held on Tuesday 4 November 2014

Agenda Items are due by Tuesday 28 October 2014
ITEM 3:  MINUTES OF PREVIOUS MEETING

Attached are the minutes of the meeting held on 2 September 2014.

Recommendation

That the minutes of the meeting held on 2 September 2014 be signed as a true and correct record.
Minutes of a meeting of Academic Senate held on Tuesday, 2 September 2014 at 9.30am in the Council Room, Level 2, Building E11A.

Present:  Professor D Verity (in the Chair)
          Deidre Anderson
          A/Professor David Coutts
          A/Professor Pamela Coutts
          Professor Bruce Dowton
          A/Professor Mark Evans
          Professor Alex Frino
          Professor Mark Gabbott
          Professor Simon George
          Professor Janet Greeley
          Professor Mariella Herberstein
          Professor Lesley Hughes
          Professor Lori Lockyer
          Professor Catriona Mackenzie
          Professor Nick Mansfield
          Professor Martina Mollering
          Professor Sakkie Pretorius
          Dr Kyle Ratinac
          Professor Anne Ross-Smith
          Professor John Simons
          A/Professor Ian Solomonides
          JoAnne Sparks
          Professor Dick Stevenson
          George Tomossy
          A/Professor Michelle Trudgett
          Vikas Veerareddy
          A/Professor Lisa Wynn
          Dr Rod Yager
          Professor Sherman Young

In Attendance  Ainslee Harvey
              Paul Luttrell
              Amanda Phelps
              Dr Ben Pitcher
              Adam Stepcich
              Zoe Williams
              Dr Kandy White
              Jonathan Wylie

Apologies: Professor Charles Areni
          Dr Wylie Bradford
          Karee Chan
          Professor Jim Lee
          Professor Peter Nelson
          Professor Jacqueline Phillips
          Alexander Read
          A/Professor Mehdi Riazi
1. **APOLOGIES /WELCOME**

The Chair welcomed members to the 2 September 2014 Academic Senate meeting and noted the change in venue to the Council Room due to unresolved internal temperature irregularities that persist in the Senate Room.

Academic Senate noted that apologies were received from Professor Charles Areni, Dr Wylie Bradford, Karee Chan, Professor Jim Lee, Professor Peter Nelson, Professor Jacqueline Phillips, Alexander Read, Associate Professor Mehdi Riazi, Cathy Rytmeister, Mohammed Sulemana, Professor David Wilkinson and Lachlan Woods.

The Chair congratulated Professor John Simons on his new role as Deputy Vice Chancellor (Academic) and welcomed Professor Martina Mollering, the recently announced Acting Executive Dean of the Faculty of Arts. The Chair also welcomed Professor Lesley Hughes, Deputy Dean Faculty of Science attending on behalf of Professor Peter Nelson and Dr Kyle Ratinac attending on behalf of Professor Jacqueline Phillips.

The Executive Dean of the Macquarie Graduate School of Management nominated Professor Charles Areni to be co-opted to fill the vacancy triggered by Professor John Croucher’s resignation from Academic Senate. The Academic Senate noted that Professor Areni was an apology to this meeting however resolved to endorse his co-option to Academic Senate.

The Chair also noted the attendance of Dr Ben Pitcher, Dr Kandy White and Paul Luttrell.

**Resolution 14/132**

That Academic Senate endorses the co-option of Professor Charles Areni as the representative from the Macquarie Graduate School of Management on Academic Senate. This co-option to expire, in the normal course of things, at the end of the current electoral term of Senate.

The Chair spoke to the new format of the Academic Senate Agenda and invited feedback from members.

2. **ARRANGEMENT OF THE AGENDA**

2.1 The Chair requested that Senate members declare any conflicts of interest.

No conflicts were recorded.

2.2 The following items were starred for discussion:

3 Minutes of previous meeting
4 Business arising from the Minutes
5 Report from the Chair
6 Vice-Chancellor Oral update
7.1 Research Integrity Framework
7.2 Research Framework Green Paper
7.3 University Medals
7.4 Student Discipline Policy
8 Question on Notice
The following two Agenda items were also for starred for discussion by members:

9.1 Proposal to Change the Name of the Faculty of Science
11.3 Higher Degree Research Appeals Committee

Resolution 14/133  
That the items not starred for discussion be noted and, where appropriate, be adopted as recommended.

(The adopted items are recorded in these minutes according to the sequence of the agenda).

3. MINUTES OF MEETING HELD 18 JULY 2014

Resolution 14/134  
That the minutes of the meeting held on 18 July 2014 be signed as a true and correct record.

4 BUSINESS ARISING FROM THE MINUTES
4.1 Academic Senate Action Items

The Chair acknowledged that the majority of these action items would be discussed throughout the meeting.

5. REPORT FROM CHAIR

The Chair noted that in future he would be providing a written update as part of the Academic Senate Agenda each month and took the opportunity to highlight a key aspect of his report (access to the full Chair’s report can be found here).

The Chair spoke to the recent meeting of the NSW/Territories Chairs of Academic Boards/Senate meeting hosted by Macquarie University on Thursday 28 August 2014. This meeting as with past meetings was very productive, with participants speaking freely about issues impacting their respective institutions. There was an acknowledgment of similar issues facing all institutions, in particular the Higher Education Standards Framework (HES), draft standards and the development of institutional academic risk frameworks.

Academic Senate noted the update.

6. VICE-CHANCELLOR’S ORAL UPDATE

The Vice-Chancellor referred members to the appointment of several new members of the Executive, including Professor H Patrick McNeil, the new Executive Dean of Medicine and Health Sciences, and Professor Barbara Messerle, the recently appointed Executive Dean of the Faculty of Science.

The Vice-Chancellor advised members that Mary Davies has commenced as the new Chief Information Officer and that the new Director of Human Resources would be announced within the coming week. The Vice-Chancellor welcomed Professor Martina Mollering as the Acting Dean of the Faculty of Arts.

Members were advised that the Vice-Chancellor’s Committee continued to monitor activities in Canberra. The Education Minister has now presented the budget reform package to Parliament and the Vice-Chancellor commented on concentrated negotiations, which would take place to facilitate the passage of the Bill. The Vice-
Chancellor indicated that at the present time, there was a lack of clarity as to which components of the Bill would be modified to facilitate passage through the Senate.

The Vice-Chancellor reported to Academic Senate that Professor Nicholas Saunders AO, former Vice-Chancellor of the University of Newcastle, has been announced as the new Acting-Commissioner of TEQSA. The Vice-Chancellor indicated a firm belief that the streamlining of regulatory requirements would continue under Professor Saunders’ leadership.

The Vice-Chancellor congratulated Ms Cindy Huang and Sharfah Mohamed, who had recently been presented with prestigious New Colombo Plan Scholarships.

The Vice-Chancellor spoke to the extraordinary success of the Global Leadership Entry Program, which was achieved through institution-wide collaboration. This program clearly demonstrates a point of distinction between Macquarie and peer institutions. The Vice-Chancellor went on to update Senate on the project to remediate postgraduate entry processes, which is the first of a series of projects to improve back office administration.

The Vice-Chancellor congratulated Associate Professor Andrew Barron, Dr Robert Lanfear and Dr Colin Klein on the award of ARC Future Fellowships. While the three successful recipients were commended for their achievements, the Vice-Chancellor noted that overall applications were below par and that this is being investigated by the Deputy Vice-Chancellor (Research).

The Vice-Chancellor updated Academic Senate that the substantial body of work around the University's brand and brand positioning was presented to the University Council meeting in August. This work would result in a new mark of the University and is vitally important to how we represent ourselves both internally and externally. The new brand would see the return of a more traditional view of a University and demonstrate a cohesive image to progress Macquarie forward.

In closing, the Vice-Chancellor encouraged members of Academic Senate to reflect upon the history of the University in this Jubilee year. Members were reminded of the importance in acknowledging the institution’s heritage as well as the individuals whose contributions influenced the development of the institution. The Vice-Chancellor informed members that he would be attending a re-dedication of a window in the old library building, which memorialised the extraordinary contributions of Elisabeth Hervic to the University’s language programs. The Vice-Chancellor noted that the Hon. Michael Kirby, who had originally dedicated the memorial during his term as Chancellor, would also be attending. The Vice-Chancellor called members to pause and reflect on the icons that reflect the outstanding individuals who have contributed to the development of Macquarie University.

Academic Senate noted the update.

7. STRATEGY AND POLICY

7.1 Research Integrity Framework

Dr Kandy White, Director Research Integrity and Ethics provided an update on the development of the Research Integrity Framework. Dr White noted that the process of development has taken six months and she took the opportunity to thank Professor Sakkie Pretorius for his leadership of this project and the other staff members involved.

The Committee acknowledged that there had been extensive consultation conducted particularly with staff since the Research Integrity Framework was first presented to Academic Senate in July 2014. Dr White spoke to the amendments to the Research
Integrity Framework that had been incorporated during consultation with staff.

The Chair observed the overlap with the Research Integrity Framework and the Student Discipline Rule. Dr White commented that targeted consultation had occurred with the Grievance and Disciplinary Manager – Governance Services.

**Resolution 14/135**
*Academic Senate unanimously endorsed the Research Integrity Framework and The Macquarie University Code for the Responsible Conduct of Research.*

Professor Pretorius thanked Dr Kandy White and Dr Ben Pitcher for their involvement and contribution to date.

7.2 Research Framework Green Paper

Professor Pretorius reported that feedback on the Research Framework Green Paper has been requested in July 2014 and had been received from Faculties, interest groups and individuals. Two Working Parties (including Associate Deans of Research and Faculty Research Managers) were involved in reviewing the submitted feedback and comments had been referred to specific sections within the University, including the International and Learning and Teaching portfolios.

It is hoped that the Research Framework White Paper will be provided to the Executive Group for adoption prior to the end of 2014.

Common themes from the feedback were obtained with the most common issue identified across the four key objectives being workload, specifically:

- Unrealistic workload allocation for teaching
- Staff workload regarding teaching and administration is a problem
- Need for either increased support or reduced teaching

The four key objectives identified were:

1. Accelerate world-leading research performance
2. Prepare world-ready higher degree research candidates
3. Engage as a world-recognised collaborator of choice
4. Deliver research with world-changing impact

In relation to Objective 1 – “Accelerate world-leading research performance”, there was general support for:

- Having a target relating to gender balance
- 50 new academic positions
- Changes to the arrangement for staff on fixed-term contracts so that they can apply for externally funded research grants and supervise HDR candidates
- Early Career Researchers (ECR) development and mentoring
- Fixing the back office
- 100% of Research only and Research and Teaching staff being research productive
- Improved research infrastructure

In relation to Objective 2 – “Prepare world-ready higher degree research candidates”, there was general support for:

- Better recognition of the workload associated with being an HDR supervisor
- Workload recognition for cross-faculty supervision arrangements
- Better use of the range of supervisor categories (eg: principal, associate, adjunct, co-)
• Streamlining all administrative processes relating to HDR – particularly admission processes, examination processes, and processes related to Cotutelle arrangements
• Changes to scholarship ranking schemes to more effectively admit the highest quality students in a way that is discipline specific

In relation to Objective 3 – “Engage as a world-recognised collaborator of choice”, there was general support for:
• Changes to OSP to support engagement
• Streamlining support for researchers to engage with industry and for industry to find engaging with the University easy
• Training and support for academics to engage with industry
• Joint appointments between the University and industry
• International visitors eg: World-leading fellows visiting the University for short periods of time

In relation to Objective 4 – “Deliver research with world-changing impact” there was general support for:
• Addressing internal barriers to multi-disciplinary research
• Reviewing the Office of Commercialisation

Professor Pretorius identified that the feedback provided was overall very constructive and would be considered by the Working Parties.

The Vice-Chancellor commended Professor Pretorius for his work and others on this project and noted the alignment with A Faming of Futures. Further feedback was invited to be provided to Professor Pretorius or the Chair. Further updates on the Research Framework will be provided at future meetings of Academic Senate.

7.3 University Medals

The Chair provided a presentation on a number of questions to be answered in considering where to next with our University medals? In previous years University medals were awarded to Honours students, however with the discontinuance of the Honours Program the eligibility criteria requires review and alteration.

The Chair noted that a link to a University medals questionnaire had been circulated to members prior to the meeting and members were encouraged to provide their comments. (Link to survey Qualtrics Survey) All questionnaire comments received would be considered and a further update would be provided to the November Academic Senate meeting.

Further consideration is to be given to the assessment process for nominations, the composition of the determining Body for the consideration to award a University medal and what if any is the overlap with Vice-Chancellor commendations.

The Committee suggested adding an additional question to the circulated questionnaire about the potential for different medal classes.

Refer to attachment 1 to these minutes for a copy of the Chair’s presentation.

7.4 Student Discipline Policy and Implementation Update

The Chair provided a presentation on the timeframes and key milestones for the implementation of the Student Discipline Policy, which supports the implementation of the Student Discipline Rule. The new Student Discipline Policy is to take effect at a time determined by the Vice-Chancellor, implementation is currently scheduled for Session 1 2015. The Chair acknowledged that there is much work to be completed...
particularly in the area of training before implementation can occur.

The Chair directed members to page 130 of the Academic Senate papers, “Attachment A – draft Student Conduct Framework developed under the working party” and provided a brief overview of the new structure and workflow. Refer to attachment 2 to these minutes for a copy of this document.

Mr Paul Luttrell, University General Counsel was invited by the Chair to speak to the members of Academic Senate. General Counsel noted in his view that the key to new process working is not documentation but the operational aspect, in particular the documents that will supplement implementation will be key to success, for example guidelines and training.

The other key factor identified by General Counsel was ensuring that the right people are involved in decision-making, with routine matters moved down to Faculties and more serious matters elevated to a University panel chaired by a member of University Council.

Deidre Anderson commended and thanked all of the people involved with this project. Furthermore she noted that the structure of the central Discipline Committee allow for quicker turnaround time and allows for technical members to be utilised in circumstances where required, for example in cases of computer fraud.

The Committee sought further clarification around the involvement of the Faculty Student Administration Managers in the recommendation and referral of academic misconduct matters to the next level and the general view was that these decisions should be made by the Head of Department. It was noted that these comments would be provided back to the Working Party.

It is proposed that Academic Senate at its meeting of 7 October 2014 will be requested to approve the Student Discipline Policy.

Refer to attachment 3 to these minutes for a copy of the Chair’s presentation.

Dr Ben Pitcher, Dr Kandy White and Mr Paul Luttrell departed the meeting at 11:01am.

8. QUESTION ON NOTICE

Members are requested to submit Questions on Notice to the Chair two days in advance of the meeting.

A question requesting an update on the Chiropractic Program was received prior to the meeting, the Acting-Dean of the Faculty of Science provided a written response to the request for an update and Professor Lesley Hughes spoke to this paper on Professor Peter Nelson’s behalf and referred members to page 134 of the Agenda papers for a summary.

The Committee reaffirmed the previously expressed commitment to the current students in the Chiropractic Program to enable them to complete their program of study.

The Committee noted that a further update would be provided to the 18 December 2014 Academic Senate meeting.

Academic Senate discussed and noted the question raised.

Professor Alex Frino departed the meeting at 11.03am.
9. **GENERAL BUSINESS**

9.1 Proposal to Change the Name of Faculty of Science

Professor Lesley Hughes spoke to this proposal and noted the graph on page 137 of the Agenda papers (accessible [here](#)) indicating the growth in engineering. The intention is to support the ongoing growth in the engineering area. It is general most common at other Universities to have a separate Faculty of Engineering and whilst this was considered it was determined that there was general acknowledgement of the merit in keeping science and engineering together. Broad consultation has occurred including discussions at the Faculty Advisory Committee. Invitations to staff for comment via their website is open until Wednesday 10 September 2014.

The Vice-Chancellor confirmed that the incoming Executive Dean, Professor Barbara Messerle is aware and is supportive of the proposed Faculty name change.

Academic Senate noted that Faculty name change requires University Council approval. Noting that the Faculty consultation process remains open for comment Academic Senate provided preliminary endorsement of the change of name to the “Faculty of Science and Engineering”.

**Resolution 14/136**

*That Academic Senate provides preliminary endorsement for the proposal to change the name of the Faculty of Science to the Faculty of Science and Engineering, pending finalisation of the consultation process.*

9.2 Proposals for New Programs:

9.2.1 Master of Advanced Translation and Interpreting Studies

The Committee considered the proposal for the Master of Advanced Translation and Interpreting Studies that had been recommended for approval by the Academic Standards and Quality Committee.

**Resolution 14/137**

*That Academic Senate approves the Master of Advanced Translation and Interpreting Studies.*

9.2.2 Master of Engineering

The Committee considered the proposal for the Master of Engineering that had been recommended for approval by the Academic Standards and Quality Committee.

**Resolution 14/138**

*That Academic Senate approves the Master of Engineering.*

9.2.3 Addition of a Specialisation – Electronic Engineering

The Committee considered the proposal for the addition of a specialisation submitted by the Faculty of Science and recommended for approval by Academic Standards and Quality Committee.

**Resolution 14/139**

*That Academic Senate approves the addition of a specialisation – Electronic Engineering.*

9.3 ASQC Committee Membership

The following members have been nominated and/or appointed to sit on the Academic Standards and Quality Committee (ASQC) with effect from August 2014:
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Minutes

- A/Professor Pamela Coutts – Chair
- A/Professor Carlos Bernal-Pulido, Dr Trevor Case, Dr Rahat Munir – One member per Faculty
- Dr Edward Watts and Dr Rod Yager – 2 members of Academic Senate
- James Meek and Cathy Rytmeister – 2 members from the Learning and Teaching Centre
- Lynn Negus – member from the Centre for Open Education
- Fiona Burton – member from the Library
- Dr Gordon Brooks, Dr Stephen Collins, Catriona Lavermicocca, Dr Peter Rogers, Dr Anne-Louise Semple, Sue Spinks and A/Professor Manjula Waniganayake - up to 8 co-opted members

The Senate noted that there are a number of available positions on this Committee still to be filled.

**Resolution 14/140**

That Academic Senate approves the appointment of the above members to the Academic Standards and Quality Committee.

10 ITEMS FOR RATIFICATION

10.1 Amendments to a Program Approval

The Senate noted that the Graduate Certificate of Management Post-MBA was considered and was approved on the 21 July 2014 by the Chair of Academic Senate and the Chair of the Academic Standards and Quality Committee.

**Resolution 14/141**

That Academic Senate approves the Graduate Certificate of Management Post-MBA.

10.2 2015 Unit Offering Definitions

An amendment was made to the 2015 Unit offering definitions approved at the Senate meeting held on 3 June 2014 (Resolution 14/83). The definition of the internal offering of “placement” was added to distinguish the offering from “Fieldwork” that is external.

The Senate noted that this variation was recommended by the Chair of ASQC and approved by the Chair of Senate on 21 July 2014.

**Resolution 14/142**

That Academic Senate approves the addition of “placement” to the 2015 Unit offering definitions.

10.3 Vice-Chancellor’s Commendations – Masters by coursework

Academic Senate ratified the award of Vice-Chancellor’s Commendations for twenty five Masters by Coursework graduands that were previously approved by the Chair of Academic Senate.

**Resolution 14/143**

That Academic Senate approves the award of the Vice-Chancellor’s commendation to the 25 Masters by coursework graduands as attached in item 10.3 of the 2 September 2014 Academic Senate Agenda.

10.4 Vice-Chancellor’s Commendations – Bachelor degrees

Academic Senate ratified the award of Vice-Chancellor’s Commendation for one Bachelor Degree graduand that was previously approved by the Chair of Academic Senate.

**Resolution 14/144**

That Academic Senate approves the award of the Vice-Chancellor’s commendation to the one Bachelor Degree graduand as attached in item 10.4 of the 2 September 2014 Academic Senate Agenda.
Resolution 14/144
That Academic Senate approves the award of the Vice-Chancellor’s commendation to the 1 Bachelor Degree graduand as in attached in item 10.4 of the 2 September 2014 Academic Senate Agenda.

Resolution 14/145
That Academic Senate approves the award of the Vice-Chancellor’s commendations to the 8 Bachelor Degree graduands as attached in item 10.4 of the 2 September 2014 Academic Senate Agenda.

10.5 Qualified for an Award

Academic Senate ratified the student identified as 43510841 qualified with the award of Macquarie University Foundation previously approved by the Chair of Academic Senate.

Academic Senate ratified the student identified as 42183715 qualified with the award of Postgraduate Certificate in Applied Finance previously approved by the Chair of Academic Senate.

Academic Senate ratified the list of students (as attached in item 10.5 of the 2 September 2014 Academic Senate Agenda) be qualified for the named awards to meet the deadlines of the September Graduation Ceremonies.

Resolution 14/146
That Academic Senate notes the list of qualified students (as attached in Item 10.5 of the 2 September 2014 Academic Senate Agenda) for addition to the September 2014 Graduation List.

11. REPORTS FROM STANDING COMMITTEES

11.1 Academic Standards and Quality Committee

Academic Senate noted the report of the meeting of 19 August 2014.

11.2 Curriculum Standards Framework Committee

Academic Senate noted the report of the meeting of 13 August 2014.

11.3 Higher Degree Research Appeals Committee

Academic Senate noted the report of the meeting of 7 August 2014.

Professor Nick Mansfield advised Senate that it had been determined that further information was available in regard to the student case identified as “Case two” (as attached in Item 11.3 of the 2 September 2014 Academic Senate Agenda). Since this information had not been available to HDRAC at the time that it made its recommendation, Academic Senate resolved to suspend a final decision in this case pending the receipt of this further information and its consideration by HDRAC. The outcome of this case is to be reported back to Senate at a future meeting.

11.4 Higher Degree Research Committee

Academic Senate noted reports of the meetings of 25 July and 22 August 2014.
Nominations for Vice-Chancellor’s Commendations

Resolution 14/147
That Sandra Janette Evans’ PhD thesis entitled “Meetings at the Table of Time: a Creative Practice Enquiry into Carnatic Jazz Intercultural Music” be awarded a Vice-Chancellor’s Commendation.

11.5 Senate Learning and Teaching Committee

Academic Senate noted the reports of the meetings of 14 July and 11 August 2014

12. OTHER BUSINESS

Nil.

13. CONSIDERATION OF CONFIDENTIAL ITEMS

13.1 Standing Committee on Appeals
The minutes of the Standing Committee on Appeals meeting of 29 July 2014 were tabled.

13.2 University Discipline Committee
The minutes of the University Discipline Committee meeting of 28 July 2014 were tabled.

13.3 Undergraduate and Postgraduate students Qualified for an award
The list of qualified students from 19 July to 28 August 2014 was tabled at the meetings.

Resolution 14/148
That the candidates in the report have satisfied the requirement for the awards stated in the submission.

14. NEXT MEETING

The next meeting will be held on Tuesday, 7 October 2014.

Agenda items are due by Friday, 26 September 2014.

There being no further business the meeting was declared closed at 11:11 am.

Professor D Verity
Chair
ATTACHMENT 1: ‘University Medals – Where to next with our University medals?’

Presentation by Professor Dominic Verity, Chair of Academic Senate.
The Past

To date the University Medal has been awarded to those Honours students who have demonstrated excellence throughout their studies.

With the retirement of (most of) our Honours degrees, it has been orphaned.
Questions for the Future
Who should be eligible?

• All Undergraduates.
• MRes students with exemplary undergraduate records.
• Students in named or advanced Bachelors degrees only.
• …
Should we award different Medal classes?

• For different program types.
• Community Service medals.
• Research frontiers medals.
• …
Assessment process?

• Nominations by Faculty / Department with supporting case.
• Portfolio.
• Community and academic references.
• Interview.
• …
Who should determine Medal awards?

• Currently a committee under direction of the Provost.

• Medals committee of Senate?

• Faculty medals committees? How would these relate to Senate.

• Specialist committees for different Medal classes?
What about the Vice-Chancellor’s Commendations?

• Currently purely GPA based.
• Should these be integrated with the Medal system?
• Would doing so dilute the reputation of the Medal?
ATTACHMENT 2: Draft Student Conduct Framework
**ATTACHMENT A – draft Student Conduct Framework developed under the working party.**

**Academic Misconduct**

Handled in accordance with the Academic Honesty Policy and Procedure (subject to amendment)

1. Academic Staff identifies possible academic misconduct, applies professional judgement and may determine the student’s conduct merits consideration of disciplinary action.*

2. Academic Staff may report possible breach of academic misconduct to Unit Convenor (UC). UC discusses with Head of Department (HoD).

3. UC/HoD may agree case warrants further actions and appoints an investigator (normally being the UC).

4. Investigator may recommend to refer the case to a Hearing Committee for determination. If so, recommendation and supporting material to be forwarded to Faculty Student Administration Manager (FSAM).

5. FSAM collates information and considers referral of the allegation of academic misconduct and evidence to the relevant Hearing Committee.

**General Misconduct**

Handled as an alleged breach of the Student Code of Conduct.

1. MQ staff notifiers *

2. MQ student notifiers *

3. Other notifiers *

* Process and platform for notification and referral of an allegation of general misconduct to Governance Services to be confirmed.

**MQ COMPLAINT HANDLING AND RESOLUTION**

**DRAFT STUDENT DISCIPLINE POLICY (SDP) 2014**

**Suggested underlying framework for handling and resolving a complaint directed at the conduct of a student_senate working party draft_incl Faculty Committees**

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* Allegations of Exam Misconduct to be referred directly to Governance Services from the exam invigilator via the Examinations Office.
ATTACHMENT 3:  ‘Student Discipline Policy Implementation Update’

Presentation by Professor Dominic Verity, Chair of Academic Senate.
Student Discipline Policy Implementation Update

Academic Senate
2 September 2014
Overview

Student Discipline Rule
Approved by Council on 10 April 2014 to take effect at a time determined by the Vice-Chancellor

Student Discipline Policy
To support the implementation of the Student Discipline Rule

Implementation
Session 1 2015
Deputy Vice-Chancellor (Students and Registrar)
Key Milestones

- Formation of Hearing Panel(s) (September 2014)
- Procedures (September 2014)
- Workflows (September 2014)
- Finalisation of Student Discipline Policy (October 2014)
- Schedule of Penalties (October 2014)
- Endorsement by Senate (October meeting)
- Training Manual and Training (October – November 2014)
ITEM 4.1: ACADEMIC SENATE ITEMS REQUIRING ACTION

For information.
## ITEM 4.1: ACADEMIC SENATE ITEMS REQUIRING ACTION AS AT 7 OCTOBER 2014

<table>
<thead>
<tr>
<th>Date of Meeting</th>
<th>Item number</th>
<th>Action required</th>
<th>Status</th>
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| 14/02/13        | 5.2         | The Executive Dean, Faculty of Business and Economics to communicate this resolution to the Timetable Project Team. *(Related Resolution 13/03 That lectures for First Year day units are prioritised within the timetable for scheduling between the hours of 9am to 5pm.)*  
The Executive Dean advised that the Timetabling Team had indicated that for the 2014 they would definitely be prioritising the 100 level scheduling, but further clarification was required to determine precisely what was meant in some unusual circumstances. Otherwise the Timetabling Team were concerned that they might unnecessarily create some dynamics that weren’t intended, or conversely, not apply a principle that they should. | Clarification required          |
| 12/07/13        | 13.7        | That the University develops a policy regarding posthumous awards. Responsible Officer, Chair Academic Senate. *(Related Resolution 13/215)*  
To be commenced |
| 1/10/13         | 10.1        | The current prerequisites for PSYC105 – Introduction to Psychology II to be discussed with further consultation with the Psychology Department. This matter is to be discussed at the next ASQC meeting on 22 October 2013.                                                                                                           | In progress                     |
| 12/11/13        | 11.2        | That a copy of the Professional Authority Form (PAF) referred to in the Disruptions to Studies policy is circulated to the members of Academic Senate.                                                                                                                                                                                                              | To be provided                  |
| 13/02/14        | 7           | That a Working Group is established to benchmark Macquarie University to the “The Purpose and Function of Academic Boards and Senate in Australian Universities” paper and provide a report to the 1 April 2014 Academic Senate meeting.                                                                                                                                                        | In progress                     |
| 1/04/14         | 7           | That Academic Senate establishes a working party to review its membership structure and report its findings and recommendations to a subsequent Academic Senate meeting.                                                                                                                                                                                       | Refer to item 7.3 on Agenda     |
| 18/07/14        | 9.12        | The following action items were referred as a result of the issues raised by the Session 1 2014 Examination Reports from the Executive Deans:  
• Issues of lack of student engagement and attendance at lectures to be referred to the Senate Learning and Teaching Committee.  
• Refer consideration of a consistent University approach to the late submission of assignments to the Senate Learning and Teaching Committee.  
• Review of first session of the implementation of the new Disruption to Studies Policy to be referred to the Senate Learning and Teaching Committee.  
• The managing of expectations for non ATAR entry English language requirements referred to the Senate Learning and Teaching Committee.  
• The use of grade distributions in the University’s assessment practices to be referred for further clarification to the Senate Learning and Teaching Committee.  
• Post Session 1 examination results analysis referred to the Academic Standards and Quality Committee for consideration. A report on its findings to be provided to Academic Senate and Faculties for action.  
• Senate Learning and Teaching Committee to consider examination reports and to identify possible policy responses to issues identified.  
• The Deputy Registrar to provide a statistical report on the application of the Withdrawal Without Academic Penalty rule and to provide an update on the progress of the process review. | In progress/to be commenced    |
| 18/07/14        | 9.13        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                 |
| 18/07/14        | 9.14        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                 |
| 18/07/14        | 13.3        | A further update on the Research Framework Green Paper is to be provided at the next Academic Senate meeting on 2 September 2014.                                                                                                                                                                                                                                           | In progress                     |
ITEM 4.2: UNIVERSITY MEDALS

For discussion.
ITEM 4.2: UNIVERSITY MEDALS

UPDATE: THE FUTURE OF THE UNIVERSITY MEDAL

Issue: At the September Senate meeting, members discussed the future of the University Medal following the retirement of most of our Honours Programs. A survey has since been circulated to all staff Senate members to canvas thoughts and opinions on preliminary issues including qualifying programs, eligibility criteria, evidence and assessment. The survey results provide helpful insight into how the University might award the University Medal in the years to come.

Consultation Process: The survey was socialised to all staff via This Week at Macquarie and a blog post on Teche.

Recommendation: For noting and endorsement of recommendation that Academic Senate determine terms of reference and membership for a working party that will continue consultation; formulate a proposal for the award of the University Medal; and review the Vice-Chancellor’s Commendations for Academic Excellence.

Submitted by: Professor Dominic Verity, Chair of Academic Senate

For enquiries contact: Ainslee Harvey, Academic Senate Project Officer, ainslee.harvey@mq.edu.au
Update: The future of the University Medal

At the September Senate meeting, members discussed the future of the University Medal following the retirement of most of our Honours Programs. Senate members were encouraged to complete a brief survey, which was designed to canvas thoughts and opinions on preliminary issues including qualifying programs, eligibility criteria, evidence and assessment.

The survey was later socialised to all staff via This Week at Macquarie, and a blog post on Teche. Despite efforts to engage the broader university community, only 38 respondents completed the survey. As a result, the responses are unlikely to be representative of the university’s views, and it is therefore difficult to draw firm conclusions from the data. Below are some general observations that provide helpful insight into how the University might award the University Medal in the years to come.

Observations from survey results

- There was strong support for the University Medal to remain an award for academic excellence.
- There was little support for other aspects of achievement to join pure academic merit as a factor in determining the award of the University Medal.
- There was greater support for academic achievement to be weighted more heavily towards the later years of study than being unweighted across the program.
- There was support for all programs to qualify for the award of the University Medal; there was not an obvious replacement for the Honours Programs.
- There was overwhelming support for the student’s GPA to remain evidence of outstanding academic achievement. There was also support for the department or faculty to continue to prepare a supporting case to accompany the nomination.
- There was little support for incorporating the Vice-Chancellor’s Commendations as an integral part of the University Medal or revising the criteria.

Recommendation

1. Senate to determine terms of reference and membership for a working party that will continue consultation; formulate a proposal for the award of the University Medal; and review the Vice-Chancellor Commendations for Academic Excellence.

Attachment A: Survey Results – The future of the University Medal
The University Medal should predominately be awarded on the basis of:
Please tick all the factors that you believe must be taken into account for the award of the University Medal.

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<tr>
<th></th>
<th>Bar</th>
<th>Response</th>
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<tbody>
<tr>
<td>1</td>
<td>Demonstrated excellence in research</td>
<td>18</td>
<td>47%</td>
</tr>
<tr>
<td>2</td>
<td>Overall academic achievement (weighted more heavily towards later years of study)</td>
<td>26</td>
<td>68%</td>
</tr>
<tr>
<td>3</td>
<td>Overall academic excellence (unweighted)</td>
<td>17</td>
<td>45%</td>
</tr>
<tr>
<td>4</td>
<td>Indicators of strong community engagement (such as performance in PACE)</td>
<td>10</td>
<td>26%</td>
</tr>
<tr>
<td>5</td>
<td>Sporting achievements</td>
<td>4</td>
<td>11%</td>
</tr>
<tr>
<td>6</td>
<td>Other / Comments</td>
<td>9</td>
<td>24%</td>
</tr>
</tbody>
</table>

**Other / Comments**

if they aren't academically excellent the rest is not relevant

definitely NOT sporting achievements or community engagement!!!! The university medal should reflect outstanding academic achievement.

Universities must value and recognise academic excellence. Community engagement and sport are important too, but are recognised in many other venues. The medal must remain an academic award.

The University Medal should certainly be accessible to students who become excellent in the course of their studies at Macquarie rather than limited to those who were excellent when they arrived and remained excellent throughout their studies.

The cultural backgrounds need to be considered ... achievements of a student from a wealthy family support system need to be balanced with achievements of a student from low SES and the multiple hurdles that face them in their journey.

**Non-sporting extra-curricular achievements**

I excluded sporting achievements because I believe that they currently receive enough recognition

The uni medal should be for academic achievement, with consideration given to a student also engaging service to the University community (or wider community) or engagement in co-curricular activities.

I feel strong community engagement, although important to the University's core values is not always achievable for students at different life stages (e.g., mothers). Perhaps they have already demonstrated this in past careers.

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<tr>
<td>Min Value</td>
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<tr>
<td>Max Value</td>
<td>6</td>
</tr>
<tr>
<td>Total Responses</td>
<td>38</td>
</tr>
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</table>
2. To qualify for the University Medal a student must be eligible to graduate in one or more of the following: Please tick all the programs that you believe should be eligible for the University Medal

<table>
<thead>
<tr>
<th>#</th>
<th>Answer</th>
<th>Bar</th>
<th>Response</th>
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<tbody>
<tr>
<td>1</td>
<td>Any named Bachelors Degree</td>
<td></td>
<td>23</td>
<td>61%</td>
</tr>
<tr>
<td>2</td>
<td>Any double Bachelor Degree</td>
<td></td>
<td>19</td>
<td>50%</td>
</tr>
<tr>
<td>3</td>
<td>Any Bachelor's degree with Honours (Law, Engineering, Psychology)</td>
<td></td>
<td>23</td>
<td>61%</td>
</tr>
<tr>
<td>4</td>
<td>Any Bachelor of Advanced Science</td>
<td></td>
<td>19</td>
<td>50%</td>
</tr>
<tr>
<td>5</td>
<td>Any Bachelor's degree</td>
<td></td>
<td>20</td>
<td>53%</td>
</tr>
<tr>
<td>6</td>
<td>BPhil</td>
<td></td>
<td>14</td>
<td>37%</td>
</tr>
<tr>
<td>7</td>
<td>MRes</td>
<td></td>
<td>23</td>
<td>61%</td>
</tr>
<tr>
<td>8</td>
<td>Coursework Masters degrees</td>
<td></td>
<td>14</td>
<td>37%</td>
</tr>
<tr>
<td>9</td>
<td>Other / Comments</td>
<td></td>
<td>7</td>
<td>18%</td>
</tr>
</tbody>
</table>

**Other / Comments**

The B Phil is an EXIT award?????

Any Bachelor degree of 4 or more years, or a Bachelor degree with honours. I don't think 3 year Bachelors should be eligible. Masters degrees should have their own category of award/commendation for outstanding performance not named University Medal.

As Dominic notes, the loss of most Honours degrees makes the "point of award" ambiguous. The MRes is too exclusive a point; the BPhil is the obvious replacement.

I'm sad Honours has been removed. It puts MacU students at a disadvantage with employers. Employers don't care about the MRes. Bring back Honours. Award Medal for honours students who are outstanding.

Equity concerns recognising that some need to get out of study and research and actually earn a living will be necessary so eligibility needs to be at the Bachelor level.

Research excellence is awarded and recognised through peer publications and research positions.

BPhil is an exit award. It should not be listed as a program.

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<td>Min Value</td>
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<tr>
<td>Max Value</td>
<td>9</td>
</tr>
<tr>
<td>Total Responses</td>
<td>38</td>
</tr>
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</table>
3. What evidence should be provided to substantiate a case for the award of the University Medal:

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<th>Response</th>
<th>%</th>
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<tbody>
<tr>
<td>1</td>
<td>Supporting case prepared by department or faculty</td>
<td></td>
<td>31</td>
<td>82%</td>
</tr>
<tr>
<td>2</td>
<td>GPA</td>
<td></td>
<td>34</td>
<td>89%</td>
</tr>
<tr>
<td>3</td>
<td>Portfolio of work</td>
<td></td>
<td>11</td>
<td>29%</td>
</tr>
<tr>
<td>4</td>
<td>Interview</td>
<td></td>
<td>7</td>
<td>18%</td>
</tr>
<tr>
<td>5</td>
<td>References (community service or otherwise)</td>
<td></td>
<td>9</td>
<td>24%</td>
</tr>
<tr>
<td>6</td>
<td>Other / Comments</td>
<td></td>
<td>8</td>
<td>21%</td>
</tr>
</tbody>
</table>

If it's academic excellence all you need is GPA and a check that the student has never been suspected of plagiarism.

For honours degrees, grade achieved for research thesis.

If this is to be a highly-valued award for excellence rather than just excellent results, it should generally require some representation of why the recipient warrants special recognition.

GPA alone is insufficient. Supporting case from dept takes place of seeking references which might be more subjective.

Interview only to ascertain if the student is willing to be a MQ ambassador if they receive the Medal.

I agree with there being an interview, but want to qualify that it should not be something that students apply for- it should be based on nomination/recommendation.

I work on the Merit Scholars Program with up to 400 of the top undergraduates (academic results) in the university, we would love to have some input and recommend students who have shown active engagement throughout their entire career at MQ.

The question is: did the student who achieved, appear to be self motivated and with a significant desire to learn.

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<td>Total Responses</td>
<td>38</td>
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4. Vice-Chancellor's Commendations for academic excellence are awarded to students who have maintained a Distinction or High Distinction result for each and every unit of study undertaken during their degree program. Vice-Chancellor commendations for academic excellence should:

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<tbody>
<tr>
<td>1</td>
<td>maintain the status quo</td>
<td></td>
<td>21</td>
<td>55%</td>
</tr>
<tr>
<td>2</td>
<td>remain as a separate award category with revised criteria</td>
<td></td>
<td>6</td>
<td>16%</td>
</tr>
<tr>
<td>3</td>
<td>become an integral part of the University Medal system</td>
<td></td>
<td>5</td>
<td>13%</td>
</tr>
<tr>
<td>4</td>
<td>Other / Comments</td>
<td></td>
<td>6</td>
<td>16%</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>38</td>
<td></td>
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Other / Comments

Vice-Chancellor's awards are broad - the medal is for the top performers
This has nothing to do with Honours. The best student could get a credit in one subject and get HD's in everyting else.
Is 'degree program' include u/g and p/g? Equity concerns need to be established and acknowledged.
A HD average should always be considered for a university medal. Otherwise, the criteria for the VC Commendations for academic excellence should maintain the status quo.
The current criteria for this commendation penalises students who may have faltered in early studies - often as a result of not finding their niche until they were a bit more mature. Some of them go on the achieve outstanding result in their major area of study and should not be held back from a commendation purely because of they achieved less than D or HD in a unit outside their major.
It just needs to be clearer what awards are on offer and the criteria associated with each.

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<td>Min Value</td>
<td>1</td>
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<tr>
<td>Max Value</td>
<td>4</td>
</tr>
<tr>
<td>Mean</td>
<td>1.89</td>
</tr>
<tr>
<td>Variance</td>
<td>1.34</td>
</tr>
<tr>
<td>Standard Deviation</td>
<td>1.16</td>
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<tr>
<td>Total Responses</td>
<td>38</td>
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5. Should Macquarie introduce separate University Medal classes to celebrate broader achievement? (For example: research frontiers, program award types, community engagement and partnerships)

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<tr>
<td>1</td>
<td>Yes</td>
<td></td>
<td>14</td>
<td>37%</td>
</tr>
<tr>
<td>2</td>
<td>No</td>
<td></td>
<td>13</td>
<td>34%</td>
</tr>
<tr>
<td>3</td>
<td>Comments</td>
<td></td>
<td>11</td>
<td>29%</td>
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<td></td>
<td>Total</td>
<td></td>
<td>38</td>
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**Comments**

- universities are about learning and those who perform well academically should be recognised - plenty of scope for recognition in other areas now
- No. Let them be called something other than ‘University Medal’. Perhaps Commendation would be more appropriate. Otherwise you will have a proliferation of University Medallists and this will dilute what this achievement means
- No - this would confuse the nature of the Medal. For sure, other awards would be valuable, but they must be distinct.
- Definitely consider it, but it is nice to have something just based on academic merit.
- perhaps but University Medal for PACE is not what I would expect.
- Introducing separate classes reduces the value of the Medal.
- Yes, but there should be only a select few; we don’t need heaps of different medals diluting the merit of people’s achievement.
- One is enough. Introducing different categories devalues the unique award.
- Not all high achieving students are interested in research, not all students engaged in excellent community engagement have a perfect 4.0 GPA
- Across the sector, University Medals are awarded on the basis of academic excellence. They are not just a personal endorsement of the worth of a student (and their lecturers), but their inclusion in a CV needs to be clearly understood by potential employers and other universities (eg if pursuing a scholarship or an academic position).
- Unfortunately by rewarding other achievements, students that do not require self support will be rewarded for their spare time activities. This is not the case for many students, who struggle with basic workload.

**Statistic**

- **Value**

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<td>Min Value</td>
<td>1</td>
</tr>
<tr>
<td>Max Value</td>
<td>3</td>
</tr>
<tr>
<td>Mean</td>
<td>1.92</td>
</tr>
<tr>
<td>Variance</td>
<td>0.67</td>
</tr>
<tr>
<td>Standard Deviation</td>
<td>0.82</td>
</tr>
<tr>
<td>Total Responses</td>
<td>38</td>
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</table>
ITEM 5: REPORT FROM THE CHAIR

*For noting.*
Update: Review of the Higher Degree Research Committee (HDRC)

On the advice of the HDRC Review Committee I have met with a range of stakeholders from across the University to obtain their thoughts about the current operation of HDRC; their level of interaction with the committee; and whether HDRC has been an effective forum to raise higher degree research matters and have them addressed. All respondents have engaged enthusiastically with the review process and have offered thoughtful comments and suggestions. Several main themes reoccurred throughout the consultation including:

- A general concern about HDRC’s governance of the MRes Program, in particular in regard to the timeliness and transparency of decision-making. Many suggested that HDRC membership be revised to include MRes Directors given the high profile of the program and its importance to the University.
- The need for a broader communication strategy to foster increased awareness of and engagement with higher degree research matters. Faculties rely heavily on Associate Deans HDR as the main conduit to raise Faculty matters and communicate decisions.
- The perception that decisions are made from the top down with little opportunity for interested staff members and HDR students to contribute advice and knowledge. Many others would welcome the opportunity to be involved in strategic discussions and as members of working groups.
- The identification of issues in regard to the student membership of HDRC, in particular the general feeling was that student members were not well supported and that their membership was tokenistic and perfunctory. Student representatives require greater support to connect with the broader higher degree community in order to be truly representative of the student voice. Moreover, HDRC must allocate time for student representatives to brief the committee on student related issues.

Perhaps most tellingly, many respondents expressed the view that HDRC was largely an administrative and operational committee and were unclear precisely what its academic governance responsibilities were. This is a confusion that is not confined to higher degree research matters, but it is indicative of a broader, systemic lack of clarity in and understanding of the role of academic governance in policy making for and oversight of the academic enterprise.

The Academic Governance Workshops on the 13th November and 1st of December have been designed specifically to initiate the process of addressing this latter issue. They are a first step in developing a shared, robust and systemic understanding of academic governance principle and practice.
The work of HDRC Review Committee will continue with a further month of interviews and consultation. Its findings, and a preliminary draft terms of reference, will be presented to HDRC for discussion / recommendation prior to presentation at Academic Senate for approval at its 18th of December meeting (post the Academic Governance Workshops).

**Report: Senate Communications Strategy**

Academic governance can only be effective if it is both fully open and inclusive, and in that regard its communications processes are of paramount importance. Consequently, we have been devoting quite a bit of time to rethinking the way that Academic Senate communicates with the Macquarie community. Members will already be aware of some significant changes to the Senate communications regime, and there is much more to come.

We have been working with the Learning and Teaching centre to develop a strong blogging presence for Academic Senate on the University’s L&T blog Teche ([http://teche.ltc.mq.edu.au](http://teche.ltc.mq.edu.au)). Pleasingly, the Chair’s report on the last Senate meeting has been trending as one of the most viewed posts on that site ever since it was released a couple of weeks ago. We are also working closely with David Sams, the University’s Internal Communications Manager, to feature the activities of Senate in some of the University’s more high profile communications venues, such as the “This Week at Macquarie” email newsletter.

Over the next few months, I will be encouraging the sub-Committee Chairs, and other members of Senate and its sub-Committees, to post to this Senate blog on key issues in their portfolios. For example, I would encourage you strongly to take the time to read, and point others to, the posts already made by Chair of SLTC, Professor Sherman Young, on various topics related to the development of the University’s new Learning and Teaching Strategic Plan.

The Senate website has been migrated to a new platform, and will be radically revamped over the next few months. In particular, we will be restructuring the way that committees present their activities; by asking them to identify the “big issues” they are currently tussling with and placing these prominently at the top of the committee homepage. We will also apply a similar discipline to the Senate homepage itself. In this way, it will take only a single click to locate an issue of interest, find out exactly where the debate on that issue currently lies, how to get involved in that discussion, what resolutions have already been made, and how the implementation process to support them is unfolding.

We are also working to introduce a central public calendar of all academic governance activities. This will provide an authoritative source of information about all meetings and activities of Senate, its sub-Committees and Working Parties. It will enable all members of the Macquarie community to see what meetings are taking place, provide input into those deliberations, and attend meetings.
Speaking personally, I’d like to strongly encourage you to take a look at my tribute to Learning and Teaching week and try out my Grandfather’s recipe for that quintessential Jamaican dish rice and peas (http://teche.ltc.mq.edu.au/recipe-success-uncle-bob-veritys-rice-n-peas).

Learning and Teaching Week

The extravaganza that is Macquarie’s Learning and Teaching Week took place in the week starting the 22nd of September. While I had intended to catch up with other things during that week, I found myself spending as much time as I could in L&T workshops and keynotes. Highlights for me were:

- The Special meeting of SLTC on the first morning of the week, which took the form of a two-handed keynote presentation of the work underway on the Learning and Teaching Strategy by the DVC-A Professor John Simons and the PVC-LTD Professor Sherman Young. A key question for those attending was “How brave are we?” – you can read more about this at http://teche.ltc.mq.edu.au/challenge-mqltweek/.

- The keynote on the second day, which was offered by Professor Richard James of the University of Melbourne and the Higher Education Standards Panel and was entitled “What makes a university a university? What might the Australian higher education sector look like by 2025?”. This was followed by an entertaining panel debate on the theme “A Teaching-Only University is not a University”, a motion which was opposed by Professor James.

- The Merit Scholars’ Panel session entitled “The Student Voice” which gave those present a golden opportunity to quiz some of our best students on what they think we do well and no so well and what we could do to improve the learning experiences we offer.

It was also a great pleasure to celebrate the achievements of our national and University wide Learning and Teaching citation winners. On behalf of Academic Senate I’d like to extend our warmest congratulations to Associate Professor Yan Wang; Dr Michaela Baker and the PACE Ethics Team; Dr Joseph Macri; Associate Professor Maria Dyball; Dr Catherine Simpson; Dr Diane Hughes; Dr Ian Collinson; and Ms Vanessa Cornelius and the First STEP Mentoring team.

While attendance was very good at all of the sessions I attended, it was noticeable that our academic colleagues were in the minority in many audiences. Even where academic attendance was strong, our senior academic ranks were not at all well represented. If we are to meet our aspirations in Learning and Teaching, it seems to me that it is vitally important for our professoriate to actively engage with L&T matters beyond the immediate concerns of their classrooms. We need to be seen to be leading in this area.
Those who were not able to attend Learning and Teaching week can find a raft of information about what took place at the conference website http://staff.mq.edu.au/teaching/workshops_programs/ltweek/ and on the Teche blog.

Departmental RPL Planning: Recognition of Informal and Non-Formal Learning

Under the AQF Qualifications Pathways Policy and our own RPL policy, we are called upon to implement mechanisms to recognise learning of all forms. Most particularly we need to implement academically rigorous processes for assessing the work and life experiences of our candidates. These may be recognised either as equivalent to a specific AQF qualification, for the purposes of entry into a program, or as meeting the learning outcomes of a specific unit of study, for credit purposes.

The real revolution here is driven by clause 2.1.6 buried deep inside the section of the AQF entitled "AQF Qualifications Pathway Policy":

Recognition of prior learning or advanced standing for relevant and current informal or non-formal learning will be available for students and may be used for entry requirements or credit towards an AQF qualification.

That document then goes on to provide the following definitions for the terms informal learning and non-formal learning**:

**Non-formal learning refers to learning that takes place through a structured program of learning but does not lead to an officially accredited qualification.**

**Informal learning is learning gained through work, social, family, hobby or leisure activities and experiences. Unlike formal or non-formal learning, informal learning is not organised or externally structured in terms of objectives, time or learning support.**

This is a significant philosophical departure for Macquarie. Traditionally we have been quite reluctant to recognise anything other than learning that has been formally accredited by a Higher Education Provider. Indeed, prior to the introduction of the RPL policy, we actually had no mechanism in our policy base to allow for the recognition of these forms of learning. Where this did happen it was therefore, largely, unregulated and subject to exceptional signoff at Academic Senate or Executive level.

Under the RPL policy, Departmental RPL Plans are the mechanism by which Faculties will manage the recognition of informal and non-formal learning. They will lay out clear criteria to be applied to the assessment of these forms of learning and specify the assessment processes that candidates must submit to in order to validate their prior learning. These plans are to be approved by Faculty Boards, will be made publicly accessible, and will then provide Departments with the authority to approve
the recognition of these kinds of prior learning. A Tracker based system to manage the development, approval and publication of Departmental RPL Plans has now been released to the Faculties. Departments have been invited to populate their plans, and the Associate Deans of Standards, Quality and Curriculum are shepherding this work.

The Departmental RPL planning process will be locally managed, approved and quality assured in the Faculties. ASQC will take on an annual auditing role, with an initial sample of plans to be assessed during the first ¼ of 2015.

Given our philosophical commitment to lifelong learning, it seems to me vitally important that the University should do whatever it reasonably can to recognise the prior learning of our candidates, regardless of the form that it takes. As an academic working in the confluence of computer science and mathematics whose formal education in the former discipline concluded when I was fifteen, I would dearly like to hope that over 30 years of professional, research and teaching experience in that discipline could be counted towards credit in our degrees.

Equally importantly, we know that candidates are already making University decisions on the basis of the amounts of credit that they might be granted for their prior learning. Given that all Australian Universities are travelling down this path to RPL liberalisation, under the encouragement of the AQF, this is likely to become an increasingly important competitive factor for us.

Review of the Assessment, Grading, Unit Outline and Examination Policies

Work to review our the key policies governing Assessment, Grading, Unit Outline and Examination continues under the aegis of the Senate Learning and Teaching committee. It is envisaged that these separate policies will be combined to provide an overarching and more consistent framework to govern our assessment practices from end to end. We are considering places where these policies can be liberalised, examining points of failure and inconsistency and identifying matters in which the current policy base is completely silent.

The areas identified for particular attention in the consultation phase include:

- Specifications of minimum numbers and weightings of assessments.
- Greater attention on assessment practices at the program level, rather than simply at the unit level.
- Policy in regard to hurdle assessments (of the kind “you must pass X to pass the unit”) and threshold requirements.
- Expectations in regard to feedback on assessment submissions.
- Group work regulations.
- Greater guidance on the requirements of standards based assessment and its relationship to matters such as grade distribution norms.
• The relationship between SNGs, Grades and GPAs – for example should we move to a single finely graded Grade scale in preference to a hybrid Grade / SNG model.
• Regulations in regard to final examinations.
• Standards in regard to the anonymity of assessment.
• Standards for the recording of assessment tasks.
• Supplementary assessment rules, especially where assessments are designate as hurdle assessments.
• Standardised penalties for late assessment submissions.
• Clauses to protect the integrity of the assessment processes.
• The potential for new grade categories – such as a Compulsory Fail (CF), a fail grade that signifies failure due to the failure of a hurdle assessment.

I am currently working with Ainslee Harvey, Marina Harvey (no relation I believe) and the members of the assessment working party to develop an options paper based upon these categories. This has been informed by a policy benchmarking exercise against a basket of comparator institutions. This options paper will be presented to the 20th October meeting of SLTC, and the working party will proceed to an initial draft policy for promulgation and consultation based upon the feedback of that committee.

The review of these policies intersects significantly with parallel work being undertaken by CSFC to establish a set of threshold standards for the moderation and peer review of all of our assessments. This comprises the key element of the standards framework that needs to be put in place to support Faculty based ratification of Unit results.

This working party is conscious of the imperative that it work should not pre-judge any considerations that may arise in the L&T strategy process. On the whole, this work is a matter of liberalising our policies while identifying any glaring gaps. So it was felt that its work should not be put on hold pending the determination of that strategy. However, any new policy will not be put to SLTC or Senate for approval until the form of the new L&T strategy has been determined. That will allow us to make any required adjustments prior to its adoption.

In the meantime, the 2013 rule review process removed some clauses from the old rules with the intention of transferring them in to one or other of these four policies. Given that a new suite of policies is unlikely to progress to approval before the first half of 2015, I will be bringing some emergency amendments to the existing policies to the November Senate meeting (via SLTC).
ITEM 7.1: INTELLECTUAL PROPERTY POLICY

**Recommendation**

*Academic Senate recommends this IP policy for approval by the Deputy Vice-Chancellor Research, subject to confirmation of any subsequent minor amendments by the Chair of Academic Senate.*
ITEM 7.1: INTELLECTUAL PROPERTY (“IP”) POLICY REVISION

ISSUE

Consistent with the University’s purpose of service and engagement as defined by the Framing of the Futures, a fundamental goal of the Research Framework is to facilitate the efficient and timely transfer of our research to industry, government and the community in a form which is investment ready and therefore potentially capable of creating impact. Consequently, there is a need to change the University’s IP Policy.

DISCUSSION

The need for change

The current version of the IP policy was last revised in 2006 and was arguably written with an internal focus. Since then there have been many changes to the University’s modus operandi and environment, for example the establishment of the Corporate Engagement and Advancement Office. Therefore a review of the policy to cater for the increased external focus by Macquarie is warranted.

The purpose of the revised policy

The overall purpose of the current is to set out how the University treats the IP of the University, the members of the University community and third parties. This has not changed. However, to provide for the requisite external focus an explicit primary aim has been introduced. This primary aim is to provide a framework in which industry, government and the community can easily engage with the University on matters relating to the adoption of its IP for national and global benefit, while at the same time protecting the interests of its staff and students.

Therefore, the criteria applied when promulgating the revision were that it must be:

1) business friendly;
2) commercially reasonable;
3) supportive of entrepreneurial activity; and
4) operationally efficient.

In addition we must adhere to the National Principles of IP Management for Publicly Funded Research (“National Principles”) if we wish to accept ARC and NHMRC funding.

Key principles applied

The key principles of the previous policy essentially remain. These are:

1) the University respects the academic rights of University employees and students to publish the results of their research or otherwise disseminate those results freely. In the interests of optimising research funding, promoting external engagement and facilitating direct economic impact in addition to academic pursuits, where a University member believes it advantageous, or the University is under a contractual obligation to do so, the IP associated with publication should be protected beforehand and in accordance with any contractual obligation;
2) commercialisation of IP will be undertaken with due:
   a) recognition of stakeholder including commercial partner needs and any agreements between the University and those stakeholders;
   b) recognition of intellectual input from stakeholders including commercial partners;
c) assessment of the value of the IP to the University and to its stakeholders including commercial partners;
d) regard to the rights of the creators and/or the owners of that IP;
e) consultation and communication with the creators/owners of that IP;
3) unless the employment contract provides otherwise IP created by a University employee in the course of their employment is the property of the University;
4) subject to appropriate waiver provisions all University students enrolled in Higher Degree Research projects and other students who have a research component formally integrated into their program of study are requested to assign their IP rights (other than the copyright in their thesis) to the University in return for the same IP benefits as employees; and
5) a commitment to recognise, respect and protect Indigenous and traditional knowledge as being the IP of Aboriginal and Torres Strait Island peoples and other Indigenous peoples.

Key changes to previous policy

However, to facilitate the application and implementation of the criteria applied the following key changes which are either clarifications or liberalisations of the existing policy have been applied:

1) the insertion of a clear statement that the University respects the academic rights of University employees and students to publish the results of their research or otherwise disseminate those results freely. (The current policy encourages publication without recognising the right to do so);
2) consistent with the above, subject to contracts with third parties to the contrary and the National Principles, the replacement of the duty to disclose internally all IP intended for public disclosure by a University member with the obligation to comply with reasonable directions from the Intellectual Property and Commercialisation Advisory Committee (IPCAC) once the University member decides to submit an Innovation Report to that committee;
3) reasonable rather than maximum returns from commercialisation are now acceptable;
4) the introduction of the concept of considering the relative value of IP to both the University and our partner when determining “reasonable” returns;
5) specific inclusion of contract research into the policy;
6) an explanation of the delegated authority for the disposal / transfer of IP to third parties and the introduction of guidelines and procedures in relation to this activity, including a “no strings” approach to Outside Study Program placements with industry;
7) specific reference to the grant of royalty free licences (such as using the Easy Access IP model) when appropriate; and
8) amplification of our obligations in relation to dealing with and exploiting IP which may impinge upon Indigenous IP or traditional knowledge.

CONSULTATION PROCESS

To ensure wide representation and consultation a working group comprised of members of the Commercialisation and General Counsel Offices, a senior academic, an industry representative and a post graduate student was convened by Deputy Vice Chancellor (Research). The following entities have been consulted: Chair Academic Senate, Research Strategy and Planning Committee, University staff via survey, HDR students via survey, Dean HDR, HDR Office, Research Office, PACE, Corporate Engagement Office, General Counsel, HPD FBE and ASAM, external companies and venture capitalists.

As part of this consultation process the Office of General Counsel prepared Attachment 1 which contains a matrix setting out the Policy’s position on the ownership of various types of IP that may arise in the university context. The draft Policy (Attachment 2) may require some minor amendments as a result.
### Employees

<table>
<thead>
<tr>
<th>Work Type</th>
<th>Type of IP</th>
<th>Created By</th>
<th>Owned By (Policy position)</th>
<th>Exceptions/Limitations to ownership (Policy position)</th>
</tr>
</thead>
</table>
| Scholarly Work                                | Copyright    | Employee   | Employee                    | • Specific work commissioned by MU – MU will own under the terms of the commissioning contract  
                                                             • Where MU and Employee have agreed for MU to assist with publication or other commercial development, ownership will be as set out in the agreement  
                                                             • Where MU is the publisher, MU owns copyright in the works |
|                                               |              |            | (MU has a non-exclusive, royalty-free licence to use for educational purposes, as per Enterprise Agreement)<sup>1</sup> |                                                       |
|                                               |              |            | Moral rights                | Nil                                                   |
| Teaching Materials                             | Copyright    | Employee   | MU<sup>2</sup>              | Nil (assumes always produced in course of employment)<sup>3</sup> |
| Other literary, artistic, dramatic or musical works, films, broadcasts, computer program | Copyright    | Employee   | Employee<sup>4</sup>        | Nil                                                   |
| Research                                      | Patent rights, designs, trademarks, circuit layout, trade secrets | Employee | MU<sup>5</sup> | • Where produced outside course of employment  
                                                             • Research governed by 3<sup>rd</sup> party agreement (e.g. funding agreement, collaborative research agreement); rights to IP will be determined by position set out in agreement |

<sup>1</sup> If MU develops the licensed IP for educational purposes, MU and the employee must negotiate an agreement regarding distribution of proceeds – as per Enterprise Agreement.

<sup>2</sup> Ownership of teaching materials by MU is provided for in the Enterprise Agreement; however university ownership of teaching materials is not uniform across the sector.

<sup>3</sup> Notwithstanding MU’s ownership of teaching materials, conflicts regarding how teaching materials can be used can still emerge, e.g. employees placing teaching materials on a MOOC without prior clearance. It is recommended that MU consider issuing guidance covering specific scenarios.

<sup>4</sup> Moral rights, in particular the right of attribution, raise particular problems in the context of the update and evolution of teaching materials and the question of attribution of prior authors. The Copyright Act recognises that the author’s right of attribution is not is not infringed where “it was reasonable in all the circumstances” not to identify the author. It is recommended MU develop guidance as to its position on attribution.

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<sup>Attachment 1</sup>
### Intellectual Property Ownership Matrix – Coverage of MU Intellectual Property Policy Version 4.1

<table>
<thead>
<tr>
<th>Work Type</th>
<th>Type of IP</th>
<th>Created By</th>
<th>Owned By (Policy position)</th>
<th>Exceptions/Limitations to ownership (Policy position)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Existing IP</td>
<td>All types</td>
<td>Employee</td>
<td>Employee</td>
<td>Where not disclosed in accordance with Policy and original ownership cannot be proved, IP is deemed to belong to MU</td>
</tr>
<tr>
<td>Indigenous IP⁵</td>
<td>Copyright, confidential information</td>
<td>Traditional owners</td>
<td>Traditional owners</td>
<td>Nil</td>
</tr>
</tbody>
</table>

⁵ Although ownership of IP is asserted by MU, the Policy leaves the initial decision as to whether to publish research results or commercialise to the employee.

⁶ The *National Principles of Intellectual Property Management for Publicly Funded Research* (2001) require research institutions, in implementing IP ownership policies, to have particular regard to IP impinging on the cultural, spiritual or other aspects of Indigenous people. The Arts Law Centre and the Australia Council of the Arts have issued practical guidance concerning how indigenous IP issues should be approached and addressed with indigenous IP owners/custodians. It is recommended that MU issue guidelines referencing these policies to assist MU employees and students address indigenous IP issues.
### Intellectual Property Ownership Matrix – Coverage of MU Intellectual Property Policy Version 4.1

#### Students

<table>
<thead>
<tr>
<th>Work Type</th>
<th>Type of IP</th>
<th>Created By</th>
<th>Owned By (Policy Position)</th>
<th>Exceptions/Limitations to ownership (Policy Position)</th>
</tr>
</thead>
</table>
| Research (produces invention/innovation in some form) | All types (e.g. patent rights, circuit layout, copyright, trade secret) | Student | Student | • HDR Students/ Students with formal research component are required on enrolment to assign rights to any IP created in the program of study  
• All Students may also be requested to assign IP where work is funded by a third party and MU is contractually required to transfer IP rights to the third party or unless agreed otherwise |

#### Additional exceptions

- Where IP is an adaption of existing MU IP
- Where IP is jointly created with Employee/Associate, MU will assert its rights over its share of the IP and MU may require the Student to assign their rights
- Where there has been material use of MU resources, may be requested to assign IP

<table>
<thead>
<tr>
<th>Theses, submissions</th>
<th>Copyright</th>
<th>Student</th>
<th>Student</th>
<th>Subject to rights of MU or a third party in any underlying work or development on which the thesis/submission is based</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moral rights</td>
<td>Student</td>
<td>Student</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

| Teaching Materials | Copyright | Student | Student⁷ | Where IP is an adaption of existing MU IP  
Where IP is jointly created with Employee/Associate, MU will assert its rights over its share of the IP and MU may require the Student to assign their rights  
Where there has been material use of MU resources, IP may be requested to assign IP |

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⁷ This section applies to IP created by students as students. Where student is also an employee (e.g. research assistant), any IP created in the employment role will be treated the same as other employees.
# Intellectual Property Ownership Matrix – Coverage of MU Intellectual Property Policy Version 4.1

<table>
<thead>
<tr>
<th>Work Type</th>
<th>Type of IP</th>
<th>Created By</th>
<th>Owned By (Policy Position)</th>
<th>Exceptions/Limitations to ownership (Policy Position)</th>
</tr>
</thead>
</table>
| IP created during external placement | All types  | Student    | Student                    | • Where the placement agreement provides otherwise (e.g., IP belongs to 3rd party)  
• Material use of MU resources  
• Student has used MU background IP  
• MU Supervisor has contributed substantially to the project |
| Pre-Existing IP               | All types  | Student    | Student                    | Where not disclosed in accordance with Policy and original ownership cannot be proved, IP is deemed to belong to MU |

*The Policy does not address the separate issue regarding IP ownership of lecture presentations and student on-line postings of lecture notes and transcripts (e.g. NexusNotes [http://www.nexusnotes.com/]). It is recommended as a separate exercise that MU consider this matter further to determine its position and issue guidance.*
# Intellectual Property Policy

<table>
<thead>
<tr>
<th>Purpose</th>
<th>To describe how the University intends to identify, claim and manage the Intellectual Property (“IP”) of the University, its employees, students and third parties.</th>
</tr>
</thead>
</table>
| Overview | The primary aim of the Policy is to provide a framework to declare and protect the rights of the University and University Members while enabling access and engagement by industry, government and the community on the use and exploitation of the University's IP for national and global benefit.  
This Policy is based on principles aimed at facilitating the efficient and timely transfer of our research to industry, government and the community in a form which is capable of creating impact for the community at large and rewarding our employees, students and stakeholders in a commensurate manner. These principles are that the policy must be:  
1. Business friendly,  
2. Commercially reasonable,  
3. Supportive of entrepreneurial activity, and  
4. Operationally efficient.  
In addition, the University is obligated to adhere to the “National Principles of Intellectual Property Management for Publicly Funded Research” prepared in 2001. It is a condition of funding from the Australian Research Council (ARC), the National Health & Medical Research Council (NHMRC) and other research funding agencies that the University observes the National Principles.  
In order to meet the obligations set out in the National Principles, the University must be able to clearly identify, claim and demonstrate ownership of its Intellectual Property in order to manage and accordingly grant its Intellectual Property rights to third parties (such as commercial partners, employees and students or funding organisations) on a case-by-case basis. |
| Scope | All University Members |
| Policy Document Structure |  
| Definitions |  
1. Policy Objectives  
2. Key Principles  
3. Identification and Disclosure of IP  
4. Ownership of IP  
4.1 University Employees  
4.2 Students  
4.3 Associates  
4.4 Independent Contractors  
5. Commercialisation  
6. Procedural aspects  
7. Compliance and Breaches |
DEFINITIONS

“Administration Material” is material that is created/generated by the administrative processes of the University, and includes all material that is not teaching or research.

“Associate” means any person other than a University Employee or Student of the University who takes part in any research project or scholarly activity that is conducted by any University Employee or Student of the University, or who visits any part of the University to conduct research, scholarship or any related activity during which time he or she creates IP. Examples of Associates include; Adjuncts, Visiting Lecturers, Honorary staff, Emeritus Professors, Visiting Researchers, Persons employed to undertake research at the University by controlled entities.

“Confidential Information” means all information of a confidential nature, and may include technical, proprietary and operational information, drawings, techniques, processes, know-how, trade secrets, business plans, customer lists and other commercially valuable information of any kind.

“Incidental Use” means the routine use of office, library or other publicly available information, machine shop, desktop workstations and communication and storage servers.

“Intellectual Property (IP)” includes all copyright and all rights in relation to inventions (including patent rights), registered and unregistered trademarks (including service marks), registered and unregistered designs, Confidential Information, and circuit layouts and all other intellectual property rights resulting from intellectual activity in the academic, industrial, scientific, literary and artistic fields recognized in domestic law anywhere in the world.

“Intellectual Property and Commercialisation Advisory Committee (IPCAC)” is a University Committee responsible for the development of strategy and policy in the areas of IP, innovation and commercialisation. It advises the Deputy Vice Chancellor (Research) on strategic matters relating to the University’s IP and the commercialisation thereof. The Office of Commercialisation oversees the day-to-day management of IP and commercialisation process and will give effect to the decisions of the IPCAC.

“Office of Commercialisation” is an office of the University reporting directly to the Deputy Vice Chancellor (Research) which has delegated authority to undertake Research Commercialisation on behalf of the University.

“Moral Rights” are a sub-category of rights set out in the Copyright Act 1968 which protect the right of a creator of original copyright works and cinematograph films to be recognised as the creator of those works (the Right of Attribution) and to object to the derogatory treatment of those works (the Right of Integrity) and the right not to have someone else falsely attributed as the creator of those works (the Right of Protection Against False Attribution). Furthermore, moral rights vest in the creator irrespective of his/her employment status and the ownership of the copyright in the work.

“Scholarly Work” is work that includes any article, book, manual, musical composition, creative writing or like publication or any audio, digital or electronic media that contains material written by an individual (University Employee, Student or Associate) based on that individual's scholarship, learning or research, but does not include work that is a computer program, Teaching Material or Administration Material.

“Student” means any undergraduate, postgraduate or Non-Award student duly
enrolled in the University, whether based on or off-campus.

“Teaching Material” means all information, documents, materials or digital or electronic objects created or used for the purposes of teaching and education at the University and includes lecture notes that are made available to students, computer-generated presentations, course guides, overhead projector notes, examination scripts, examination marking guides, course data bases and websites, including personal teaching and lecture notes made available to students.

“University Background IP” is Intellectual Property owned or controlled by the University prior to the creation of IP by a Student during the term of their enrolment.

“University Employee” means all persons appointed to the academic or general staff of the University who receive remuneration, whether they hold full-time, part-time or casual appointments.

“University Member” means a University Employee, Student and Associate.

1. POLICY OBJECTIVES

This Policy has the following objectives:

a. To encourage originality and innovation for the development of IP by employees, students and their stakeholders including commercial partners;

b. To facilitate the efficient transfer of University innovation arising from our research to industry, government and the general community;

c. To appropriately acknowledge and protect the interests of University Members in the development of IP while recognising the investment, input and rights of the University and its stakeholders including commercial partners;

d. To obtain a commercially reasonable return to the University community from valuable IP by appropriate commercialisation procedures (including establishing an optimal environment for obtaining research funding);

e. To develop awareness and appreciation within the University community of significant issues in relation to IP, including potential commercialisation, the need not to publicly disclose work until the IP has been appropriately protected, the need to avoid infringing third party rights in the compilation and exploitation of IP, and the need to maintain appropriate records on IP development; and

f. To be consistent with sound academic and commercial practice, the University's responsibilities, applicable legislative requirements and legal principles.

2. KEY PRINCIPLES

This Policy acknowledges the following basic principles:

2.1 Identification and Disclosure of IP

a. The University respects the academic rights of University Employees and Students to publish the results of their research or otherwise disseminate those results freely. However, such publishing is subject to compliance with
requirements of contracts with third parties pertaining to the research. In addition, where the University Member believes it advantageous to commercially exploit any IP, the IP associated with the research should be appropriately protected before publication.

b. Confidential Information of the University or third parties contracting with the University must be maintained by University Members.

### 2.2 Ownership of IP

a. Unless the employment contract provides otherwise, IP created by a University Employee in their course of employment is the property of the University;

b. The University will negotiate with any Associate, on a case-by-case basis, to commercialise and share on reasonable terms the benefits of any IP developed by the Associate during their time working with the University and therefore, in certain circumstances an Associate may be asked to assign her/his IP to the University;

c. subject to appropriate waiver provisions all University Students enrolled in Higher Degree Research projects and other Students who have a research component formally integrated into their program of study are required to assign their IP rights to the University upon enrolment in return for the same IP benefits as Employees;

d. The University commits to recognise, respect and protect Indigenous spiritual and cultural beliefs and traditional knowledge as the IP of Aboriginal and Torres Strait Island peoples and other Indigenous peoples;

e. The University acknowledges the Moral Rights of creators under the Copyright Act 1968.

### 2.3 Commercialisation of IP

Commercialisation of IP will be considered carefully, with full regard to and in consultation with, the creators and/or IP owners and with:

a. Recognition of the interests of stakeholders including commercial partners and the community;

b. Regard to any contractual obligations existing or arising between the University and those stakeholders;

c. Recognition of the intellectual input of stakeholders including commercial partners;

d. Assessment of the value of the IP to the University, the community and to its stakeholders including commercial partners; and

e. Due reward to University Members who created the IP.

### 3. IDENTIFICATION AND DISCLOSURE OF IP

Subject to the National Principles of IP Management for Publicly Funded Research [http://www.arc.gov.au/about.arc/principles.ip.htm](http://www.arc.gov.au/about.arc/principles.ip.htm) and any contracts the University may enter into with third parties that delay, or limit or restrict public dissemination of information, University Employees are entitled to decide whether the results of any
research undertaken by them in the course of their employment with the University shall be published or disseminated to other persons to use freely or disclose as they wish in accordance with normal academic practice.

However, if University Members decide that associated IP should be exploited commercially, it is a requirement of the University that they notify the Office of Commercialisation in a timely manner and agree to be bound by reasonable directions issued by the IPCAC.

3.1 Importance of correctly identifying contributors

It is crucial that creators of IP are correctly identified during the disclosure process. IP protection may be lost if a creator is not correctly identified, for example, failure to name the correct inventors may invalidate a patent.

Correct and complete identification is also required to enable procedures on the distribution of net proceeds/benefits arising from commercialisation of that IP as set out in University policies.

3.2 Treatment of Confidential Information

The University requires that all University Members maintain the confidentiality of Confidential Information. University Employees should also consult the Staff Code of Conduct.

The treatment of confidential information is particularly important in the following contexts:

a. For commercial projects and research that have results that may be protected by way of a patent or other form of registrable IP, successful protection may depend upon keeping the results or invention confidential until the patent (or other registrable IP) application has been lodged;

b. The University may develop valuable know-how which is not capable of being protected by patent or other forms of registrable IP, but which nevertheless has potential commercial benefits. This know-how can only be protected by upholding comprehensive confidentiality restrictions; and

c. In circumstances where Members become aware of Confidential Information concerning the University’s strategic plans or other information that could affect the commercialisation of IP, or where the University is contractually bound to keep confidential Confidential Information (whether the University’s or a third party’s).

Under certain circumstances University Employees, Students and/or Associates may be asked to enter into specific confidentiality agreements. University Members are advised not to sign these documents without prior consultation with the Deputy Vice Chancellor (Research) or his/her nominee. This is to protect University Members from assuming unnecessary legal obligations. Independent external legal advice may be arranged if this is warranted. For the avoidance of doubt, the Office of General Counsel serves the best interests of the University and as such is unable to provide any advice to individuals in their personal capacity.

3.3 Respecting third party rights

Under this Policy, University Members are required to respect the rights of third parties in relation to IP, including those belonging to commercial partners. University Members may be required to provide certain information and otherwise co-operate in processes designed to protect third party rights.

Respect for the rights of third parties may involve:

a. Correctly identifying the ownership of underlying material (or rights therein) for
any new development;

b. Correctly acknowledging the contribution of third parties, including previous employers of University Employees, current employers of Students or other third parties;

c. Not infringing the Moral Rights of third parties; and

d. Being respectful of and correctly acknowledging Indigenous spiritual and cultural beliefs. Traditional knowledge or other IP of Indigenous people must be accessed on terms that are fair and with the agreement of the Indigenous people through whom the knowledge or IP is accessed. The right to use or access traditional knowledge (including making a written, visual or audio record) must be respectful of the secrecy or confidentiality obligations imposed on the material by the traditional owners.

3.4 Pre-existing IP

The University must ensure that it treats pre-existing IP appropriately and does not claim rights that it does not have.

To ensure that IP created by a University Member prior to their employment, association or enrolment with the University is appropriately identified, University Members are required to disclose and register all pre-existing IP to the extent that she/he is legally and contractually permitted to do so, within 30 days of commencing at the University.

As part of this process, University Members must inform the University if that IP is subject to any third party rights, for example the rights of the University Employee’s previous employer, a Student’s current or former employer, or a publisher.

Existing University Members are also required to make a similar disclosure if they become aware that anything that they have developed is based on pre-existing IP or third party rights.

The University will assume that anything not so disclosed is IP of the University, unless evidence to the contrary can be demonstrated.

4. OWNERSHIP OF IP

4.1 University Employees

IP created by University Employees in their course of employment is the property of the University. For the purposes of clarity, any and all Teaching Materials, in any form, that have been developed by a University Employee in their course of employment at the University will be owned by the University as the employer.

Where IP created by a University Employee has not been created in the course of employment, the University Employee may still have obligations, such as fiduciary obligations, to the University in relation to such IP. This may arise, for example, where the IP has been created using University resources or through use of an opportunity provided by the University, or through the use of IP belonging to the University. The University does not waive any rights it may have in relation to such IP.

Where University Employees work on personal projects (these are projects that are not considered to be part of their course of employment) the University advises that such employees immediately discuss these projects with their academic supervisor or line manager so as to assist in identifying whether any issues in relation to the ownership of IP may arise (including any potential conflict of interest).
4.1.1 Existing University Employees
The University may agree with an existing University Employee carry out a particular project beyond the scope of that University Employee’s normal duties. This may or may not be for additional payment or under a separate employment contract. In such circumstances, the individual remains an employee of the University. For example, if a University Employee is asked to work on a project and is relieved of teaching duties, work on the project will be treated as being in the Course of Employment of the University Employee and not as a separate contract.

4.1.2 Scholarly Work
The University will not assert ownership of copyright in Scholarly Work created by University Employees, except under any of the following circumstances:

a. Where the Scholarly Work has been specifically commissioned by the University, including work commissioned as a result of contractual arrangements between the University and third parties;

b. If the University agrees to assist with the publication or other commercial development of the Scholarly Work, the University will negotiate an appropriate distribution of all income arising from that process, including recovery of the University’s costs; or

c. Where the University is the publisher of a work, then the University will own the copyright in that work and any benefits arising therefrom.

4.2 Students
Generally, Students retain ownership of IP created by them in the course of their study at the University.

However, on enrolment Higher Degree Research Students and other Students who have a research component formally integrated into their program of study will be requested to provide an assignment of IP in the projects which they undertake or are associated with as Students. For the avoidance of doubt, such assignments will not include IP developed solely by the student without any use of University resources or IP and without reliance on IP included in the assignment.

Any Student may submit a request to the University to waive this assignment and each request will be considered on its merits. HDR Candidates please refer to the Procedure: Request a Waiver of HDR Candidate IP Assignment. Other Students should consult their faculty Associate Dean (Teaching and Learning).

In addition, Students may also be requested to provide an assignment of IP in the projects which they undertake as Students in the following circumstances:

a. The work that led to the creation of the IP was funded by a third party and which the University has a contractual obligation to transfer IP rights to that third party or protect IP rights for the benefit of that third party; or

b. A specific contract has been negotiated to the contrary.

In each of the circumstances above the Student will have the right to decline involvement in the projects associated with the contracts and an assignment will not be necessary.

In any other case where the IP developed by a Student is an adaptation of the University’s IP, or where a University Employee or Associate (e.g. PhD supervisor) is a joint creator of the IP, then the University will retain its rights in any IP owned by it and the University does not waive any rights that it may have in that regard. In addition the Student may be requested to assign his/her rights in the IP to the University or third party as required under contract.
In cases where IP was created by a Student through the use of University resources (other than mere Incidental Use) the Student may be requested to assign his or her rights to the IP.

In all cases, Students will retain ownership of copyright in their theses or other submissions (subject to the rights of the University or third parties in any underlying work or development on which the submission is based). Students who assign their IP to the University will be acknowledged as having the same rights (to the benefits of commercialisation) as University Employees.

At any time during the course of a Student’s studies or after a Student candidature has been completed or terminated he/she may submit a request to the University to acquire rights to exploit IP developed by him/her and previously assigned to the University. In all cases the request will be considered on its merits. The nature of the rights granted may vary depending on the merits. Examples are an assignment upfront or an option to exploit subject to the satisfaction of reasonable performance criteria. HDR Candidates should refer to the Procedure: Request to Transfer IP Rights to HDR Candidate for further information. Other Students should contact the Office of Commercialisation directly.

4.2.1 Student employees
Students who are employed as research assistants or in other positions by the University will be treated on the same basis as other University Employees.

4.2.2 Student placements with external institutions
The University actively encourages Students to participate in work or educational experiences with external institutions. Examples include the Professional and Community Engagement Program (PACE) and Internships.

Ownership in IP developed by a Student while he/she is participating in a student placement with an external institution (“the host”) is considered by the University to be owned by the Student except in the following circumstances:

a. A specific contract (including any assignment executed pursuant to clause 8) has been negotiated to the contrary;

b. A Student has used University resources (beyond Incidental Use);

c. A Student has used University Background IP, or

d. Where the University supervisor has contributed substantially to the project.

In these circumstances, the University will assert its rights in any IP developed and does not waive any rights that it may have as the owner of the IP.

4.2.3 Student Advice
Students uncertain of their rights relating to IP ownership should seek advice from the Office of the Deputy Vice-Chancellor (Research). This office may organise independent legal advice for Students where appropriate. For the avoidance of doubt, the Office of General Counsel cannot provide such advice in case such advice is contrary to the best interests of the University.

4.3. Associates
While having due regard to an Associate’s obligations to a third party, for example an employer, Macquarie University will negotiate with any Associate, on a case-by-case basis, to commercialise and share on reasonable terms the benefits of any IP developed by the Associate during their participation in any research project or scholarly activity at the University.
In certain circumstances, Associates may be asked to assign their IP rights to the University.

4.4 Independent Contractors
Independent contractors are not necessarily obliged to transfer IP ownership in material they may develop under a contract with the University nor abide by confidentiality restrictions in material received or developed under the contract.

However, University contracts will ordinarily vest IP in material developed under the contract with the University and require the independent contractor to maintain confidentiality.

5. COMMERCIALISATION

5.1 Commercialising IP
IPCAC will consult with the creators of the IP and determine if there is a favourable opportunity for commercialisation of the IP. In general, the management of individual commercialisation projects will be undertaken by the Office of Commercialisation with reasonable consultation with the creators of the IP.

Where the decision is made by the University not to proceed with the protection or commercialisation of IP, or if a decision is made to cease commercialising at a later stage, the University will, on request, licence or assign the IP to the creator/s of the IP on reasonable commercial terms. These may include the recovery of commercialisation costs incurred and a share of revenue subsequently received by the creators. Approval for any request received will not be unreasonably withheld and upon approval the creators will not be permitted to use University resources in exploiting the IP except in an Incidental fashion or as explicitly agreed in writing. Refer to the Procedure: Hand back IP to University Member.

For the avoidance of doubt, where the University considers that continuing to hold but not exploit the IP is strategically important or commercially reasonable, it will have reasonable grounds for rejecting the request.

Subject to clause 5.2, IP ownership will remain with the University. As IP owner, the University may, at its discretion, contract for the subsequent licensing, assignment or other dealing of the IP as it considers appropriate.

5.2 Transfer of IP to Third Parties
The University may have contractual agreements with third parties, including private and government enterprises and other research entities (e.g. CSIRO and RIRDCs), which provide for IP developed by an Employee or a Student to be commercialised by the third party (or at least that third party has first option of rights to commercialise). Where a contractual agreement with a third party involves University Employees and/or Students, the terms of that agreement will determine the IP rights of those University Employees or Students.

In cases where it is commercially reasonable or strategically important to do so, the University may agree to assign IP rights to another entity either immediately or sometime in the future on achievement of milestones. Please refer to the Procedure: Request to Assign IP Rights to Third Party for the criteria the University may apply in determining whether to assign University IP to a third party. Any such decision will in
all cases be consistent with the Overview to this Policy.

Alternatively, the University may, with the creator’s endorsement (which will not be unreasonably withheld), determine that the benefits derived from commercialisation may be optimised other than through a direct income stream such as a licence fee (e.g. the opportunity to derive increased profile, develop a strategic relationship or flow-on contract research income). In these circumstances the decision may be taken to grant a royalty-free licence to a third party.

5.3 Rewards and Recognition

As a general position, the University will reward University Members who have created valuable IP by sharing in the benefits arising therefrom. The reward system will be reviewed on a regular basis to ensure the congruence of the overall aims of the University in its commercialisation activities and the needs of individual creators.

In relation to financial rewards, the University will distribute any net proceeds from a commercialisation project as follows:

a. It will first deduct its costs, including costs of registering and otherwise protecting the IP (such as patenting expenses), costs of establishing the licensing arrangement or creating a company (including legal and valuation costs), external costs in commercialising the technology (such as marketing reports and business planning), and repayment of any external investments. In some cases the University may need to retain an amount on account of forecast costs; and

b. It will then, subject to any written agreement to the contrary, distribute the proceeds in the following manner:

i. 50% to be apportioned among all members of the University community who are the creators of the IP that has been commercialised (and any other person agreed to between the University and the relevant members of the University community), in accordance with any agreement amongst them or, if there is no agreement, in shares equal to the degree of contribution as determined by the University; and

ii. 50% to the University including the Division(s) or Office(s) involved.

The term “proceeds” in b. above may take the form of cash, holding shares (directly or indirectly), or other arrangements such as surpluses made by the University as a result of applying competitive neutrality principles to contract research agreements. It should be noted that, all other considerations being equal, while the University will endeavour to take account of the most effective tax regimes for the creators in each case, the primary driver will be deriving an arrangement that will facilitate a successful project outcome. The University does not provide financial or legal advice to individual members of the University community, who should obtain their own independent advice on such matters.

6. PROCEDURAL ASPECTS

6.1 Conflict of Interest

A conflict of interest is likely to arise in situations occurring with the commercialisation of research and teaching proposals. A conflict of interest is where an individual/s may benefit personally from decisions made by the University in undertaking a commercial proposal.
University Members should refer to the Conflict of Interest Policy.

6.2 Dispute resolution
Subject to the Grievance Management Policy and the Student Grievance Handling Procedure, any University member who wishes to raise any dispute or difference of opinion about the application of this Policy may request a review of the issue by the IPCAC. If the issue cannot be resolved by the IPCAC, then the IPCAC will refer matter to the Vice-Chancellor or his / her nominee through the Deputy Vice Chancellor (Research).

6.3 Regular review of policy
This Policy will be regularly reviewed to ensure that it is up-to-date and that it addresses the needs of University Members. The Policy, as amended from time to time, will be incorporated into appropriate documents, with effect from its effective date. All IP created prior to the effective date of a Policy will be governed by the terms of the Policy in force at that time. If a University Member wishes to make a submission in relation to suggesting improvements to the Policy, please contact the IPCAC.

7. COMPLIANCE AND BREACHES
The University may commence applicable disciplinary procedures if a person to whom this Policy applies breaches this Policy (or any of its related procedures).

Contact Officer: Director of Commercialisation
Date Approved: Day Month Year
Approval Authority: University Council
Date of Commencement: Day Month Year
Amendment Dates: October 2006; June 2014
Date for Next Review: Month Year
Related Documents:
- Intellectual Property Commercialisation Guideline (under development)
- Research Indirect (Overheads) Costs Policy
- Conflict of Interest Policy (under development)
- Staff Code of Conduct
- Grievance Management Policy
- Student Grievance Handling Procedure
- IP Policy Procedures

Policies/Rules Superseded by this Policy: Intellectual Property Policy V3.1

Keywords: Intellectual Property, Commercialisation
## Intellectual Property (IP) Policy: Request a Waiver of HDR Candidate IP Assignment

### Purpose
To provide clear instructions on how HDR candidates can request a waiver of the requirement to assign the Intellectual Property (IP) generated during the course of their enrolment to the University and the criteria that will be taken into consideration when assessing the waiver request. (Clause 4.2 of the IP Policy)

### Procedure
This procedure requires actions by the following:
- HDR Candidate
- Higher Degree Research Manager (Operations)
- Director, Commercialisation

The steps and/or actions that must be undertaken include:
- Advise HDRO in writing including reasons for waiver request
- Confirm the HDR candidate’s enrolment
- Assess and consider application
- Approve or reject with reason why
- Advise the candidate and HDRO of outcome
- Record in HDRO database

### HDR Candidate
Advise HDRO in writing including reasons why waiver is sought.

Criteria for exemption include but will not necessarily be limited to:
- The HDR Candidate possesses substantial pre-existing IP related to the intended thesis topic;
- The HDR Candidate is bound by an employment or other contract preventing him/her from doing so;
- IP that is likely to be generated will have low value and be difficult to protect;
- IP that is likely to be generated will be considered unethical to protect e.g. a surgical procedure.

### Higher Degree Research Manager (Operations)
Confirm the candidate’s enrolment and forward request to Director, Commercialisation for assessment.

Advise the candidate of the outcome.

Record in HDRO database for statistical record.

### Director Commercialisation
Assess and consider application.

Approve or reject with reasons for decision.

Advise HDRO of outcome.
<table>
<thead>
<tr>
<th><strong>Contact Officer</strong></th>
<th>Administration Manager, Office of Commercialisation</th>
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<tr>
<td><strong>Date Approved</strong></td>
<td>01 July 2014</td>
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<td>01 July 2017</td>
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<td><strong>Related Documents</strong></td>
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</tr>
<tr>
<td><strong>Keywords</strong></td>
<td>Intellectual Property, IP, HDR candidate</td>
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</table>
## Intellectual Property (IP) Policy: Request to Transfer IP Rights to HDR Candidate

### Purpose

To provide clear instructions on how HDR candidates can request the transfer of the IP rights developed by them whilst studying at the university and assigned to the University on enrolment, and the criteria that will be taken into consideration when assessing the transfer request. (Clause 4.2 of the IP Policy)

### Procedure

This procedure requires actions by the following:
- HDR Candidate
- Higher Degree Research Manager (Operations)
- Director, Commercialisation

The steps and/or actions that must be undertaken include:
- Advise HDRO in writing including reasons for request
- Confirm candidate’s enrolment
- Assess and consider application
- Approve or reject with reasons for decision
- Advise candidate and HDRO of outcome
- Record in HDRO database

### HDR Candidate

Advise HDRO in writing including reasons why transfer is sought.

Criteria for transfer include but are not limited to:
- IP requested is outside University core IP and the University has no foreseeable plans or capability to commercially exploit the IP;
- The HDR Candidate has the capacity to access the investment required to exploit the requested IP;
- The HDR Candidate has a well developed business plan which will have a reasonable chance of attracting the investment required to exploit the requested IP;
- IP has little value in its current form, requiring substantial funding to render it investment ready and the prospects of the university securing that funding are low; or
- The HDR candidate has access to non-University IP that is likely to enhance the exploitation value of the University IP.

### Higher Degree Research Manager (Operations)

Confirm the HDR candidate’s enrolment and forward request to Director, Commercialisation for assessment.

Advise candidate of outcome.

Record in HDRO database for statistical record.
### Director Commercialisation

**Assess and consider application.**

**Approve or reject with reasons for decision.**

**Advise HDRO of outcome.**

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</table>
# Intellectual Property (IP) Policy: Handback IP to University Member

## Purpose

To provide clear instructions on how IP can be handed back to the inventor (University member) and the criteria that will be taken into consideration when assessing the request. (Clause 5.1 of the IP Policy)

## Procedure

This procedure requires actions by the following:
- University Member
- Intellectual Property and Commercialisation Advisory Committee (IPCAC)
- Director, Commercialisation

The steps and/or actions that must be undertaken include:
- Advise Office of Commercialisation (OoC) in writing including reasons for request OR
- Refer to IPCAC for advice.
- Assess and consider application
- Approve or reject with reasons for decision
- Advise University Member of outcome

### University Member

Advise OoC in writing.

Criteria for agreeing to handback IP include:
- The University is not under any legal obligation to retain title to the IP;
- The University has advised the University member that it does not wish to pursue exploitation (commercial or otherwise) of the IP;
- Release of the IP is not contrary to the best interests of the University, for example IP which is of strategic value to areas of activity defined in the Research Framework;
- The University has not taken reasonable efforts to assess the potential benefits of the IP within a reasonable period. For the purposes of this dot point, a reasonable period will be not less than 6 months after the submission to the OoC of an Innovation Report signed by an Executive Dean.

### Director Commercialisation

Refer matter to IPCAC for advice.

After considering IPCAC advice, approve, (including commercial conditions of approval) or reject with reasons for decision.

Advise University Member of outcome.
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<tr>
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<td>Intellectual Property, IP, industry, legal, agreement</td>
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**PROCEDURE**

### Intellectual Property (IP) Policy: Request to Assign IP Rights to Third Party

<table>
<thead>
<tr>
<th>Purpose</th>
<th>To provide clear instructions on how IP Rights (title or other) can be assigned to another entity (third party) and the criteria that will be taken into consideration when assessing the request to assign those IP Rights. (Clause 5.2 of the IP Policy)</th>
</tr>
</thead>
</table>
| Procedure | This procedure requires actions by the following:  
- University employee  
- Director, Commercialisation  

The steps and/or actions that must be undertaken include:  
- Written case submitted to Office of Commercialisation (OoC)  
- Assessment of application  
- Approve or reject with reasons for decision  
- Advise Third Party of outcome |

| University Employee | Advise OoC in writing.  
Criteria for approving third party ownership of IP include but are not necessarily limited to:  
- Substantial strategic value to the university in doing so;  
- Well outside University core research capability;  
- Third Party has substantial pre-existing IP which is likely to provide a Freedom to Operate issue for the IP offered or likely to be developed by the University;  
- IP has little value in its current form, requiring substantial funding to render it investment ready and the prospects of the university securing that funding are low;  
- The net cost of protecting the IP will exceed the estimated revenue that the University will receive from the commercial exploitation of the IP;  
- The third party agrees to transfer title i.e. trade IP it owns of equal value to the University IP;  
- IP will be difficult or considered unethical to protect e.g. a surgical procedure;  
- As a conversion from a licence on the achievement of agreed commercial performance milestones;  
- IP is developed while staff member is on an approved Outside Studies Program (OSP) in industry;  
- Third Party pays full commercial charge-out rates for the |
development of the Intellectual Property;
  o commercial rates are those charge out fees approved as such by the Chief Financial Officer having due regard to the full cost to the university of providing the research;
  o commercial rates can legitimately be discounted in the case of bona fide non cash alternates such as:
    - the right to publish in high impact journals without veto; or
    - the transfer of valuable equipment to the university at below market value which will add value to University research activities on an ongoing basis.

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<tr>
<th>Director Commercialisation</th>
<th>Assess and consider application.</th>
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<td>Approve or reject with reason why.</td>
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| Contact Officer             | Administration Manager, Office of Commercialisation |
| Date Approved               | 01 July 2014                                       |
| Approval Authority          | Deputy Vice Chancellor (Research)                  |
| Date of Commencement        | 01 July 2014                                       |
| Amendment Dates             | 01 July 2014                                       |
| Date for Next Review        | 01 July 2017                                       |
| Related Documents           | Intellectual Property Policy                      |
| Keywords                    | Intellectual Property, IP, industry, legal, agreement |
ITEM 7.2: ACADEMIC APPEALS POLICY

For noting.
ITEM 7.2: PROGRESS REPORT: ACADEMIC APPEALS POLICY

ACADEMIC APPEALS POLICY

Issue
Academic Senate has resolved to review the academic structures which review coursework and research appeals. The review of Academic Rules conducted in 2013 identified the need for an Academic Appeals Policy to deliver a consistent framework for the management of Academic Appeals.

Background
An Academic Appeals Policy is being developed under the direction of a Working Party comprising:

- A/Professor Pamela Coutts, (Chair), Chair, ASQC/Chair of Ranking Committee
- Dr Wylie Bradford, Faculty of Business and Economics, Academic Appeals Committee
- Professor Tony Cousins, Dept of English, Chair of Grading Appeals Committee
- A/Professor Doris McIlwain, Dept of Psychology, Chair of HDRAC
- Professor Anne Ross-Smith, Faculty of Business and Economics (replacing Dr Bradford from August 2014)
- Professor Dominic Verity, Chair of Academic Senate
- Zoe Williams, Head Governance Services
- Jonathan Wylie, Deputy-Registrar
- Steve Bailey, Manager, Health and Wellbeing Administration

Scope of the Academic Appeals Policy
Academic Appeals will be limited to due process and will not provide an avenue for undermining the integrity of academic decisions. The Academic Appeals Policy will provide a framework for the review of appeals relating to admission/readmission, enrolment (including RPL and Disruptions) and termination including exclusion.

Grounds for an appeal have been confirmed as:

- a procedural irregularity has occurred
- there is new information that could not reasonably have been provided at or prior to the decision, and that will probably have affected the decision
- the decision was manifestly excessive, or unfair in the circumstances

Consultation Process
There has been broad consultation with internal stakeholders on the draft Academic Appeals Policy. The following stakeholders have been provided with the opportunity to comment on the first draft:

- Campus Wellbeing
- Faculty Learning and Teaching Committees (Science and Arts)
- Higher Degrees Research Office
- MGSM
- MAFC
- Open Universities Australia
- Macquarie City Campus
- Student Administration, including Examinations
Stakeholder feedback is being collated and will be presented to the Working Group for consideration.

**Timeline for the approval of the Academic Appeals Policy**
The following timeline applies to the development and approval of the Academic Appeals Policy:

- Drafting and consultation 28 July until 30 September 2014
- First draft to Senate Learning and Teaching Committee 20 October 2014
- First draft to Academic Senate 4 November 2014
- Second draft to Senate Learning and Teaching Committee 17 November and Higher Degrees Research Committee on 31 October 2014.
- Final draft to Academic Senate 18 December 2014

**Recommendation**
That Academic Senate note the progress in relation to the development of an Academic Appeals Policy.

**Submitted by**
Professor Dominic Verity
Chair of Academic Senate

For enquiries contact: Zoe Williams, Head, Governance Services, x4322
ITEM 7.3: COMPOSITION OF ACADEMIC SENATE

Recommendation:

That Academic Senate calls upon the Chair of Academic Senate to progress proposed amendments to the Academic Senate Rules in line with the intention expressed at the meeting. The proposed amendments will return to the Academic Senate for endorsement on 4 November and will be approved by University Council at its meeting on 4 December 2014.
ITEM 7.3: COMPOSITION OF ACADEMIC SENATE

DISCUSSION PAPER: REVIEW OF ACADEMIC SENATE COMPOSITION

Issue: Over the past few years, several developments have given rise to the need for a review of the composition of Academic Senate. The review of Senate’s composition was recorded as an action item in the minutes of the April 2014 Senate meeting. In response to the developments, the discussion paper outlines several options for Senate’s consideration and feedback.

Consultation Process: The following offices have been consulted prior to the submission of this paper:

- Governance Services
- Melanie Harris, Vice-Chancellor’s Chief of Staff

Recommendation: That Academic Senate calls upon the Chair of Academic Senate to progress proposed amendments to the Academic Senate Rules in line with the intention expressed at the meeting. The proposed amendments will return to the Academic Senate for endorsement on 4 November and will be approved by University Council at its meeting on 4 December 2014.

Submitted by: Professor Dominic Verity, Chair of Academic Senate

For enquiries contact: Ainslee Harvey, Academic Senate Project Officer, ainslee.harvey@mq.edu.au
Review of Academic Senate composition

Discussion Paper

Introduction

Over the past few years, several developments have given rise to the need for a review of the composition of Academic Senate. The review of Senate’s composition was recorded as an action item in the minutes of the April 2014 Senate meeting.

The purpose of the review is required to ensure that Academic Senate has the appropriate balance, representation and separation of powers to provide effective governance oversight. The factors that prompted the review are explained further below.

In the current term of Senate, we have added two new Deputy Vice-Chancellors (International and Corporate Engagement) to the membership of Senate. We have just created two new Pro-Vice Chancellor positions in the Research portfolio and, while these are 0.5 full-time equivalent roles, under Academic Senate Rule 7(1)(d) these roles will be appointed ex-officio members of Academic Senate.

The University also announced the establishment of the new Faculty of Medicine and Health Sciences. As the University grows in size, so too does representation on Academic Senate. The Executive Dean of the Faculty will be appointed to Academic Senate in an ex-officio capacity and the Faculty can elect four academic representatives and three student representatives to the Academic Senate.

In addition, the Academic Senate Rules were reviewed last year with a common, and explicitly stated, understanding that no change would be made to the composition of Senate at that time. However an inadvertent error was made in the drafting of the student representation clause.

Specifically, the 2013 Academic Senate Rule (2)(x) stated that student membership is elected annually under the following categories:

(a) one student member from each Faculty enrolled in an undergraduate program;
(b) one student member enrolled in a postgraduate coursework program; and
(c) one student member enrolled in a postgraduate higher degree research program

The 2014 Senate Rule (7)(4) now provides for an undergraduate student, a postgraduate coursework student and a postgraduate higher degree research student from each faculty to be elected. Unfortunately, this error went unnoticed
until the elections for student representatives had been approved. As a result, this unintentionally changed the composition of Academic Senate by increasing student representation from 6 to 12 members. With the introduction of the new Faculty, these numbers are set to rise to 15.

While strong student representation on Senate is vitally important, we have found it very difficult to fill all of these positions. As things stand we have only been able to fill 3 Undergraduate, 2 Postgraduate and 1 HDR position. We are also finding it difficult to fill vacancies for student representation on Senate sub-Committees and working parties, all of which require representation of this kind.

It is in response to the above-mentioned developments that the composition of Academic Senate is currently under review. Several options are detailed below for your consideration and feedback.

**Composition of Academic Senate at 1 January 2015**

Under the current Academic Senate Rules, as at 1 January 2015 Academic Senate’s composition will comprise the following:

- **20 Ex-Officio members (35%)**
  (Vice-Chancellor, Chair of Academic Senate, Deputy Chair of Academic Senate Deputy Vice-Chancellors, Pro-Vice Chancellors, Executive Deans, Dean of Higher Degree Research, Dean of MGSM, the Director of Learning and Teaching Centre, the Head of Indigenous Studies; and the University Librarian)

- **22 Academic staff elected representatives (38%)**
  (four representatives from each of the five faculties plus one member from MGSM and one member from the non-Faculty electorate)

- **15 Student representatives (27%)**
  (one undergraduate, one postgraduate coursework and one postgraduate higher degree research from each of the five faculties)

- **57 Total number of members**

The benchmarking analysis at Attachment B demonstrates that Macquarie’s Academic Senate has many more student representatives than the other universities benchmarked by a very significant margin.

The benchmarking analysis also highlights that the ex-officio membership of the Academic Boards of different institutions are accounted for in quite different ways. In some cases, for example, all Heads of Department are members of this board, but it is not clear whether they should be counted in the ex-officio category or should be regarded as being representatives of the broad academic community.

Whilst the benchmarking provides a useful comparison, it is ultimately up to Academic Senate and University Council to decide the best composition for the governance of Macquarie’s academic enterprise.
**Issue 1: Student representation**

The composition of Academic Senate was altered during the amendment of the Academic Senate Rules last year. The error unintentionally increased student representation on Academic Senate from 6 to 12 members. Student elections were held in May and only 6 out of the 12 positions were filled, with six casual vacancies existing to date. In particular it is worthwhile noting that only one Higher Degree Research student representative was elected unopposed and two postgraduate student representatives.

**Proposal:**

*Academic Senate student representatives will be elected annually in accordance with schedule 1 of the By-law under the following categories:*

(a) one student member from the Faculty of Business and Economics, Faculty of Human Sciences, Faculty of Science and Faculty of Arts enrolled in an undergraduate program;

(b) one student member from the Faculty of Medicine and Health Sciences;

(c) two student members enrolled in a postgraduate coursework program;

(d) one student member enrolled in a postgraduate higher degree research program

Given the difficulty that Senate has had filling 12 student representative positions (which will increase to 15 next year with the establishment of the new Faculty), the proposed recommendation would take student representation from 15 to 8 members. The proposed model is comparable with Academic Senates of other institutions of similar size and composition.

It is important to note that this proposal should not be seen as a reduction in student representation. In practice, Academic Senate has never had more than 6 student representatives, and under this proposal we would hope to expand that number to 8 in 2015. In fact, over the past 2 years Senate has rapidly expanded the range and number of opportunities for students to participate in academic governance. For example, all Faculty Boards will have elected student members and the terms of reference of all Senate sub-committees and working groups all require student membership.

We are working on plan to introduce a much more effective mechanism to support student involvement in our academic governance processes, at all levels, which we will discuss further at the governance workshops. As student engagement in this area grows, we can then consider further expansion in these numbers.
Issue 2: Representation from the Faculty of Medicine and Health Sciences

Leaving student representation to one side, the establishment of the Faculty of Medicine and Health Science means that the size of Academic Senate will increase by a further 5 members by the beginning of 2015. The current rule provides for the Executive Dean to be appointed in an ex-officio capacity and for the Faculty to elect four academic representatives.

However, during the first few years, it is likely that the Faculty of Medicine and Health Sciences will have relatively small staff and student numbers. Therefore it may be unreasonable, if not impossible, for the Faculty to elect four representatives to Academic Senate at the beginning of 2015.

Proposal:

*Executive Dean is appointed as ex-officio member of Academic Senate*
*Two academic representatives from the Faculty of Medicine and Health Sciences will be elected in early 2015*
*Further academic representatives will be phased in over a two-year period to be equivalent to the other Faculties by the end of 2017.*

Issue 3: Increasing the number of elected academic representatives

In order to ensure broad representation and collegial decision-making, an appropriate balance between ex-officio members and elected members needs to be achieved.

By 1 January 2015, the total number of ex-officio members will be 20 and the total number of academic staff elected representation will also be on par at 20 members (this is based on the Faculty of Medicine and Health Sciences only electing 2 representatives for 2015).

It is important to note that 11 of these 20 ex-officio members are also members of the University Executive.

Proposal:

*The standing elected membership of Academic Senate from each Faculty electorate to be expanded to 5 members (from 4).*
This extra member could be elected to Academic Senate in early 2015 in each of the Faculties of Arts, Science, Business and Economics and Human Sciences. The cohort elected from the Faculty of Medicine and Health Sciences would grow to this level according to the timetable discussed above.

This would bring the total number of academic staff elected representation to 24 (growing to 27 in 2017) whilst ex-officio membership would remain at 20.

**Issue 4: Introducing elected positions for non-academic staff**

The term Academic Governance refers to the governance of the academic enterprise, not governance by academics. All of our staff and students are contributors to the academic enterprise, so it seems philosophically defensible to suggest that we might elect professional staff members to Academic Senate.

*Proposal:*

*That the composition of Academic Senate is changed to include the addition of between 4-6 professional staff members as elected members.*

**Summary comparison:**

*Attachment A* is a comparison of the 2015 Academic Senate numbers if:
(a) the Academic Senate Rules remains unchanged; and
(b) Senate adopt all of the above-mentioned proposals.

**Resolution:**

Senate calls upon the Chair of Academic Senate to progress proposed amendments to the Academic Senate Rules in line with the intention expressed at the meeting. The proposed amendments will return to the Academic Senate for endorsement on 4 November and will be approved by University Council at its meeting on 4 December 2014.
<table>
<thead>
<tr>
<th>Options</th>
<th>Total Number of Ex-Officio</th>
<th>Total Number of Academic Staff Elected Representatives</th>
<th>Total Number of Elected Non-Academic Staff</th>
<th>Total Number of Students</th>
<th>Total membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Leave the Academic Senate Rules unchanged</td>
<td>20</td>
<td>22</td>
<td>Nil</td>
<td>15</td>
<td>57</td>
</tr>
<tr>
<td>(b) Adopt all proposals as outlined in the discussion paper</td>
<td>20</td>
<td>24</td>
<td>4 - 6</td>
<td>8</td>
<td>56-58</td>
</tr>
<tr>
<td></td>
<td>This number would increase to 27 by January 2017 once 3 additional academic representatives from the Faculty of Medicine and Health Sciences are phased in</td>
<td>This number would increase to 60-63 at the beginning of 2017 once academic staff elected representation from the Faculty of Medicine and Health Sciences is phased in</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Attachment B – Benchmarking – Composition of University Academic Senates

| Institution | Academic Governing Body | Total Number of Members | Total Number of Ex-Officio | Total Number of Academic Staff Elected Representatives by area | Total Number of Non-Elected Academic Staff (appointed) | Total Number of Non-Academic Staff Elected Representatives by area | Total Number of Students | Composition of Elected Student Representatives i.e. UG/PG | Notes | Link to Academic Senate/Board Rules:
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MQ</td>
<td>Academic Senate</td>
<td>Current number of Members: 57 + 1 co-opted</td>
<td>20 (incl Dean Med&amp;HlthSc, Chair + new PVCs)</td>
<td>22 (incl 4 reps from Med&amp;HlthSc)</td>
<td>Nil</td>
<td>Nil</td>
<td>15</td>
<td>1UG/1PG/1HDR from 5 Faculties</td>
<td>Projected numbers for next electoral period under current rule. Vacancies exist for student reps. One co-opted member beyond Faculty reps.</td>
<td>Members</td>
</tr>
<tr>
<td>UNSW</td>
<td>Academic Board</td>
<td>Current number of Members: 49</td>
<td>24</td>
<td>21</td>
<td>Nil</td>
<td>Nil</td>
<td>4</td>
<td>2UG/2PG From 2 electorates representing broad discipline areas</td>
<td>• Head of Indigenous Dept and other academic Centres (ie Art and Design) are co-opted members • Academic staff are elected from Four electorates which do not appear to have even distribution of representatives</td>
<td>Members</td>
</tr>
</tbody>
</table>
## Attachment B – Benchmarking – Composition of University Academic Senates

<table>
<thead>
<tr>
<th>University</th>
<th>Academic Body</th>
<th>Current number of Members</th>
<th>Members</th>
<th>Faculty elected representation</th>
<th>Ex officio members</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monash</td>
<td>Academic Board</td>
<td>88</td>
<td>29</td>
<td>27</td>
<td>28 Academic Heads</td>
<td>N/A</td>
</tr>
</tbody>
</table>
|            |               |                            |         |                                 | 4                  | 2UG/1PG/1HDR | • Chancellor is included in ex officio  
• Chair of Academic Board is ex officio  
• Faculty elected representation is not even across all Faculties  
|            |               |                            |         |                                 |                    | Members |
| UniSA      | Academic Board | 41                        | 17      | 12                              | 7                  | 2UG/3PG | Faculty elected representation is even  
|            |               | (designated members)      |         |                                 |                    | Members |
| UWA        | Academic Board | 144                       | 25      | 62                              | 31 Heads of Schools | 20    | 4UG/2PG | All Winthrop Professors (level E) are included in membership  
|            |               | (excluding Professors- please refer to link) |         |                                 |                    | Members |
| UTas       | Academic Senate | 67                        | 42      | 25                              | N/A                |        | Deans, HoDs, Chairs of Faculty Boards and Directors of Centres included in ex officio  
1 elected Research Fellow (fellowship externally funded through Nationally Competitive Fellowship Scheme)  
Is included in elected members  
Ex officio includes professional staff, International Students Officer,  
|            |               |                            |         |                                 |                    | Members |

Note: Rules (Ordinance does not specify student representative and current Membership does not list Students)
## Attachment B – Benchmarking – Composition of University Academic Senates

<table>
<thead>
<tr>
<th></th>
<th>Academic Senate</th>
<th>Current number of Members: 59</th>
<th>26</th>
<th>26</th>
<th>3</th>
<th>N/A</th>
<th>4</th>
<th>2UG/1PG/1HDR</th>
<th>Ex Officio includes Deputy-Dean of UWS College and all PVCs Education; Research (5 in total) and DVCs Education and Research; 2 Director from Research Institutes (or nominees) Academic elected representation is even from each Faculty with two reps from each School (1 at A, B or C level and 1 at D or E level), 1 elected rep from each Research Institute (2) and representative from Dept of Indigenous is elected.</th>
<th>Members Link to Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>UWS</td>
<td>Academic Senate</td>
<td>Current number of Members: 59</td>
<td>26</td>
<td>26</td>
<td>3</td>
<td>N/A</td>
<td>4</td>
<td>2UG/1PG/1HDR</td>
<td>Ex Officio includes Deputy-Dean of UWS College and all PVCs Education; Research (5 in total) and DVCs Education and Research; 2 Director from Research Institutes (or nominees) Academic elected representation is even from each Faculty with two reps from each School (1 at A, B or C level and 1 at D or E level), 1 elected rep from each Research Institute (2) and representative from Dept of Indigenous is elected.</td>
<td>Members Link to Rules</td>
</tr>
<tr>
<td>UTS</td>
<td>Academic Board</td>
<td>Current number of Members: 61</td>
<td>25</td>
<td>28</td>
<td>N/A</td>
<td>8</td>
<td>1</td>
<td>1 Senior DVC and 3 DVCs ex officio (nominated by VC) President of Student Association is ex officio A/Deans (1 per Faculty) ex-officio Faculty elected representation is not equal - one member for every 30 EFT (continuing and fixed term) academic staff (rounded to the nearest whole number), with a minimum</td>
<td>Members Link to Rules</td>
<td></td>
</tr>
</tbody>
</table>
### Attachment B – Benchmarking – Composition of University Academic Senates

<table>
<thead>
<tr>
<th>University</th>
<th>Committee Name</th>
<th>Current number of Members</th>
<th>Faculty Rep</th>
<th>Chair Rep</th>
<th>Elections</th>
<th>Dean &amp; HoD Reps</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Griffith</td>
<td>Academic Committee</td>
<td>71</td>
<td>51</td>
<td>12</td>
<td>6</td>
<td>4UG/1PG/1HDR</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Link to Rules</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>QUT</td>
<td>Academic Board</td>
<td>40</td>
<td>20</td>
<td>12</td>
<td>8</td>
<td>6UG/2PG</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Link to Rules</td>
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<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

- **Griffith**: Chair nominates representative from Board of Studies for Indigenous Education. Elections staggered to ensure continuity.
- **QUT**: The status of 4 members is not clear. Deans and HoDs ex officio. Members appointed by Council.

Note: University Committee page only briefly mentions Academic Board and does not list the current Members.
ITEM 7.4: ENGLISH LANGUAGE POLICY AND DELIVERY IN LANGUAGES OTHER THAN ENGLISH

For discussion.
ITEM 7.4: ENGLISH LANGUAGE POLICY AND DELIVERY IN LANGUAGES OTHER THAN ENGLISH

Issue
On 15 September 2014 a combined meeting of ASQC, CSFC and SLTC was held to discuss the draft English Language Policy and principles relating to the delivery of programs in languages other than English (LOTE).

English Language Policy
On May 12 SLTC established a Working Group to develop an English Language Policy. The Working Group comprises:

- Leigh Wood, Chair, Faculty of Business and Economics
- John Knox, subject expert, Faculty of Human Sciences
- Tessa Green, subject expert, Learning and Teaching Centre
- Karin Speedy, subject expert, Faculty of Arts
- Medhi Riazi, subject expert, Faculty of Human Sciences and co-opted member of Senate
- Nicole Brigg, Director, Macquarie International
- JoAnne Sparks (University Librarian)

The draft policy, procedure and guideline were presented to the members of ASQC, CSFC and SLTC for comment and feedback. Discussion centred on a range of key themes: clarification of the title and scope of the policy, issues of expertise, resourcing, curriculum design and assessment, and student support options.

The members raised concerns about several specific issues including:

- models for embedding English Language proficiency within curricula
- the quality of feedback that academics would be able to provide without further consideration of workload implications and appropriate expertise
- resourcing and professional development being critical dependencies to the successful implementation of the policy
- support services for students identified as not meeting appropriate English Language standards
- the capacity and role of the Learning and Teaching Centre to provide both staff and student support, and the effectiveness of learning support models

The feedback provided from the joint meeting has been circulated back to the Working Group. The draft English Language Policy will be presented to the SLTC for recommendation to Academic Senate before the end of the year.
Delivery of Programs in Languages Other than English
At the same meeting, the delivery of programs in languages other than English was discussed. A full copy of the discussion paper relating to LOTE delivery can be located at: https://truth.mq.edu.au/share/id/mqu1yo1q

It was noted that some Faculties/Departments were seeking to adopt LOTE delivery, particularly in the Faculty of Business and Economics and potentially Arts. It was noted that this was likely to be offered in a small number of specialist programs. Discussions focussed on the opportunities that LOTE delivery pose for Macquarie and the quality assurance frameworks which might be required to support LOTE delivery.

It was identified that LOTE delivery is common in Higher Education institutions in bi-lingual nations but also institutions located in non-English speaking countries where programs are delivered in English. However the lack of staff with required language proficiency at Macquarie was noted as a concern and as a point of distinction with international models.

It was noted that specific resources would be needed for LOTE delivery and that this should be met by the teaching faculty concerned. The importance of distinguishing between delivery off-shore, and potentially teaching in LOTE at Macquarie was raised. It was also noted that QA expertise would be needed for specific LOTE issues if delivered at Macquarie, and that this extended beyond assessing and moderating the LOTE program. LOTE staff would need to be fully involved in relevant Senate Committees to have an appropriate input into QA matters, for example developing frameworks that would apply to LOTE programs. It was also noted there would be a need for firm QA benchmarks to moderate against an English comparator program/unit, and that any QA framework would need to be developed in advance of LOTE delivery.

It was noted that, if the University elected to pursue LOTE delivery, these programs would be an exception to the English Language Policy. The joint meeting concluded that:

1. In principle there were no objections to LOTE delivery
2. A small Working party of SLTC should be convened to discuss LOTE principles in parallel with a CSFC QA Working party
3. A formal proposal for LOTE delivery should be developed by Faculties and approved by ASQC, in parallel with other QA work being developed by CSFC and SLTC

Recommendation
That Academic Senate note the findings of the joint meeting of ASQC, CSFC and SLTC.

Submitted by
Professor Sherman Young
Chair, SLTC and Co-convenor of joint ASQC, CSFC and ASQC meeting

For enquiries contact: English Language Policy Antonia Dykes, PA to Associate Deans, FBE, x4788
LOTE, Paul Fairweather, QA & Compliance Manager, Governance Services, x1126
ITEM 7.5: STUDENT DISCIPLINE POLICY / PROCEDURE

For noting.
ITEM 7.5: STUDENT DISCIPLINE POLICY/PROCEDURE

Issue
The General Counsel briefed Academic Senate on the development of a Student Discipline Policy to support the Student Discipline Rule which will come into effect in Session 1 2015.

The draft Student Discipline Policy was reviewed by a Working Party of Academic Senate and feedback has been provided to the General Counsel. The attached document identifies the feedback provided on the draft, as reported to the 2 September meeting of Academic Senate. This feedback is now under consideration by the General Counsel.

Recommendation
That Academic Senate note the progress in relation to the development of a Student Discipline procedural framework.

Submitted by
Professor Dominic Verity
Chair of Academic Senate

For enquiries contact: Zoe Williams, Head, Governance Services, x4322
STUDENT DISCIPLINE

PROCEDURE POLICY

2014

[final version #1]

Office of General Counsel
Building E11A/211
Macquarie University NSW 2109
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| 2. | Status of this procedure policy | 1 |
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| 4. | Dictionary of defined terms | 1 |
| 5. | Emergency Suspension of a Student | 1 |
| 6. | Removal of a Student for disruptive behaviour | 2 |
| 7. | Hearing not required | 2 |
| 8. | Suspension or removal does not prevent subsequent disciplinary action | 2 |
| 9. | How to make a Misconduct Allegation | 2 |
| 10. | Notification of a Misconduct Allegation | 3 |
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STUDENT DISCIPLINE PROCEDURE POLICY

Part 1 – Introduction

1. **Purpose of this procedure policy**
   The purpose of this policy is to set out the procedure for making and dealing with allegations of Misconduct by Students.

2. **Status of this procedure policy**
   This procedure policy is made by the Vice-Chancellor and is binding on all Students, Student Organisations and Staff Members.

3. **Procedure Policy Commencement Date**
   This procedure policy commences on [           ] 2014.

4. **Dictionary of defined terms**
   The dictionary at the end of this procedure policy is part of this procedure policy.
   [Note: The dictionary defines certain terms used in the procedure policy. A definition in the dictionary applies to all of this procedure policy unless a contrary intention appears. Terms defined in the dictionary are identified in this procedure policy by having an upper case first letter.]

Part 2 – Summary Suspension of Students

5. **Emergency Suspension of a Student**
   The Registrar may Suspend a Student for any period the Registrar thinks appropriate if the Registrar is satisfied that:
   
   (a) the behaviour of the Student amounts to Misconduct; or
   (b) there is an imminent threat of Misconduct by the Student,
   
   and the Registrar is satisfied that it is necessary:
   
   (c) to ensure the physical safety or wellbeing of the University Community or a specific person, because of the nature and seriousness of the Misconduct; or
   (d) to prevent any substantial damage to any property of any person;
   (e) to prevent any substantial interference with any University Activity.
6. **Removal of a Student for disruptive behaviour**

The Registrar may direct a Student to leave any University Premises or cease taking part in a University Activity for any period the Registrar thinks appropriate if the Registrar is satisfied that:

(a) the behaviour of the Student amounts to Misconduct; or

(ii) there is an imminent threat of Misconduct by the Student; and

(b) the Student has interfered with any University Activity to a substantial extent or that it is necessary to prevent any substantial interference with any University Activity.

**[Note: The Registrar need not personally do anything contemplated by this procedure policy but may authorise others to do so on the Registrar’s behalf.]**

7. **Hearing not required**

The Registrar may take action under clause 5 or clause 6 without first giving the Student [a hearing or an opportunity to make submissions] if the Registrar is satisfied that to first give a hearing or an opportunity to make submissions is not compatible with:

(a) the physical safety or wellbeing of the University Community or a specific person; or

(b) the conduct of a University Activity without substantial interference; or

(c) the protection of any University Property or of any property of any member of the University Community.

8. **Suspension or removal does not prevent subsequent disciplinary action**

Any action taken under clause 5 or clause 6 against a Student does not prevent any subsequent action against the Student in respect of any Misconduct.

**Part 3 - Making of Misconduct Allegations and preliminary procedures**

9. **How to make a Misconduct Allegation**

(1) Any Staff Member or Student (being known under this procedure as the ‘notifier’) may make a Misconduct Allegation against a Student.

(2) A Misconduct Allegation must:

(a) be made to the Registrar; and

(b) be in writing; and

(c) contain details of the alleged Misconduct.
(3) The Registrar may require the notifier Complainant to:

(a) provide further details of the Misconduct Allegation; and
(b) verify by statutory declaration any details of the Misconduct Allegation.

[Note: A statutory declaration is a type of written statement that allows a person to declare something to be true.

If a person intentionally makes a false statement in a statutory declaration, that person can be charged with a criminal offence.]

(4) A Misconduct Allegation may be dealt with under this procedure policy notwithstanding that it is withdrawn by the notifier Complainant.

(5) The role of a staff or student notifier in section 9(1) is to submit a Misconduct Allegation, supporting information and fulfil any other requirements in accordance with this procedure or otherwise required. The notification alerts the University to the student conduct being complained about. The University then determines whether to progress the complaint against the student or student organisation, on its own behalf, as an alleged breach of the University’s expected standard of student conduct.

10. Notification of a Misconduct Allegation

(1) After receiving the Misconduct Allegation, the Registrar must, within 10 Working Days after receiving the Misconduct Allegation:

(a) may respond to the notifier to:

(i) acknowledge receipt of the Misconduct Allegation;
(ii) request further details or verification as required;
(iii) outline the confidential student disciplinary process that may be undertaken by the University and the notifier's role in this process; and
(iv) outline the available University support options if applicable;

(b) must notify the Student Respondent when the nature of the Misconduct Allegation requires:

(i) progression to a relevant Hearing Committee for determination; or
(ii) providing the Student Respondent with the option of pre-accepting responsibility and a prescribed sanction; or
(iii) further submission in writing from the Student Respondent about the Misconduct Allegation, to be made within the time that the Registrar specifies.

(a) notify the Accused Student that a Misconduct Allegation has been made and the nature of it; and
(b) invite the Accused Student to make, within the time that the Registrar specifies in the notice, any submissions in writing to the Registrar about the Misconduct Allegation that the Accused Student wishes to make.

(2) The Registrar may delay notifying the Accused Student Respondent of the Misconduct Allegation if the Registrar is satisfied that it is appropriate to do so in order to avoid any interference with evidence or harassment or intimidation of the notifier Complainant or any witness.

11. **Serious Misconduct must be reported**

A Student or Staff Member must report to the Registrar any Serious Misconduct as soon as practicable after becoming aware of it.

12. **Dismissal of Misconduct Allegation**

(1) The Registrar may upon receipt of a Misconduct Complaint:

(a) decide to take no action in relation to it; or
(b) investigate it under Part 4.

(2) If the Registrar decides to take no action relation to the Misconduct Allegation, the Registrar must:

(a) notify the Complainant of its decision; and
(b) notify the Accused Student concerned that a Misconduct Allegation has been made, the nature of the Misconduct Allegation and its decision.

13. **Informal handling of Misconduct Allegation**

(1) A Student Respondent may be provided the option of pre-accepting responsibility for a Misconduct Allegation and a prescribed sanction (i.e. prior to any Hearing Committee determination) when the misconduct allegation is:

(a) not considered Serious Misconduct; or
(b) considered low level Academic Misconduct: by the Registrar.

(2) The prescribed sanction under section 13(1) is limited to the imposition of any one or more sanctions listed in Level 1 of Schedule 1 of this Policy.
If the Accused Student admits to the Misconduct the Registrar may seek to resolve the Misconduct Allegation, which does not allege Serious Misconduct, through guidance, counselling or a written warning.

If the Registrar is unable to resolve the Misconduct Allegation in that way or considers that it is not appropriate to do so, the Registrar may, with the written agreement of the Accused Student, without an Investigation or a Hearing being conducted or completed impose any one or more of the sanctions listed in schedule 1.

Part 4 – Investigation of Misconduct Allegations

14. Investigation by Registrar of Misconduct Allegations

(1) The Registrar may undertake an Investigation into a Misconduct Allegation under this Part 3 and may do so on his or her own initiative or following a Misconduct Allegation being made.

(2) The Registrar may deal with one or more Misconduct Allegations about one or more Accused Students Respondents in an Investigation.

(3) If during an Investigation it appears to the Registrar that there is a matter in respect of which another Misconduct Allegation could have been made against the Accused Student Respondent or another Student, the Registrar may deal with the matter in its Investigation as if a Misconduct Allegation had been made about it.

(4) If the Registrar decides to deal with a matter under clause 14(3) as if a Misconduct Allegation had been made about it, the Registrar must give notice in writing to the Student concerned of the nature of the matter being investigated and inform the Student that the matter is being treated as a Misconduct Allegation.

(5) (a) The Registrar may appoint any person to carry out an Investigation.

(b) This procedure policy applies to any such Investigation as if it were conducted by the Registrar.

(6) (a) The Accused Student Respondent may, within a period specified by the Investigator, make submissions to the Investigator about the Misconduct Allegation.

(b) The Investigator may extend the period in which submissions may be made.

15. Investigation results

(1) An Investigator must prepare a written report on the results of the Investigation.
The Registrar may at the completion of an Investigation:

(a) decide that no further action should be taken; or
(b) refer the Misconduct Allegation together with any Investigation report, to a Hearing Committee for a disciplinary finding under Part 5.

Part 5 – Role of Hearing Committee

16. Hearing Committee may make disciplinary findings

If a referral is made to a Hearing Committee for a disciplinary finding in relation to a Misconduct Allegation, the Hearing Committee must determine whether or not the Accused Student Respondent is responsible for the Misconduct.

17. Sanctions may be imposed and compensation ordered

(1) Subject to section 17(2), if a Hearing Committee finds that an Accused Student Respondent is responsible for misconduct, the Hearing Committee may impose any sanction on the Student Respondent which the Hearing Committee is satisfied is appropriate in the circumstances including any specified in Schedule 1 of this Policy.

(2) A Faculty Hearing Committee may only impose:

(a) any one or more sanctions listed in Level 1 of Schedule 1 of this procedure; and
(b) one of the available sanctions from Level 2 of Schedule 1 of this procedure being ‘Fail grade in a unit or units of study with a mark of ‘0’.

(3) When considering what sanction should be imposed, the Hearing Committee may take into consideration those relevant factors listed in Schedule 2 to this procedure.

(1) If a Hearing Committee finds that an Accused Student is guilty of Misconduct, the Hearing Committee may impose any sanction on the Accused Student which the Hearing Committee is satisfied is appropriate in the circumstances including any specified in schedule 1 of this policy.

(2) A Hearing Committee may, instead of or in addition to a sanction imposed under clause 17(1):

(a) if an Accused Student is found to have damaged or destroyed any University Property, direct the Accused Student to pay to the University an amount determined by the Relevant Committee as compensation for the damage or destruction of the property, or
(b) if an Accused Student is found to have taken or removed any University Property:

   (i) direct the Accused Student to return the property to the University, or
   (ii) direct the Accused Student to pay to the University an amount determined by the Relevant Committee as compensation for the taking or removal of the property, or both.
When considering what sanction should be imposed under clause 17(1) the Hearing Committee may take into consideration any previous disciplinary action taken against the Accused Student including any warning given about future behaviour.

The Accused Student Respondent is not entitled to any refund of fees or other money paid to the University, because of any sanction imposed on the Accused Student Respondent.

18. Misconduct by Student Organisations

(1) This procedure policy applies, with necessary adaptations, to any Misconduct Allegation made against a Student Organisation as if a reference in this procedure policy to a Student is to a Student Organisation.

(2) If a Hearing Committee is satisfied that a Student Organisation is responsible for guilty of Misconduct then the Hearing Committee may take any action it thinks appropriate in the circumstances including the imposition of sanctions on the Student Organisation including any specified in schedule 2 3 of this procedure policy.

(3) A submission may be made or evidence given at a Hearing or in writing on behalf of a Student Organisation on any relevant matter, by an individual who satisfies the Registrar that he or she is a member of the association and is authorised by the association to do so.

(4) A Student Organisation must not permit a person who has been prohibited from taking part in the management of that Student Organisation, to be a member of it, management committee or otherwise being involved in its management.

19. Sanction compliance by Accused a Student Respondent or a Student Organisation

(1) An Accused Student Respondent or Student Organisation the subject of a sanction for Misconduct must comply with that sanction upon request provide evidence satisfactory to the Registrar of compliance.

(2) A Hearing Committee may suspend any sanction imposed for Misconduct for any period and subject to any conditions, that the Hearing Committee thinks appropriate.

Part 6 – Appeals

20. Appeal Committee establishment

The Registrar must establish a committee to deal with an appeal from a decision of a Hearing Committee.
21. **Grounds for appeal**

An appeal under this Part 6 may only be made on one or more of the following grounds:

(a) the procedure for dealing with the Misconduct Allegation was unfair in the circumstances so as to cause substantial injustice to the **Accused Student Respondent**;

or

(b) that fresh relevant evidence has become available to the **Accused Student Respondent**, being evidence that was not available or not known to the **Accused Student Respondent** at the time of the hearing, or

(c) that the sanction imposed on the **Accused Student Respondent** or direction to pay compensation made against the **Accused Student Respondent** was excessive or inappropriate.

22. **Appeals from a Hearing Committee decision**

(1) An **Accused Student Respondent** may only appeal from a decision of a Hearing Committee to an Appeal Committee if the Registrar gives permission to do so.

(2) A written request for permission to appeal must be given to the Registrar:

(a) within 10-20 Working Days of the day of the decision of the Hearing Committee is received by the **Accused Student Respondent**; and

(b) contain any information required by the Registrar.

(3) The Registrar must notify the **Accused Student Respondent** whether or not permission to appeal is given within 10 Working Days of receiving the request for permission to appeal.

(4) If the **Accused Student Respondent** wishes to appeal based to any material extent on the conduct of the Registrar, the **Accused Student Respondent** may request permission from the Vice Chancellor to appeal in which case this clause 22 will apply, with necessary adaptations, as if each reference in it to the Registrar is to the Vice Chancellor.

(5) An Appeal Committee must decide the appeal having regard to the material then before it.

(6) **On appeal, the original decision of the Hearing Committee may be confirmed, quashed or varied. An Appeal Committee may make any decision the Appeal Committee thinks appropriate in the circumstances.**

23. **Effect of original decision pending appeal**

An appeal of a decision of a Hearing Committee does not affect the operation of that decision or prevent the taking of action to implement that decision unless the Registrar suspends the operation of the decision.
Part 7 – Dealing with Information about Disciplinary Action

24. Publicising disciplinary action

(1) Subject to this Part 6, disciplinary action taken against an Accused Student Respondent must not be publicised without the approval of the Vice-Chancellor.

(2) The Vice-Chancellor may publicise disciplinary action taken against an Accused Student Respondent in any manner the Vice-Chancellor is satisfied is in the public interest or the interests of the University.

(3) Should a student be found responsible for alleged misconduct, the adverse finding and any sanction imposed will not be entered on the student’s external academic transcript unless directed by the Hearing Committee.

(4) Should a misconduct allegation against a student:

(a) be resolved by the student pre-accepting responsibility and a prescribed sanction (i.e. prior to any Hearing Committee determination); or

(b) progress to a Hearing Committee for determination;

a brief note is to be made on the student’s internal academic transcript outlining that the student had a misconduct allegation against them and the relevant study unit (if applicable); with any further details restricted to the University’s register of disciplinary action.

25. Register of disciplinary action

(1) The Registrar must keep a register of disciplinary action taken against Accused Students Respondents.

(2) The Registrar may, on request, provide information about a Student recorded in the register to that Student or to anybody authorised in writing by that Student to receive that information.

26. Recording

Any meeting or conversation in the course of any Investigation, Hearing or other proceeding relating to any Misconduct Allegation may be recorded by the University and copyright in the recording will belong to the University.
Part 8 – Investigation and Committee Procedures

27. **Hearings**

(1) A Relevant Committee may subject to this procedure and its Terms of Reference conduct any hearing it thinks appropriate.

(2) At a Hearing, a Relevant Committee:

(a) may inform itself on any matter in any manner that it thinks appropriate; and
(b) must proceed with as little formality and as quickly as the requirements of this procedure policy and the proper consideration of the Misconduct Allegation permit; and
(c) is not bound by the rules of evidence; and
(d) may use any technology that gives the members of the Relevant Committee or any other relevant persons who are situated in different locations a reasonable opportunity to participate; and
(e) may deal with the Misconduct Allegation notwithstanding that the Accused Student Respondent or a witness has not for any reason made submissions, provided evidence or otherwise participated or co-operated in an Investigation or the Hearing.

(3) At a Hearing the Accused Student Respondent may:

(a) be present (unless the presiding member of the Relevant Committee is satisfied that the Accused Student Respondent may attempt to disrupt the Hearing) and be accompanied by a support person (but not an advocate) approved by the Registrar; and
(b) provide to the Relevant Committee oral or written submissions; and
(c) provide evidence to the Relevant Committee; and
(d) have witnesses provide evidence,

but may not examine or cross examine any witness.

(4) A Hearing of a Relevant Committee may be adjourned for any reason by a Relevant Committee including to enable any further investigation to be carried out in relation to the Misconduct Allegation.

28. **Failure to appear**

(1) If a relevant person fails to appear at the time and place appointed by the Registrar for a Hearing the Relevant Committee may, if satisfied that reasonable steps have been taken to give to the relevant person notice of the Hearing:

(a) proceed in the absence of the relevant person; or
(b) adjourn the Hearing to a later date and cause the relevant person to be given a notice stating that the Hearing is adjourned and informing the relevant person that the Hearing will proceed on the later date notwithstanding any further absence of the relevant person.
In clause 28(1) a reference to a “relevant person” means an Accused Student Respondent, a support person of the Accused Student Respondent or a witness.

29. Conduct at hearing

(1) All persons appearing before or present at a Hearing must conduct themselves in a proper manner.

(2) If a person does not comply with clause 29(1):
   (a) the presiding member of the Relevant Committee must, if the person is a Staff Member inform the Vice-Chancellor of the failure; and
   (b) the presiding member of the Relevant Committee must, if the person is a Student, inform the person that disciplinary action may be taken in respect of their behaviour; and
   (c) the presiding member of the Relevant Committee may require the person to leave the Hearing.

(3) If the Accused Student Respondent is required under clause 29(2)(c) to leave a Hearing the Hearing may only continue in the absence of the Accused Student Respondent if the Accused Student Respondent was required to leave the Hearing by reason of conduct which disrupted the Hearing.

30. Matters relating to evidence and information

(1) The Registrar, an Investigator or the presiding member of a Relevant Committee may direct a Student or Staff Member to do any one or more of the following:
   (a) verify by statutory declaration any evidence;
   (b) appear personally before the Registrar, an Investigator or a Relevant Committee at a time and place specified in the direction;
   (c) produce to any person any document that is in that person’s custody or under that person’s control;
   (d) do anything necessary to enable the Registrar to gain access to any document or evidence that is in the custody or under the control of any other person, within the time specified in the direction.

(2) The Registrar may:
   (a) retain any document produced under this clause 30 for any period that the Registrar thinks necessary; and
   (b) make and retain copies of it.

(3) The Registrar, an Investigator or a Relevant Committee may obtain expert advice or other assistance on any matter from any person and rely upon that advice or other assistance.
A Student or Staff Member must not refuse or fail to comply with a request to answer a question, give information, produce a document or any other thing or do anything else on the ground that to do so may make that person liable to a sanction imposed under this procedure policy or any other adverse decision by the University.

31. Reasons for decisions of a Relevant Committee

(1) An Accused Student may request a Relevant Committee to give him or her a brief written statement of reasons for a decision by the Relevant Committee contemplated by this policy.

(2) A request under clause 31(1) must be made in writing to the Registrar within 10 Working Days after the day on which the Accused Student is notified of the decision.

(3) The Relevant Committee must give the requested statement of reasons for a decision within 20 Working Days after receiving a request under clause 31(1).

(1) Following the determination of an allegation at a Hearing Committee meeting, the Student Respondent will receive:

(a) written confirmation of the Committee’s decision;

(b) a brief statement of reasons for the decision; and

(c) the available University appeal and support options;

within 10 working days of the Hearing Committee meeting at which the decision was made.

(2) A statement of reasons need not include any information or matter which it would be unlawful to disclose.

(b) If a statement of reasons would be false or misleading if it did not include information or matter which it would be unlawful to disclose the Relevant Committee must inform the person who requested the statement of that fact and must not give the statement to the person.

32. Procedures of Relevant Committees

(1) A Relevant Committee may subject to this procedure policy and its Terms of Reference conduct its Hearing as it thinks appropriate.

(2) The Registrar may call the first Hearing of a Relevant Committee as he or she thinks appropriate and a Relevant Committee may, subject to this procedure policy, call and adjourn subsequent Hearings as it thinks appropriate.

(3) The quorum for a hearing of the relevant Committee is three members. The quorum for a Hearing of a Relevant Committee is all the members.
(4) The decision of a majority of the members of a Relevant Committee is a decision of the Relevant Committee and, in the event of an equality of votes, the presiding member has a second or casting vote.

(5) A Relevant Committee must decide whether an Accused Student Respondent is responsible for guilty of Misconduct on the balance of probabilities.

(6) A Relevant Committee may combine the Hearings of two or more Misconduct Allegations made against two or more Students.

33. **Procedural matters**

(1) The Registrar may, extend or shorten any time fixed by this procedure policy or by any decision of a Relevant Committee and may do so as many times as he or she thinks appropriate.

(a) The Registrar may extend any such time before or after the time expires whether or not an application for the extension is made before the time expires.

(b) If no time is fixed by this procedure policy for the doing of anything in or relating to any proceeding before a Relevant Committee, the Registrar may fix the time within which the thing must be done.

(2) A Relevant Committee may decide that:

(a) a procedural irregularity relating to a Misconduct Allegation is to be disregarded; and

(b) a decision in respect of a Misconduct Allegation will not be invalidated by the procedural irregularity,

if the Relevant Committee is satisfied that:

(c) the procedural irregularity has not caused substantial injustice to the notifier Complainant or the Accused Student Respondent; or

(d) any substantial injustice caused by the procedural irregularity can be remedied by a decision of the Relevant Committee.

(3) In this clause 33 a reference to a procedural irregularity includes a reference to:

(a) the absence of a quorum at a Hearing; and

(b) a defect, irregularity or deficiency relating to any notice; and

(c) a defect or irregularity in the appointment or authority of any person purporting to exercise a power or function under this procedure policy.

34. **Service of notices or other communications**

(1) Any written communication under this procedure policy must be legible and in the English language.
Any communication under this procedure policy to the University, the Vice-Chancellor or the Registrar may be given by being:

(a) delivered personally to the Registrar; or
(b) left at the office of the Registrar or sent by prepaid post or courier to the University addressed to the Registrar; or
(c) sent to the Registrar by email or other electronic means to any email address that is published by the University as the email address of the Registrar.

Any communication under this procedure policy to a Student or Staff Member may be given by being:

(a) delivered personally to that person;
(b) left at or sent by post to:
   (i) the most recent address of that person as it appears on the records of the University; or
   (ii) such other address of that person as appears to the sender to be an address where that person resides or works; or
(c) sent to the University email address of that person or to another email address that has been given by that person for the purpose of receiving communications.

Any communication to a Student Organisation may be given to a person who the Registrar believes to be an officeholder of that Student Organisation.

If an officeholder of a Student Organisation receives on behalf of a Student Organisation a communication under this procedure policy, he or she must use their best endeavours to promptly notify each other officeholder of its receipt and contents.

Any communication will be taken to have been given:

(a) in the case of sending by prepaid post or courier- if posted or couriered in the Commonwealth of Australia to an address in the Commonwealth of Australia, within three Working Days of posting or being given to the courier and in any other case within five Working Days after posting by airmail or being given to the courier; and
(b) in the case of sending by email – at 9.00 am Sydney time on the next Working Day after it is sent.

35. Replacement of a committee member

If a member of a Relevant Committee, for the purposes of a particular Hearing:

(a) stops being a member of the Relevant Committee; or
(b) is unwilling or unable to complete the Hearing or to participate in making a decision of the Relevant Committee.

the Registrar may either:
(c) direct that the Relevant Committee must be constituted for the purpose of finishing the
Hearing and making the decision, by the remaining members of it; or
(d) direct that the Relevant Committee must be constituted for that purpose by the
remaining members together with another person appointed by the Registrar.

(2) The Vice-Chancellor may by notice to a member of a Hearing Committee remove that member
from office.

36. Delegation of functions

(1) The Registrar and the Vice-Chancellor may delegate their respective functions and powers
under this procedure policy to any person or otherwise authorise any person to carry out
those functions or powers.

(2) If:

(a) the exercise of a function or power by the Registrar or Vice-Chancellor is dependent on
the opinion, belief or state of mind of the Registrar or Vice-Chancellor, as the case
requires, in relation to any matter; and
(b) the Registrar or Vice-Chancellor has delegated the function or power to some other
person or otherwise authorised some other person to carry out the function or power,
the function or power may be exercised by that other person on the opinion, belief or state of
mind of that other person in relation to any such matter.

[Note: A list of persons who have been authorised by the Registrar to exercise a function or
power of the Registrar can be found [link]].

37. Vexatious and frivolous allegations are prohibited

(1) A Misconduct Allegation must not be made which is vexatious, frivolous, lacking in substance
or made in bad faith.

[Note: An example of bad faith is where a Misconduct Allegation is made which is known to
be false or misleading or is made for an ulterior or improper purpose].

(2) The Registrar may direct any person not to make a Misconduct Allegation without the
Registrar’s consent if the Registrar is satisfied that the person has previously made a
Misconduct Allegation which is vexatious, frivolous, lacking in substance or made in bad faith.

38. The Registrar may withhold awards and records

(1) The Registrar may:

(a) delay the awarding to the Accused Student Respondent of any academic or non-
academic award; and
(b) withhold from the Accused Student Respondent any academic transcript, testamur or other record,

until the later of:

(c) completion of any Investigation; or
(d) a decision by a Hearing Committee; or
(e) a decision by an Appeal Committee; or
(f) compliance with or expiration of any sanction imposed on the Accused Student Respondent.

(2) The Registrar may vary or revoke any decision made under clause 38(1).

39. **Compliance with directions**

A Student or Staff Member given a direction by the Registrar, Vice-Chancellor or the presiding member of a Relevant Committee, contemplated by this procedure policy must comply with it.

**Part 9 – Dictionary and Interpretation**

40. **Dictionary**

In this procedure policy:

“**Academic Exercise**” means:

(a) an examination, that is, a time limited assessment task conducted under invigilation including tests, practical assessments and final examinations; and

(b) the submission and assessment of a thesis, dissertation, essay, practical work or other coursework and any other exercise (including in the case of graduate students transfer and confirmation of status exercises) which is not undertaken in formal examination conditions but counts towards or constitutes the work for an academic award and includes related research;

“**Accused Student Respondent**” means a Student who is the subject of a Misconduct Allegation;

“**Appeal Committee**” means a committee established to deal with an appeal from a decision of a Hearing Committee;

“**College**” means any:

(a) college of the University;
(b) residential premises of the University; or
(c) residential premises primarily intended to be used as Student residences (including Macquarie University Village or any similar premises) whether or not they are owned, operated or managed by the University;
“Notifier Complainant” means a person who makes a Misconduct Allegation;

“Hearing” means a hearing a Relevant Committee contemplated by this procedure policy;

“Hearing Committee” means a committee established to deal with a Misconduct Allegation;

“Investigation” means an investigation pursuant to Part 4;

“Investigator” means a person who carries out an Investigation;

“Low Level Academic Misconduct” means conduct of a type, if proven, would result in the application of any one or more sanctions listed in Level 1 of Schedule 1 of this procedure.

“Misconduct” means:

(a) conduct prohibited by a University Regulation; and
(b) corrupt conduct in connection with the University;

“Misconduct Allegation” means an allegation against:

(a) a Student Organisation of Misconduct or that:
   (i) the Student Organisation; or
   (ii) the management committee of a Student Organisation; or
   (iii) other leaders or spokespersons of a Student Organisation,

   approved, encouraged or condoned (either before or after the Misconduct occurs and either tacitly or expressly) any members of the Student Organisation and others associated with it, engaging in Misconduct; or

(b) a Student of Misconduct;

“Procedure Policy Commencement Date” means the date specified in clause 3;

“Registrar” means the registrar from time to time of the University;

“Relevant Committee” means a Hearing Committee or an Appeal Committee, as the case requires;

“Serious Misconduct” means any Misconduct which:

(a) involves substantial harm or threat of substantial harm to the health, safety or wellbeing of any person; or
(b) involves substantial damage or threat of substantial damage to the property of any person; or
(c) has or may have a substantial adverse affect upon the reputation of the University;

“Staff Member” means any staff member of the University includes officers, employees and contractors of the University and the appointees to conjoint, adjunct, emeritus, honorary and visiting academic positions at the University;
“Student” includes:

(a) a person who has been admitted as a student of the University but who has not yet enrolled in any program or unit of study or research; and
(b) a person who is enrolled in or auditing a program or unit of study or research provided by the University; and
(c) a person who is enrolled in a program or unit of study or research at or offered by an educational institution affiliated with the University which is approved as an award program or a unit of study or research by the University; and
(d) a person who has completed a program or unit of study or research at the University but has not yet been awarded the applicable academic award; and
(e) a person who became admitted or enrolled as a student of the University because of misleading or dishonest conduct by any person; and
(f) a person who is awarded an academic or non-academic award by the University because of misleading or dishonest conduct by any person; and
(g) any person who has been suspended from a program or unit of study or research at the University; and
(h) a person who is on leave of absence from or who has deferred enrolment in a program or unit of study or research offered by the University or by an affiliated educational institution which is approved as an award program or unit of study or research by the University; and
(i) any person who undertakes any Academic Exercise which is part of a program or unit of study or research provided, supervised or assessed by the University,

and includes a former Student;

“Student Organisation” means any incorporated or unincorporated association or group of persons the majority of whom are Students which is affiliated with or otherwise associated with the University;

“Suspension” means:

(a) in the case if a Student - suspension of the Accused Student’s Respondent rights as a Student including his or her right to be on University Premises, participate in University Activities and use University Property; and
(b) in the case of a Student Organisation - suspension of the Student Organisation’s rights as a Student Organisation including its affiliation with the University, right to hold itself out as being connected with the University (including by using the name, trademarks and logos of the University), right to use any University Property, right to receive any funding or resources from the University, and right to participate in University Activities;

“University” means Macquarie University and where the context permits includes any one or more of the following:

(a) its controlled entities; and
(b) any institution affiliated with Macquarie University or any of its controlled entities; and
(c) any College; and
(d) any educational institution located on premises of the University;

“University Activities” means the activities of the University and the University Community including:

(a) teaching, study and research at the University; and
(b) the conduct of any Academic Exercise; and
(c) recreational, commercial, disciplinary or ceremonial activities of the University or the University Community; and
(d) any clinical, professional or practical work, research, workshops, camps or field or vocational placements and any other activities arranged, sponsored, controlled or supervised by the University whether or not it is part of a program or unit of study at the University; and
(e) the provision by the University of services to the general community; and
(f) the use or enjoyment of any University Property by any person authorised by the University; and
(g) the management or administration of the University;

“University Community” means the:

(a) members of the University’s council and Staff Members of the University; and
(b) Students; and
(c) Student Organisations; and
(d) tenants and licensees of University Premises and their officers and staff; and
(e) persons conducting an authorised business or other activity upon University Premises;

“University Premises” means

(a) any premises owned, operated, supervised, occupied or controlled by the University including premises of which the University is the landlord; and
(b) any premises on which University Activities take place; and
(c) any College premises;

“University Property” means any facility, resource or property which is:

(a) owned by the University or in which the University has an interest or right; or
(b) in the custody or control of the University; or
(c) provided by the University; or
(d) on University Premises,

and includes any University Premises;

“University Regulations” means the by-laws, rules, codes of conduct, policies and directions from time to time of the University and includes this procedure policy;

“Vice-Chancellor” means the vice-chancellor from time to time of the University;

“Working Days” means any day other than:
(a) a Saturday, a Sunday or a public holiday; or
(b) 27, 28, 29, 30 or 31 December,
in Sydney;

41. **Interpretation**

(1) In this procedure policy a reference to:

(a) the Registrar or Vice-Chancellor includes any person deriving any function or power directly or indirectly by delegation or authorisation from the Registrar or Vice-Chancellor, as the case requires; and
(b) any person holding or occupying a particular office or position includes each person who from time to time occupies or is acting in that office or position;
(c) a person whose functions are assumed by another person because it ceases to exist or otherwise, includes the person who assumes all or substantially all of those functions and any related powers;
(d) a person includes an individual, a corporation, an unincorporated association and the trustee of a trust; and
(e) property includes moneys and information; and
(f) a document means any record of information and includes:

(i) anything on which there is writing; or
(ii) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; or
(iii) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; or
(iv) a map, plan, drawing or photograph; and

(g) premises means any:

(i) structure, building, aircraft, vehicle or vessel; or
(ii) land or place (whether or not it is enclosed, built on or covered by water); and

(h) anything being published by the University includes it appearing on the University’s website; and

(i) evidence includes any information, document or other thing relating to Misconduct which a person is required or requested to provide under this procedure policy; and

(j) a sanction means any sanction imposed on an Accused Student Respondent or Student Organisation found responsible for guilty of Misconduct; and

(k) University Regulations means the present and future University Regulations and includes consolidations, amendments and replacements of them; and

(l) a Student Organisation means a present or future Student Organisation and in the case of a Student Organisation which is unincorporated, includes its members, its management committee and any person who holds property upon trust for any of its members or past members; and
(m) the management committee of a Student Organisation means the governing body of that Student Organisation (regardless of the name given to it) or, if there is no governing body, the members of that Student Organisation; and

(n) disciplinary action is to any action taken by the University under this procedure policy in respect of Misconduct; and

(o) a witness includes a person who is able to provide evidence relating to a Misconduct Allegation.

(2) In this procedure policy:

(a) the mention of anything after the word “include” or any derivative of it does not limit the nature or class of things included; and

(b) a reference to anything includes a part of it; and

(c) a word or expression that indicates one or more particular genders will be taken to indicate every other gender; and

(d) a reference to a word or expression in the singular form includes a reference to the word or expression in the plural form and vice versa.

(3)

(a) If this procedure policy defines a word or expression, other parts of speech and grammatical forms of the word or expression having corresponding meanings.

(b) Headings are not part of this agreement and must be ignored in interpreting it.

(c) A note included in this procedure policy is explanatory only and is not part of this procedure policy.
Schedule 1 [Sanctions]

Approved sanctions for misconduct include, but are not limited to, any or all of the following:

Level 1

1. Formal warning or caution.
2. Written apology to individual(s) and/or entities as directed.
3. Disciplinary probation for a specified period.
4. Resubmission, re-sit or redo of an academic exercise subject to any appropriate condition.
5. Mark reduction in an academic exercise or part of an academic exercise.
6. Fail in an academic exercise or part of an academic exercise, with a mark of 0.

Level 2

7. Fail grade in a unit or units of study with a mark of 0.
8. Prohibit (exclude) for an indefinite or specified period from entering any part or all of University premises; from being enrolled and/or re-enrolling; attending any classes, meetings or other University activities; using any University facilities or services; from bringing a motor vehicle (including a motor cycle) onto University premises.
9. Direction order to pay restitution for any associated University property damage resulting from the misconduct; that future admission or enrolment at the University be subject to specified conditions; to not represent the University or a Student Organisation in any capacity for an indefinite or specified period; to perform a specified task for the benefit of the University or the general community for a specified period.
10. Suspended sanction, typically an exclusion, whose application is suspended for a specified period. A suspended sentence may apply at any time while it is still current, usually in response to a case of further misconduct. If the specified period lapses without further incident, the sanction is regarded as expired.
11. Remedial activities during the period of a suspended sanction or disciplinary probation, focused upon the student’s education and/or personal development.
Level 3

12. Permanently exclude from entering any part or all of University premises; from being enrolled or re-enrolling as a student; attending any classes, meetings or other University activities; or using any University facilities or services.

13. Postponing for an indefinite or specified period the awarding of any non-academic award or academic award from the University.

14. Revoking any non-academic award or academic award by the University or terminate any right to receive any such award.

15. Reducing by one or more classes any degree classification and/or awarding a pass degree instead of an honours degree.

16. Record sanction on external transcript in order to make a permanent and external record of the misconduct (cf. with the common practice of recording the misconduct on the student’s internal transcript).
Schedule 2
[factors to consider when determining appropriate Sanctions]

Decision makers may take into account the following considerations in the determination of a sanction:

1. The severity and extent of the breach;
2. Whether the misconduct was an isolated incident, or part of an ongoing pattern of behaviour;
3. Any history of previously penalised misconduct by the student;
4. Recent precedent as established by relevant University decision making authorities;
5. The student’s general health and personal circumstances at the time of the breach;
6. Any academic risk factors, stressors or external influences that might have impacted the student’s otherwise sound judgement;
7. The extent to which the proposed sanction would have a lasting or irrevocable impact on the student’s future graduation and/or work prospects;
8. Any social, cultural, or personal factors that could serve to attenuate or amplify the effect of proposed sanction;
9. Whether the student had (or was) coerced or misled (by) a third party into taking part in misconduct;
10. Whether the student could reasonably have understood that his or her actions would breach the expected standard of student conduct;
11. Whether the student promptly reported the misconduct and readily co-operated with any investigation;
12. Whether the student acknowledged responsibility and there is clear evidence of contrition;
13. Whether the student has taken steps to prevent such breaches in future; and
14. Whether the student has taken actions to remedy or reduce the impact of the breach.
Schedule 1

[Sanctions – clause 13(2)]

Approved sanctions for Misconduct under clause 13(2) of this policy are any or all of the following:

(a) —
   (i) reprimand the Accused Student;
   (ii) suspend the Accused Student for a specified period not exceeding 30 days;
   (iii) direct that the Accused Student do or refrain from doing something relating to University Activities for a specified period not exceeding 30 days;
   (iv) direct that the Accused Student be banned from specified University Premises for a specified period not exceeding 30 days;
   (v) direct that the Accused Student perform a specified service or task for the benefit of the University or the general community for a specified period not exceeding 30 days;
   (vi) direct that the Accused Student undertake counselling of a specified type or for a specified purpose and for a specified period not exceeding 30 days;

(b) in respect of any Misconduct relating to any Academic Exercise take any one or more of the following actions in addition to or instead of a sanction referred to in clause (a) of this schedule:

   (i) if practicable, exclude from assessment any part of the work submitted that the examiner or marker is satisfied is not the Accused Student’s own work;
   (ii) reduce a mark awarded to any piece of work;
   (iii) award no mark to or disregard any piece of work;
   (iv) substitute an alternative mark for any piece of work;
   (v) permit the Accused Student to re-sit or redo an Academic Exercise subject to any conditions that the Registrar thinks appropriate;
   (vi) fail the Accused Student in the Academic Exercise or part of the Academic Exercise.
Schedule 2

[Sanctions—general]

1. Approved sanctions for Misconduct include any or any combination of the following:

   (1) reprimanding the Accused Student;

   (2) Suspending the Accused Student for an indefinite or a specified period;

   (3) banning the Accused Student from specified University Premises or the use of specified University Property for a specified period;

   (4) banning the Accused Student from bringing a motor vehicle (including a motor cycle) onto University Premises for an indefinite or specified period;

   (5) terminating the Accused Student’s admission or enrolment at the University;

   (6) directing that the Accused Student not be admitted or enrolled as a Student, for an indefinite or specified period;

   (7) directing that the Accused Student’s present or future admission or enrolment at the University be subject to specified conditions;

   (8) directing that the Accused Student pay a fine of a specified amount, not exceeding the maximum permitted amount specified from time to time by the Registrar for sanctions under this guideline;

   (9) directing that the Accused Student pay compensation to any person for damage or injury which is caused or contributed to by the Misconduct of the Accused Student;

   (10) directing that the Accused Student do or refrain from doing something relating to University Activities;

   (11) directing that the Accused Student not represent the University or a Student Organisation in any capacity or in a specified capacity for an indefinite or a specified period;

   (12) directing that the Accused Student perform a specified service or task for the benefit of the University or the general community, for a specified period;

   (13) directing that the Accused Student undertake counselling of a specified type or for a specified purpose and for an indefinite period or specified period;

   (14) prohibiting indefinitely or for a specified period the Accused Student from taking part in the management of, being a member of or otherwise being associated or involved with Student Organisations generally or a specified Student Organisation;

   (15) revoking any non-academic award or academic award from the University or terminate any right to receive any such award;
(16)—postponing for an indefinite or specified period the awarding by the University of any academic award or non-academic award;

(17)—in the case of Misconduct relating to any Academic Exercise include the following:

(a) if practicable, excluding from assessment any part of the work submitted that the examiners are satisfied is not the Accused Student’s own work; and

(b) imposing one or more of the following sanctions:

(i) reducing a mark awarded to any piece of work;
(ii) not awarding a mark to or disregarding any piece of work;
(iii) substituting an alternative mark for any piece of work;
(iv) reducing by one or more classes any degree classification;
(v) requiring the Accused Student to redo the Academic Exercise;
(vi) awarding a pass degree instead of an honours degree;
(vii) failing the Accused Student in the Academic Exercise or in part of the Academic Exercise.
Schedule 3
[Sanctions – Student Organisations clause 18]

1. Approved sanctions for a Student Organisation responsible for misconduct include any or any combination of the following:

(a) reprimanding that Student Organisation;
(b) suspending that Student Organisation for an indefinite or a specified period;
(c) terminating the Student Organisation’s affiliation with the University or impose specified conditions on its affiliation;
(d) terminating or suspending the provision of University funding or resources to that Student Organisation or impose specified conditions on the provision of funding or resources;
(e) terminating or suspending the Student Organisation’s right to use the name or emblem of the University or impose specified conditions on its right to use the name or emblem of the University;
(f) directing that it be wound up or dissolved;
(g) appointing a person to investigate the affairs of that Student Organisation;
(h) appointing a person to manage the affairs of that Student Organisation;
(i) appointing a person to take possession and control of the property of that Student Organisation;
(j) suspending or terminating any right of the members or governing body of that Student Organisation to manage the affairs of that Student Organisation.
ITEM 7.6: TERMS OF REFERENCE – DISCIPLINE COMMITTEES

Recommendation
That Academic Senate provide feedback on the draft Terms of Reference for Discipline Hearing Committees.
ITEM 7.6: DRAFT TERMS OF REFERENCE DISCIPLINE HEARING COMMITTEES

Issue
The draft Student Discipline Policy outlines a broad committee framework for referral of student disciplinary matters to ‘a hearing committee’. The working party of Academic Senate which reviewed the draft Student Discipline Policy sought to articulate the types of committees that may operate, such as Faculty Hearing Committees and a central University Hearing Committee.

To effectively operationalise the Student Discipline Policy it followed that a Terms of Reference for each committee would be drafted to address committee composition; reporting; and general functions.

Recommendation
That Academic Senate provide feedback on the draft Terms of Reference for Discipline Hearing Committees.

Submitted by
Professor Dominic Verity
Chair of Academic Senate

For enquiries contact: Adam Stepcich, Manager Student Grievances and Discipline, x7325
FACULTY HEARING COMMITTEE (FHC)

TERMS OF REFERENCE

PART 1 PRELIMINARY

1. **Name of Terms of Reference**
   These Terms of Reference may be cited as the ‘FHC Terms of Reference’.

2. **Application**
   The FHC Terms of Reference apply to the Faculty Hearing Committees which are the faculty based student disciplinary bodies at Macquarie University.

3. **Purpose**
   The purposes of these Terms of Reference are to outline the composition; proceedings and functions; and connected matters of the Faculty Hearing Committees at Macquarie University.

PART 2 INTERPRETATION

4. **Interpretation**
   In these Terms of Reference:
   
   **Academic Senate** means the Academic Senate of the University.
   **By-law** means the Macquarie University By-law 2005.
   **Council** means the Council of the University.
   **Faculty** means an administrative grouping of research, academic and professional staff and students based on the area they teach, support and study.
   **the Committee** means the Faculty Hearing Committee.
   **University** means the Macquarie University established by the Macquarie University Act 1989.
PART 3 SUBSTANTIVE PROVISIONS

5. Composition
   (1) The Faculty Hearing Committee comprises:
       (a) the Associate Dean, Learning and Teaching of the Faculty (Chair);
       (b) six members of continuing academic staff of the Faculty;
       (c) one student member of Faculty Board; and
       (d) other persons appointed from time to time by Faculty Board.

   (2) Any member under section 5(1)(b) is selected by the Faculty Board and will
       appointed for a term not exceeding two years.

   (3) Three or more members in section 5(1)(b) will be at academic level D or above.

   (4) Any student member in section 5(1)(c) will be selected by the Faculty Board.

   (5) Committee members are expected to:
       (a) contribute the time to review and understand alleged breaches and supporting
           materials;
       (b) apply good analytical skills, objectivity and sound judgement;
       (c) express opinions frankly and ask questions that go to fundamental issues;
       (d) treat all students with equal care, concern, fairness and dignity;
       (e) work collaboratively with other members of the Committee;
       (f) declare any real or perceived conflicts of interest; and
       (g) treat all information with confidentiality.

   (6) The Chair of the Committee must approve any option provided to a student
       respondent in regards to the pre-acceptance of responsibility (i.e. being prior to any
       determination by the Committee) and the prescribed sanction to be offered.

6. General functions of the Faculty Hearing Committee
   (1) The Committee has powers delegated by the Academic Senate through the Faculty
       Board as detailed within:
       (a) this Terms of Reference; and
       (b) the Student Discipline Procedure.

   (2) The Committee is to:
       (a) review and determine alleged student breaches of:
           (i) the Academic Honesty Policy; and
(ii) any University by-law, rule, policy or code published by the University which may specify student behaviour which will be academic misconduct;

on the balance of probabilities.

(b) consider and evaluate all of the information shared with it and determine which information is more credible, when this information is in conflict;

(c) apply a sanction consistent with the Student Discipline Procedure if a student is found responsible for a breach of an expected standard of student conduct;

(d) formally approve the imposition of any prescribed sanction pre-accepted by a student respondent under the Student Discipline Procedure;

(e) provide a record of a Committee decision in any matter to the:
   (i) Registrar; and
   (ii) Academic Senate through the Faculty Board;

   as soon as possible after the Committee Hearing at which the decision was given.

(f) undertake review as required of the relevant policy and procedures and recommend any revision to the Academic Senate through the Faculty Board to reflect a consistent, equitable and transparent approach to student discipline; and

(g) undertake such other functions as specified from time to time by the Faculty Board.

7. **General proceedings of the Faculty Hearing Committee** (being adapted from, and consistent with, the Student Discipline Procedure)

   (1) The Committee may conduct any Hearing it thinks appropriate.

   (2) The Committee may, subject to the Student Discipline Procedure and this Terms of Reference, conduct its Hearings as it thinks appropriate.

   (3) At a Hearing, the Committee:

      (a) may inform itself on any matter in any manner that it thinks appropriate;

      (b) must proceed with as little formality and as quickly as the procedural requirements and the proper consideration of the misconduct allegation permit;

      (c) is not bound by the rules of evidence;

      (d) may use any technology that gives the members of the Committee or any other relevant persons who are situated in different locations a reasonable opportunity to participate; and

      (e) may deal with the misconduct allegation notwithstanding that the student respondent or a witness has not for any reason made submissions, provided evidence or otherwise participated or co-operated in an investigation or the Committee Hearing.

   (4) At a Hearing the student respondent may:

      (a) be present unless the Committee Chair is satisfied that the student respondent may attempt to disrupt the Hearing;

      (b) be accompanied by a support person approved by the Committee Chair;

      (c) provide to the Committee oral or written submissions;

      (d) provide evidence to the Committee; and
(e) have witnesses provide evidence but may not examine or cross examine any witness.

(5) A Hearing of the Committee may be adjourned for any reason by the Committee including to enable any further investigation to be carried out in relation to the misconduct allegation.

(6) If a relevant person including a student respondent, a support person of a student respondent or a witness fail to appear at a Committee Hearing and the Committee is satisfied that reasonable steps have been taken to give the person notice of the Hearing, the Committee may:

(a) proceed in the absence of the relevant person; or

(b) adjourn the Hearing to a later date and cause the relevant person to be given a notice stating that the Hearing is adjourned and informing the person that the Hearing will proceed on the later date notwithstanding any further absence of the relevant person.

(7) All persons appearing before or present at a Hearing must conduct themselves in a proper manner and, if not, the Committee Chair:

(a) must, if the person is a staff member, inform the Vice-Chancellor of the failure;

(b) must, if the person is a student, inform the person that disciplinary action may be taken in respect of their behaviour; and

(c) may require the person to leave the Hearing.

(8) The Committee may direct a student or staff member to do any one or more of the following:

(a) verify by statutory declaration any evidence;

(b) appear personally before the Committee at a time and place specified in the direction;

(c) produce to any person any document that is in that person’s custody or under that person’s control;

(d) do anything necessary to enable access to any document or evidence that is in the custody or under the control of any other person; within the time specified in the direction.

(9) The Committee may obtain expert advice or other assistance on any matter from any person and rely upon that advice or other assistance.

(10) The Committee may combine the Hearings of two or more misconduct allegations made against two or more students.

(11) The Committee may decide that:

(a) a procedural irregularity relating to a misconduct allegation is to be disregarded;

(b) a decision in respect of a misconduct allegation will not be invalidated by the procedural irregularity;

    if the Committee is satisfied that:

    (c) the procedural irregularity has not caused substantial injustice to the notifier of the misconduct or the student respondent; or
(d) any substantial injustice caused by the procedural irregularity can be remedied by a decision of the Committee.

A procedural irregularity includes a reference to the absence of a quorum at a Hearing; a defect, irregularity or deficiency relating to any notice; and a defect or irregularity in the appointment or authority of any person purporting to exercise a power or function.

(12) The quorum for a Hearing of the Committee is three members.

(13) The decision of a majority of the members of the Committee is a decision of the Committee and, in the event of an equality of votes, the Committee Chair has a second or casting vote.

8. Appeals

(1) The University Hearing Committee, on appeal made to it, may confirm, quash or vary any decision made by the Faculty Hearing Committee.

(2) The University Hearing Committee will consider appeals in accordance with the Student Discipline Procedure and the University Hearing Committee Terms of Reference.
UNIVERSITY HEARING COMMITTEE (UHC)

TERMS OF REFERENCE

PART 1 PRELIMINARY

1. **Name of Terms of Reference**
   These Terms of Reference may be cited as the ‘UHC Terms of Reference’.

2. **Application**
   The UHC Terms of Reference apply to the University Hearing Committee which is the central student disciplinary body at Macquarie University.

3. **Purpose**
   The purposes of these Terms of Reference are to outline the composition; proceedings and functions; and connected matters of the University Hearing Committee at Macquarie University.

PART 2 INTERPRETATION

4. **Interpretation**
   In these Terms of Reference:
   - **Academic Senate** means the Academic Senate of the University.
   - **By-law** means the Macquarie University By-law 2005.
   - **Council** means the Council of the University.
   - **Executive Dean** means the Executive Dean of Faculty.
   - **Faculty** means an administrative grouping of research, academic and professional staff and students based on the area they teach, support and study.
   - **the Committee** means the University Hearing Committee.
   - **University** means the Macquarie University established by the Macquarie University Act 1989.
PART 3 SUBSTANTIVE PROVISIONS

5. Composition

(1) The University Hearing Committee comprises:

(a) a member of Council (chair);
(b) the Executive Deans of Faculties (or nominees);
(c) the Chair of Academic Senate;
(d) a student member of Academic Senate; and
(e) other persons appointed from time to time by the Registrar.

(2) Any Council member under section 5(1)(a) is selected by Council.

(3) Committee members are expected to:

(a) contribute the time to review and understand alleged breaches and supporting materials;
(b) apply good analytical skills, objectivity and sound judgement;
(c) express opinions frankly and ask questions that go to fundamental issues;
(d) treat all students with equal care, concern, fairness and dignity;
(e) work collaboratively with other members of the Committee;
(f) declare any real or perceived conflicts of interest; and
(g) treat all information with confidentiality.

(4) If a member of the Committee, for the purposes of a particular Hearing:

(a) stops being a member of the Committee; or
(b) is unwilling or unable to complete the Hearing or to participate in making a decision of the Relevant Committee;

the Registrar may either direct that the Committee must be constituted:

(c) for the purpose of finishing the Hearing and making the decision, by the remaining members of it; or
(d) for that purpose by the remaining members together with another person appointed by the Registrar.

(5) The Vice-Chancellor may by notice to a member of the Committee remove that member from office.
6. **General functions of the University Hearing Committee**

   (1) The Committee has powers delegated by Council as detailed within:
      (a) this Terms of Reference; and
      (b) the Student Discipline Procedure.

   (2) The Committee is to:
      (a) review and determine alleged student breaches of:
          (i) the Student Code of Conduct;
          (ii) the Academic Honesty Policy; and
          (iii) any University by-law, rule, policy or code published by the University which may specify student behaviour which will be misconduct;
          on the balance of probabilities.
      (b) consider and evaluate all of the information shared with it and determine which information is more credible, when this information is in conflict;
      (c) apply an appropriate sanction if a student is found responsible for a breach of an expected standard of student conduct;
      (d) formally approve the imposition of any prescribed sanction pre-accepted by a student respondent under the Student Discipline Procedure;
      (e) confirm, quash or vary any decision made by a Faculty Hearing Committee on appeal made to it;
      (f) provide a record of a Committee decision in any matter to the Council and the Academic Senate as soon as possible after the Committee Hearing at which the decision was given;
      (g) undertake review of relevant policy and procedures and recommend revision as required to reflect a consistent, equitable and transparent approach to student discipline; and
      (h) undertake such other functions as specified from time to time by the Registrar.

7. **General proceedings of the University Hearing Committee**

   (1) The Committee may conduct any Hearing it thinks appropriate.

   (2) The Committee may, subject to the Student Discipline Procedure and this Terms of Reference, conduct its Hearings as it thinks appropriate.

   (3) At a Hearing, the Committee:
      (a) may inform itself on any matter in any manner that it thinks appropriate;
      (b) must proceed with as little formality and as quickly as the procedural requirements and the proper consideration of the misconduct allegation permit;
      (c) is not bound by the rules of evidence;
(d) may use any technology that gives the members of the Committee or any other relevant persons who are situated in different locations a reasonable opportunity to participate; and

(e) may deal with the misconduct allegation notwithstanding that the student respondent or a witness has not for any reason made submissions, provided evidence or otherwise participated or co-operated in an investigation or the Committee Hearing.

(4) At a Hearing the student respondent may:

(a) be present unless the Committee Chair is satisfied that the student respondent may attempt to disrupt the Hearing;

(b) be accompanied by a support person approved by the Registrar;

(c) provide to the Committee oral or written submissions;

(d) provide evidence to the Committee; and

(e) have witnesses provide evidence but may not examine or cross examine any witness.

(5) A Hearing of the Committee may be adjourned for any reason by the Committee including to enable any further investigation to be carried out in relation to the misconduct allegation.

(6) If a relevant person including a student respondent, a support person of a student respondent or a witness fail to appear at a Committee Hearing and the Committee is satisfied that reasonable steps have been taken to give the person notice of the Hearing, the Committee may:

(a) proceed in the absence of the relevant person; or

(b) adjourn the Hearing to a later date and cause the relevant person to be given a notice stating that the Hearing is adjourned and informing the person that the Hearing will proceed on the later date notwithstanding any further absence of the relevant person.

(7) All persons appearing before or present at a Hearing must conduct themselves in a proper manner and, if not, the Committee Chair:

(a) must, if the person is a staff member, inform the Vice-Chancellor of the failure;

(b) must, if the person is a student, inform the person that disciplinary action may be taken in respect of their behaviour; and

(c) may require the person to leave the Hearing.

(8) The Committee may direct a student or staff member to do any one or more of the following:

(a) verify by statutory declaration any evidence;

(b) appear personally before the Committee at a time and place specified in the direction;

(c) produce to any person any document that is in that person's custody or under that person's control;

(d) do anything necessary to enable the Registrar to gain access to any document or evidence that is in the custody or under the control of any other person; within the time specified in the direction.
(9) The Committee may obtain expert advice or other assistance on any matter from any person and rely upon that advice or other assistance.

(10) The Committee may combine the Hearings of two or more misconduct allegations made against two or more students.

(11) The Committee may decide that:

(a) a procedural irregularity relating to a misconduct allegation is to be disregarded;
(b) a decision in respect of a misconduct allegation will not be invalidated by the procedural irregularity;
   if the Committee is satisfied that:
(c) the procedural irregularity has not caused substantial injustice to the notifier of the misconduct or the student respondent; or
(d) any substantial injustice caused by the procedural irregularity can be remedied by a decision of the Committee.

A procedural irregularity includes a reference to the absence of a quorum at a Hearing; a defect, irregularity or deficiency relating to any notice; and a defect or irregularity in the appointment or authority of any person purporting to exercise a power or function.

(12) The quorum for a Hearing of the Committee is three members.

(13) One or more members of a meeting quorum will be at academic level D or above.

(14) The decision of a majority of the members of the Committee is a decision of the Committee and, in the event of an equality of votes, the Committee Chair has a second or casting vote.

(15) The Registrar must approve any option provided to a student respondent in regards to the pre-acceptance of responsibility (i.e. being prior to any determination by the Committee) and the prescribed sanction to be offered.

8. Appeals

(1) The Standing Committee on Appeals, on appeal made to it, may confirm, quash or vary any decision made by the University Hearing Committee.

(2) The Standing Committee on Appeals will consider appeals in accordance with the Student Discipline Procedure and the Standing Committee on Appeals Terms of Reference.
ITEM 9.1: ACADEMIC PROBATION APPEALS COMMITTEE

Recommendation
That Academic Senate nominates a pool of staff as eligible to sit on the Academic Probation Appeals Committee.
ITEM 9.1: ACADEMIC PROBATION APPEALS COMMITTEE

Issue
The Macquarie University Academic Staff Enterprise Agreement 2014 prescribes membership of the Academic Probation Appeals Committee.

An Appeal Committee, constituted by the Director, Human Resources, will consider the appeal. The Committee will consist of:
(a) a nominee of the Director, Human Resources (Chair);
(b) a Staff Member from a pool of staff nominated by Academic Senate;
(c) a Staff Member nominated by the NTEU.

Clause, 3.5.11, the Macquarie University Academic Staff Enterprise Agreement 2014

The Macquarie University Academic Staff Enterprise Agreement 2014 also requires Academic Senate to nominate a Chair for the Misconduct Investigation Committee which relate to Research Misconduct.

Recommendation
That Academic Senate nominates a pool of staff as eligible to sit on the Academic Probation Appeals Committee.

That the Secretariat confirms the details of staff nominated to Human Resources.

That Academic Senate note the requirement to nominate a Chair for the Misconduct Investigation Committee as and when the need arises.

Consultation Process
The following offices have been consulted prior to the submission of this paper:

Nick Crowley, Manager, Employee Relations, Human Resources

Submitted by
Professor Dominic Verity
Chair, Academic Senate

For enquiries contact: Nick Crowley, Manager, Employee Relations, Human Resources x9768
ITEM 9.3: UNIVERSITY ELECTIONS UPDATE

For noting.
ITEM 9.3: UNIVERSITY ELECTIONS

ACADEMIC SENATE AND FACULTY BOARD ELECTIONS

Issue
A Notice of Election was published on 18 September 2014 for representation on Academic Senate and Faculty Boards. The Notice of Election was distributed to all staff and students by email. In addition a notification was placed in This Week and on the Senate website.

Nominations are now open for:
- Four Academic Representatives from each Faculty
- One Academic Representative from the MGSM and
- One Academic Representative from the Non-Faculty Electorate for election to Academic Senate.

In addition, nominations are now open for:
- At least one continuing academic staff member from each department of each Faculty
- One continuing non-academic staff member from each Faculty and
- Two students from each Faculty for representation on Faculty Boards.

The timeframe for elections to both Academic Senate and Faculty Boards is outlined below:

- 18 September 2014: Notice of Election and Nominations Open
- 9 October 2014: Nominations Close
- 15 October 2014: Voting Opens
- 7 November 2014: Voting Closes

Elections for Faculty of Medicine and Health Sciences representatives on Academic Senate and Faculty Board will take place in early 2015.

Recommendation
That Academic Senate note the timeframe for Academic Senate and Faculty Board Elections

Submitted by
Deidre Anderson
Deputy Vice-Chancellor (Students and Registrar)

For enquiries contact: Zoe Williams, Head of Governance Services, x4322
ITEM 9.4: 2016 ACADEMIC YEAR PLAN

For approval.
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**DRAFT ACADEMIC YEAR PLAN 2016** (please do not circulate)
ITEM 9.5: NOMINATION FOR AWARD OF THE TITLE OF MACQUARIE UNIVERSITY
EMERITUS PROFESSOR – PROFESSOR MURRAY GOOT

Due to the confidential nature of this item, pages 142 to 170 are available in a separate folder in Truth.

Please contact a member of the Governance Services team to obtain access.
ITEM 10.1: SAVING CLAUSE CASES

For ratification.
ITEM 10.1: SAVING CLAUSE CASES

The following Saving Clause cases were approved by the Chair of Academic Senate on 1 and 7 August 2014:

Faculty of Arts

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 41806816 to satisfy degree requirements of the Bachelor of Arts without having completed People and Planet units from two different faculties, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42108691 to satisfy degree requirements of the Bachelor of Arts without having completed People and Planet units from two different faculties, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 41465253 to satisfy degree requirements of the Bachelor of Arts (majoring in Writing and Sociology) without having completed 3cps from the MAS/ENG/CUL 300 level requirements for the Writing major, provided all other requirements have been met.

Faculty of Business and Economics

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42935350 to satisfy degree requirements of the Bachelor of Commerce by completing both People and Planet units within the Faculty of Business and Economics, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42118069 to satisfy degree requirements of the Bachelor of Commerce with Bachelor of Laws without completing another 3cps unit due to NCCW between LAW456 and BUSL301, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 41787358 to satisfy degree requirements of the Bachelor of Business Administration without completing People and Planet units, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42935350 to satisfy degree requirements of the Bachelor of Commerce by completing both People and Planet units within the Faculty of Business and Economics, provided all other requirements have been met.

Faculty of Human Sciences

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42246199 to satisfy degree requirements of the Bachelor of Arts with Diploma of Education without completing People and Planet unit requirements from two different faculties, provided all other requirements have been met.
The following Saving Clause cases were approved by the Chair of Academic Senate on 25 September 2014:

Faculty of Arts

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42113865 to satisfy degree requirements of the BA-Media without completing People and Planet units from two different faculties, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42867290 to satisfy degree requirements of the Bachelor of Arts, Media without completing a People or Planet unit outside the Faculty of Arts, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 41750829 to satisfy degree requirements of the Bachelor of Arts, Media without completing the requirements for the Bachelor of Arts, major in Media (2010) and all other degree requirements.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42855640 to satisfy degree requirements of the Bachelor of Arts - Media without completing a People or Planet unit outside the Faculty of Arts, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 41916417 to satisfy degree requirements of the Bachelor of Arts, major in Media without completing a People or Planet units outside the Faculty of Arts, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 40039021 to satisfy degree requirements of the Bachelor of Speech, Hearing and Language Sciences without meeting the 10 year content currency rule that applies to Recognition of Prior Learning in relation to units LING110/LING111, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42426952 to satisfy degree requirements of the BA-Media without completing 38cps at 200 level or above, provided all requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified 41807995 to satisfy degree requirements of the Bachelor of Arts with Bachelor of Laws without completing People and Planet units, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 41228774 to satisfy degree requirements of the Bachelor of Arts with Bachelor of Laws (2010 curriculum) without completing People and Planet units, provided all other requirements have been met.
RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 41759966 to satisfy degree requirements of the Bachelor of Arts, Media with Bachelor of Laws without completing the degree requirements for BA-Media LLB, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 43458416 to satisfy degree requirements of the Bachelor of Arts without completing an additional 300 level ANTH unit to replace ANTH305, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42881730 to satisfy degree requirements of the Bachelor of Arts, major in Media, Culture and Communication without completing a People or Planet units outside the Faculty of Arts, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 42462479 to satisfy degree requirements of the Bachelor of Commerce with Bachelor of Laws without completing another 3cp unit due to the NCCW condition between LAW456 and BUSL301, provided all other requirements have been met.

RECOMMENDATION
That the Savings clause be invoked to enable the student identified as 41758307 to satisfy degree requirements of the Bachelor of Arts with Bachelor of Laws (major in Politics) without completing one of her People and Planet units outside the Faculty of Arts, provided all other requirements have been met.
ITEM 10.2: PRIZE AWARDS

For ratification.
ITEM 10.2: MACQUARIE UNIVERSITY - PRIZE AWARDS

Recommendations for the award of prizes have been received as follows:

Graduate School of Management

<table>
<thead>
<tr>
<th>Prize</th>
<th>Awarded for</th>
<th>Student Number</th>
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<tbody>
<tr>
<td>Dean’s Merit Award</td>
<td>for academic excellence in all core units in a master degree program within the Macquarie Graduate School of Management (top 5 % of students)</td>
<td>41974379, 43014801, 40726592, 43359175, 43359639</td>
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<tr>
<td>Hong Kong Management Association Director’s Award</td>
<td>for highest overall grade point average in the Master of Management program conducted in Hong Kong</td>
<td>43041108, 42792355</td>
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<td>Hong Kong Management Association for Best Overall Performance</td>
<td>for highest overall grade point average in the Master of Management program conducted in Hong Kong</td>
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<tr>
<td>Hong Kong Management Association Award for Best Overall Performance</td>
<td>for highest overall grade point average in the Master of Management program conducted in Hong Kong</td>
<td>43041108, 42792355</td>
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<tr>
<td>Hong Kong Management Association Award for Best Overall Performance</td>
<td>for highest overall grade point average in the Master of Business Administration program conducted in Hong Kong</td>
<td>42783283, 41718917</td>
</tr>
<tr>
<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM800 Strategic Human Resource Management</td>
<td>41683587</td>
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<tr>
<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM815 International Marketing</td>
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<tr>
<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM819 Consumer Behaviour</td>
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<tr>
<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM820 Marketing Management</td>
<td>43412998</td>
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<tr>
<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM835 Financial Management</td>
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<tr>
<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM840 Accounting for Management</td>
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<tr>
<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM842 Business Performance Measurement &amp; Management</td>
<td>43412998</td>
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<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM845 Economic Context of Management</td>
<td>41567862, 43412998</td>
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<tr>
<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM850 Strategic Frameworks</td>
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<tr>
<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM860 Strategic Management</td>
<td>41674030</td>
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<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM870 Organisational Behaviour</td>
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<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM871 Managerial Psychology</td>
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<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM876 Leadership and Motivation</td>
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<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM890 Operations Management</td>
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<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM897 Management of Innovation</td>
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<td>Hong Kong Management Association Award</td>
<td>for proficiency in the unit MGSM960 Information and Decision Analysis</td>
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Faculty of Science

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<tr>
<th>Prize</th>
<th>Awarded for</th>
<th>Student Number</th>
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| EMC Prize for Best Female Student in Engineering Session 1 | For the highest overall grade in Session 1 in a Bachelor of engineering Degree by a female student | 42490952       

**RECOMMENDED**: That prizes be awarded to the students nominated above.

Deidre Anderson
REGISTRAR
ITEM 10.3: MATTERS APPROVED BY THE CHAIR OF ACADEMIC SENATE

The following matters were considered by the Chair of Academic Senate after the 3 September 2014 meeting of Academic Senate:

- On 3 September 2014 the Chair of Academic Senate approved a Grade Change for the student identified as 41759230 (FOBE300) – from “I” to “D” (80).
- On 18 September 2014 the Chair of Academic Senate approved the addition of the student identified as 43059244 to be included as an addendum to the Academic Senate on 18 July 2014 to enable the student to graduate on 23 September 2014.
- On 22 September 2014 the Chair of Academic Senate approved the ratification and certification of the results for the student identified as 40560953.

For ratification.
ITEM 11.1: ACADEMIC STANDARDS AND QUALITY COMMITTEE REPORT

Report of the Academic Standards and Quality Committee meeting held on 16 September 2014.

For approval.
ITEMS RECOMMENDED FOR APPROVAL

1. Program Proposals for MQ Pathway College

The Committee noted that the contract between the University and the Sydney Institute of Business and Technology (SIBT), for the provision of pathway programs at the North Ryde campus, will end at the conclusion of 2015. The Committee considered the submitted Program proposals for the MQ Pathway College (refer to the following link to the Agenda – reference item 5.2).

Recommendation:

That Academic Senate approves the Program Proposals for the MQ Pathway College, subject to the issues raised by the Working Group being addressed and signed-off by the Chair of Academic Senate.

ITEMS FOR NOTING

The Chair welcomed Professor John Simons, Deputy Vice-Chancellor (Academic) attending his first meeting as a newly appointed member.

The Committee noted that the first Individual Case had been received as a result of the implementation of the Recognition of Prior Learning (RPL) Policy, in particular as a result of the 10 year limit on currency of prior learning. The Committee discussed the potential increase in cases and resolved that Individual Cases relating to the 10 year limit on currency for a unit, as stipulated in the Recognition of Prior Learning Policy, be dealt with by the Department which owns that unit.

The exceptions to currency and minimum requirements as permitted by the Recognition of Prior Learning Policy were discussed. The Committee considered the process by which exceptions should be sought, the conditions under which exceptions should be approved, and the timeframe for submission and approval of exception proposals (refer to the following link to the Agenda – reference item 5.1).

The 2015 Course Transfer Criteria was approved, subject to minor amendment (refer to the following link to the Agenda – reference item 5.3) and the Committee noted a summary progress report for Stage 2 of the Curriculum Renewal.

The Committee noted a presentation from Trudy de Vries, Head of Risk and Compliance who provided an overview of the MQ Risk Management Framework especially as it relates to academic matters.

Proposal to add existing units to the Schedule of PACE Units for 2015

The following unit was added to the Schedule of PACE units effective 2015:

- GEO3XX- PACE in Earth and Planetary Sciences

The following 2015 units for 2015 were approved:

- AFIN310 - Issues in Applied Finance (PACE unit)
- ECON381 (PACE unit)
- MHIS205 – ANZAC: Australians at War (People unit)

The Committee noted the 2014/2015 changes to the Schedule of Programs, Majors or Specialisations (refer to the following link to the Agenda – reference item 7.2).

The next meeting of ASQC will be held on Tuesday 14 October 2014; agenda items are due Friday 3 October 2014.

The full minutes of ASQC can be accessed via the TRUTH directory ASQC after they have been approved at the next ASQC meeting on 14 October 2014.

A/Professor Pamela Coutts - Chair
ITEM 11.2: HIGHER DEGREE RESEARCH COMMITTEE REPORT

Report of the Higher Degree Research Committee meetings held on 11 August and 26 September 2014.

For approval.
MACQUARIE UNIVERSITY

REPORT OF THE HIGHER DEGREE RESEARCH COMMITTEE

Two meetings of the Higher Degree Research Committee were held on Friday 22 August 2014 and 26 September 2014 respectively at 9:00am in the Council Room, Building E11A

A. MATTERS FOR INFORMATION

Report from 22 August 2014:
Professor Verity updated members on the HDRC review. The review committee met recently and consultations commenced with the Associate Deans, Higher Degree Research and HDR Faculty Managers.

Professor Pretorius briefed members on the important upcoming promotional event for MRES recruitment, particularly for domestic candidates. MRES conversion to PhD is another important milestone for research training programs. There will be a celebration event on 27th October 2014 for MRES candidates after submission.

Professor Pretorius also briefed members on the upcoming China Scholarship Council Fair trip. Macquarie International and Higher Degree Research Office (HDRO) are working with faculties on this event.

Professor Mansfield updated members on the MRES thesis submission dates and process. Professor Mansfield also briefed the committee on the ‘Show Cause’ process, Scholarship Ranking Guidelines and Transferable Skills Program.

Dr Yi reported on HDRO commencement and completion data. The total number of candidates enrolled in MRES and PhD programs as at August was 566. The RTS scheme had 393 candidates enrolled. 203 candidates completed their programs compared to 189 completed for the same period last year.

Dr Yi tabled the IDEALAB examination process for the committee which was approved. He also provided an update on the MRES exchange program as well as the e-application Project.

Ms Robinson commenced her position at Macquarie International in early August and will work closely with the HDRO and research portfolios on strategic partnerships.

Dr Yi advised members on Macquarie University’s Mexican Government Scholarship Scheme and Macquarie University’s Colombian Government Scholarship Scheme. Both schemes are supporting co-funded MRES and PhD candidates from Mexico and Columbia. Agreements are currently in the process of being signed.

Furthermore, Dr Yi also talked about the current developments of the Macquarie University Vietnam VIED Joint Scholarship Scheme. The Vietnamese government has approved a new scheme on Cotutelle and Joint PhD Programs through Vietnamese Partners. Macquarie University will work with partners in Vietnam on applications in Business Economics and Sciences.

Associate Professor Estela Valverde suggested the Korean Government Scholarship Scheme. HDRO will work with Macquarie International on attracting more Korean Government Scholarship candidates to Macquarie University.
Report from 26 September 2014:
Professor Verity updated members on the HDR Appeal Committee (HDRAC). The HDRAC will merge into a new appeal committee covering undergraduate, postgraduate and HDR appeals. Members debated the new approach on handling HDR appeals as well as the consultation process. Members agreed further consultations are required.

Professor Verity also updated members on the HDRC review. Professor Verity has been engaging with HDR candidate representatives. The term of reference of HDRC will be tabled for the committee in the November meeting.

Professor Pretorius briefed the committee on the PVC Research appointments. Professor Leslie Hughes and Professor Peter Nelson have each been appointed as PVC Research (on part time basis) for 3 years.

The DVC-R team has been working intensely to finalise the Research Framework Whitepaper. Constructive feedbacks have been reflected in the Whitepaper. The White Paper and Research Impact Book will be launched in early October.

Professor Pretorius also updated the members on the MQ IP Policy.

Professor Mansfield introduced the ‘3 Minutes Thesis’ competition to members. Professor Mansfield tabled the ‘Professional Skills for HDR Candidates’ document to the committee. It is an important program for the Research Training Program at MQ. It will improve the employability of HDR candidates.

Professor Mansfield tabled the ‘2015 PGRF Round 1 Outcome’ to the committee. He also tabled the updated ‘Scholarship Ranking Sheet’ and the ‘Show Cause Flowchart’ to the committee. The Show Cause procedure will be updated accordingly. He also talked about the supervision load planning and members discussed the supervision work load models. Members agreed MRES supervision should be recognised. Members also agreed it is a faculty matter and should be further discussed at faculty level.

Associate Professor Reynolds led the discussion on the ‘Thesis by Publication’ matter raised by the Department of Law. Professor Verity referred this matter to the HDR Policy and Guidelines on ‘Thesis by Publications’. Members agreed that all publications for thesis submission must be submitted and/or published during the HDR candidature at MQ.

Dr Yi tabled the HDR commencement and completion data to the members. By the end of September, 415 HDR candidates will have commenced and 229 candidates will have completed at MQ, therefore achieving 2014 targets. The Alumni Further Study Report was also tabled. The report strongly indicated the significant interests from Alumni, for conducting further research at MQ across all disciplines, except FBE.

Dr Yi tabled the ‘2015 HDR International Research Training Partnership’ implementation plan to the committee. The plan has been developed by HDRO with MI having an important input. It has been tabled for faculties to have further consultation. Dr Yi also briefed members on the e-application and e-examination projects, as well as the new Cotutelle and Joint PhD Report. By the end of September 2014, 204 Cotutelle and Joint PhD candidates will have enrolled or graduated from MQ.

New HDRT Units for Human Sciences (Psychology & Cognitive Sciences) were approved by the committee.

Dr Yi updated the committee on the 2014 APR timetable as well as the upcoming China Scholarship Council Fair. He also briefed members on the upcoming APA scholarship round, as well as the current IPRS scholarship round. Over 250 IPRS applications have been received and the applications are currently assessed at faculty level.
Associate Professor Vemulpad led the discussion on the appointment of Non-MQ staff as principle supervisors. Associate Professor Homewood shared her experience from Human Sciences. Professor Mansfield suggested the Faculty of Science should adopt the Faculty of Human Sciences approach. Members agreed that Professor Mansfield will lead the development of university wide guidelines on this matter.

**COMPLETION OF REQUIREMENTS**

**ABBASSI, SOUMAYA**
Principal Supervisor: Professor Simon George
Associate Supervisor: Associate Professor Kelsie Dadd
Adjunct Supervisor: B Horsfield
Thesis submitted for examination: 17 April 2014
Thesis title: Hydrocarbon potential characterisation and kinetic models for source rocks in the Bonaparte and Gippsland basins, Australia
Award Recommended: Doctor of Philosophy

**AL-JANABI, SHAHD**
Principal Supervisor: Associate Professor Matthew Finkbeiner
Associate Supervisor: Dr Paul Sowman
Thesis submitted for examination: 27 June 2014
Thesis title: Constraints on Attentional Orienting by Symbolic and Abrupt Onset Cues as Revealed Through Masking
Award Recommended: Doctor of Philosophy

**ALTAHER, NOURA**
Principal Supervisor: Dr Elaine Evans
Associate Supervisor: Associate Professor Maria Dyball
Thesis submitted for examination: 29 April 2014
Thesis title: Accounting Profession and Professionalization Project in Kuwait: A historical study
Award Recommended: Doctor of Philosophy

**ARDEN-WONG, LYNDON ALASTAIR**
Principal Supervisor: Dr Gunner Mikkelsen
Associate Supervisor: Professor Samuel Lieu
Thesis submitted for examination: 16 May 2014
Thesis title: The Eastern Uighur Khaganate: An Exploration of Inner Asian Architectural and Cultural Exchange
Award Recommended: Doctor of Philosophy

**CAMBERIS, ANNA-LISA**
Principal Supervisor: Associate Professor Catherine McMahon
Associate Supervisor: Dr Frances Gibson
Adjunct Supervisor: J Boivin
Thesis submitted for examination: 3 June 2014
Thesis title: Psychological Maturity and the Transition to Parenthood: A Study of Older First-Time Mothers
Award Recommended: combined Doctor of Philosophy and Master of Clinical Psychology

**CHEAH, WAI YUEN**
Principal Supervisor: Professor Nicolle Packer
Associate Supervisor: Professor Kaisu Nevalainen
Thesis submitted for examination: 30 September 2013
Thesis title: Sugar-pathogen interactions: Breast milk as the first line of defence against infections
Award Recommended: Doctor of Philosophy
CVETOJEVIC, NICK  
FOS  PHD
Principal Supervisor:  Professor Michael Withford
Associate Supervisor:  Associate Professor Mike Steel
Adjunct Supervisor:  J. Lawrence, N. Jovanovic
Thesis submitted for examination:  08 May 2014
Award Recommended:  Doctor of Philosophy

DEEBA, FARAH  
FOHS  PHD
Principal Supervisor:  Professor Ronald Rapee
Associate Supervisor:  Dr Maria Kangas
Thesis submitted for examination:  27 February 2014
Thesis title:  The assessment and treatment of post-trauma reactions among Bangladeshi children
Award Recommended:  Doctor of Philosophy

EVEN, NAILA PEGGY  
FOS  PHD
Principal Supervisor:  Dr Andrew Barron
Associate Supervisor:  Professor Kenneth Cheng
Adjunct Supervisor:  J Devaud
Thesis submitted for examination:  26 March 2014
Thesis title:  Physiological and Behavioural Stress Responses in the Social Honeybee, Apis Mellifera
Award Recommended:  Doctor of Philosophy

GILLETT, MIRIAM KRESLIN  
FOA  PHD
Principal Supervisor:  Associate Professor Paul McKechnie
Associate Supervisor:  Dr Danijel Dzino, Associate Professor Thomas Hillard, A/Prof Kenneth Sheedy, Dr Peter Keegan
Thesis title:  Inventing Identities: Graeco-Roman Constructions of the Etruscans
Award Recommended:  Doctor of Philosophy

JAFARZADEH, NAFISEH  
FOA  PHD
Principal Supervisor:  Emeritus Professor Zada Lipman
Associate Supervisor:  Professor Natalie Klein
Thesis submitted for examination:  1 August 2014
Thesis title:  Improving Measuring, Reporting and Monitoring Mechanisms in International Environmental Law
Award Recommended:  Doctor of Philosophy

KEANE, CONOR  
FOA  PHD
Principal Supervisor:  Dr Lloyd Cox
Associate Supervisor:  Professor Stephanie Lawson
Thesis submitted for examination:  22 April 2014
Thesis title:  Divided we stand: Bureaucratic politics and US nation building in Afghanistan
Award Recommended:  Doctor of Philosophy

KHAN, MOINUL  
FOA  PHD
Principal Supervisor:  Dr Julian Droogan
Associate Supervisor:  Dr Karl Roberts
Thesis submitted for examination:  24 March 2014
Thesis title:  The Islamic Resurgence: Why Bangladesh is a Case Apart
Award Recommended:  Doctor of Philosophy
KHARROUBI, HASSAN FOBE PHD
Principal Supervisor: Associate Professor Stephen Chen
Associate Supervisor: Dr David Gray
Thesis submitted for examination: 12 March 2014
Thesis title: The relationship between the degree of offshoring and organisation performance in Australia
Award Recommended: Doctor of Philosophy

LI, XIAOFENG FOS PHD
Principal Supervisor: Dr Vladmir Strezov
Associate Supervisor: Dr Marco Amati
Thesis submitted for examination: 15 April 2014
Award Recommended: Doctor of Philosophy

LILLEY, ROZANNA LUCY FOHS PHD
Principal Supervisor: Professor Jennifer Bowes
Associate Supervisor: Dr Katherine Cologon
Thesis submitted for examination: 12 June 2014
Thesis title: Experiences of School Choice and Change for Mothers of Students Diagnosed with Autism
Award Recommended: Doctor of Philosophy

LIU, QIANG FOS PHD
Principal Supervisor: Associate Professor Michael Steel
Associate Supervisor: Professor Michael Withford
Thesis submitted for examination: 24 April 2014
Thesis title: Femtosecond laser direct writing of non-reciprocal structures in magneto-optical glasses
Award Recommended: Doctor of Philosophy

MISTRY, DHARMICA FOHS PHD
Principal Supervisor: Professor Mark Connor
Associate Supervisor: -
Adjunct Supervisor: P French
Thesis submitted for examination: 5 August 2014
Thesis title: The identification and characterization of breast cancer associate lipid(s) found in hair
Award Recommended: Doctor of Philosophy

MOHIUDDIN, KAZI ABU BAKAR MOHAMMAD FOS PHD
Principal Supervisor: Dr Vladimir Strezov
Associate Supervisor: Professor Peter Nelson
Thesis submitted for examination: 30 May 2014
Thesis title: Physicochemical characterisation of atmospheric particles in the vicinity of iron and steel industries in Australia
Award Recommended: Doctor of Philosophy

NICHKAWDE, CHETAN FOS PHD
Principal Supervisor: Professor Deborah Kane
Associate Supervisor: Dr Robert Carman
Thesis submitted for examination: 21 March 2014
Thesis title: Time Series Driven Characterization and Inference of Complex Systems
Award Recommended: Doctor of Philosophy
PELTZ, PHILLIP
Principal Supervisor: Dr Stephen Collins
Associate Supervisor: Dr Guy Morrow
Thesis title: Artist-Entrepreneurship in the Digital Recording Industry
Award Recommended: Doctor of Philosophy

SALMAN, IBRAHIM
Principal Supervisor: Professor Jacqueline Phillips
Associate Supervisor: Dr Cara Hildreth
Thesis submitted for examination: 4 June 2014
Thesis title: Cardiovascular Autonomic Dysfunction in Chronic Kidney Disease
Award Recommended: Doctor of Philosophy

SCOTT, JOEL NATHAN KENT
Principal Supervisor: Dr Paul Sheehan
Associate Supervisor: Dr Ulrike Garde
Thesis submitted for examination: 16 May 2014
Thesis title: Less than Minor: Translation and/or Experimental Writing
Award Recommended: Doctor of Philosophy

TOOMEY WESTCOTT, ALEXANDER
Principal Supervisor: Professor Brian Bosworth
Associate Supervisor: Associate Professor Thomas Hillard
Adjunct Supervisor: E. Baynham
Thesis submitted for examination: 13 February 2014
Award Recommended: Doctor of Philosophy

VIEGAS, KAYLA
Principal Supervisor: Professor Albert Avolio
Associate Supervisor: Dr Mark Butlin
Thesis submitted for examination: 24 January 2014
Thesis title: The use of genetically modified mouse models for investigations of mechanisms of arterial stiffness
Award Recommended: Doctor of Philosophy

WEEKS, NICOLE JENNIFER
Principal Supervisor: Associate Professor Colin Wastell
Associate Supervisor: Professor Mark Wiggins
Thesis submitted for examination: 24 June 2014
Thesis title: Dynamic Hypothesis Testing: Mechanisms that drive decisions under uncertainty
Award Recommended: Doctor of Philosophy

CONSIDERATION FOR VICE-CHANCELLOR’S COMMENDATION

BILOUS, REBECCA
Principal Supervisor: Dr Sandra Suchet-Pearson
Associate Supervisor: Professor Richard Howitt, Dr Kate Lloyd
Adjunct Supervisor: A Clarke
Thesis submitted for examination: 20 March 2014
Thesis title: Telling and hearing: Learning from Macassan - Yolngu stories of connecting

On 22 August 2014, the Higher Degree Research Committee recommended that Rebecca Bilous’ PhD thesis be awarded.

The following comments were received from the examiners:
"The thesis provides a model for settler scholars to decolonize their own scholarship and in particular their methodological approach.

"The articles/chapters are all published in respected scholarly publications, which demonstrates the candidate's academic rigor, contribution to knowledge, originality and the quality of the writing. Indeed I think that the gentle tone of the writing is one of the thesis' great strengths. It demonstrates a humility and respect for diverse knowledges and perspectives.

"... The author demonstrates respect, humility and flexibility and, most importantly, the ability to take people seriously, which is necessary when one is learning how to learn within another cultural context. ...Thus the thesis demonstrates the importance of creating spaces for Indigenous knowledge.

It is the work of social justice. The thesis is a fine demonstration of de-colonising methodology. I look forward to reading more of the candidate's research."

"This is an outstanding PhD thesis of which the candidate should be very proud. Its principal strength is the quality of thought that has crafted it.

"In my view, Ms. Bilous has achieved a great deal in this thesis. She has a sophisticated understanding of the current academic literature in: Australian national history and mythology and the many venues through which it has been and is promoted; storytelling as a way of making connections between people; place and its meanings; cross cultural communication and its challenges; pedagogies of field work; community based participatory research methodologies; and the nexus between curricula, teacher capacity imagination, and settler self-interest. More than that, in this thesis and her published articles she has contributed significantly to each of these fields of research.

"Perhaps most impressive is her approach to her own research and that of her students. For Ms. Bilous every research challenge is also an opportunity for learning.

"Ms. Bilous is a remarkably creative scholar. She is rigorous and demanding of herself yet also flexible and open to the perspective of others, including even those of Balanda or privileged settlers. ...It was a great pleasure and an education to read this thesis. I would welcome contact from M. Bilous as I suspect we would have much to talk about.

"I see no tick boxes to indicate an award winning thesis. This is an award winning thesis."

"Rebecca Bilous’ thesis represents a clear original contribution to the field. This thesis has the potential to provide a best practice example for her discipline and beyond. The research agreement was excellent.

"As an Aboriginal educator, I am impressed by Bilous’ openness to have her own assumptions questioned.

I commend Rebecca Bilous and her supervisors for an outstanding contribution to the field."

Taking into account the examiners reports and the above comments, the committee noted that the thesis was of exceptional merit.

RESOLVED
That Rebecca Bilous’ PhD thesis entitled “Telling and hearing: Learning from Macassan - Yolngu stories of connecting” be awarded a Vice-Chancellor’s Commendation.

SCOTT, JOEL NATHAN KENT FOA PHD
Principal Supervisor:  Dr Paul Sheehan
Associate Supervisor: Dr Ulrike Garde
Thesis submitted for examination: 16 May 2014
Thesis title: Less than Minor: Translation and/or Experimental Writing

On 26 September 2014, the Higher Degree Research Committee recommended that Joel Nathan Kent Scott’s PhD thesis be awarded.

The following comments were received from the examiners:
I will begin with the obvious: the approach taken in this thesis is decidedly speculative and heuristic. A construction and exploration of conceptual categories that might illuminate translation as a form of experimental writing. Nevertheless, the exposition is admirably clear, the writing forceful and suggestive, and the result quite cogent, if taken on its own terms. The project is remarkably ambitious, no less than a synthesis, in effect, of a wide range of theoretical discourses with some pointed applications to translation and other cultural forms and practices, mostly literary and visual.

“What is perhaps most impressive is Mr. Scott's effort to make Walter Benjamin's work speak to all the aspects of translation that the thesis attempts to explore. This aspect leads to fresh interpretations of Benjamin's essays, rescuing "The Translator's Task" in particular from the rote citation and rather tired readings to which it has been submitted since its revival in the 1980s. Mr. Scott's linking of Benjamin, for instance, to a chain of concepts that includes "ornament," "fetishism," "Fremdwort," "surplus value," and "the Body without Organs" exemplifies the sort of speculative brilliance that is on display throughout this work. He creates a broader context in which to read Benjamin's famous essay by linking it to other, less frequently examined pieces, like "On the Mimetic Faculty," which, as he shows, yield intriguing insights about translation. The depth of Mr. Scott's engagement with Benjamin's work inevitably makes one wonder what he makes of the different translations of "The Translator's Task" (like this very title, which is Steven Rendall's), that is to say, what philosophical inscriptions can be more clearly seen in the different English versions.

“All the same, I believe this thesis to be a stunning achievement, at once learned and shrewd in its research and arguments. Perhaps the greatest praise I can give it is that the more I read, the more I was moved to debate, to raise questions and to advance counter-arguments. Mr. Scott's work is rigorously constructed; it demands the same sort of application from his reader. In my view, his thesis merits passing with distinction and with absolutely no revisions-except typographical corrections made after a very close proofreading.”

“I found this a very insightful and engaging dissertation because of the wide array of frameworks Scott brings to translation studies - a field which has traditionally tended to be suspicious of theory - and for the way it foregrounds the process of working through these texts.

“Scott is correct to point out that there is another problem with Venuti's argument: that of "visibilizing" the translator. I have not yet seen this important point made in discussions of Venuti's work.

“Taking all of these points into consideration, I think this dissertation displays an impressive amount of thinking and reading.”

“Let me say immediately that this is both a brilliant and beautifully written thesis: in fact, one of the best theses I have read in the last ten years or so. From its arresting, at once witty and poignant title, to its eloquent conclusion, it made me want to read slowly, deeply, thoughtfully and with immense care - a mimetic reflection of its own means of procedure as it engages closely with Walter Benjamin's way of conceptual 'bending' in particular, and also with the eccentricities and excesses of texts by numerous other writers which are revealed as intimately linked with their aesthetics and/ or their politics. This is both adventurously wide-ranging and immensely thoughtful work: a deeply informed meditation on the practice of translation as writing, experimental in the sense that it takes leave from the pole of communicative exchange (and hence from the work of language as law-making and law-preserving in which, ideally, mediation would disappear). Here translation appears as the writing which enfolds pockets of air into the otherwise dangerous potential (or at least ideal, hypothetical) transparency of the medium.

“It is to pay this work the highest compliment to call it profligate and wasteful: it is also wide-ranging, erudite and witty as it roves, with purpose, through numerous other fields of thought in the course of its extended meditation on the work of translation as a form of writing in its own right.

“This is necessarily a journey of detours and digressions and as such it works wonderfully well as a metaphor for the always-evolving nature of translation itself, limited to no particular languages or periods and of necessity having to re-invent itself on the move.

“I have no hesitation whatsoever in recommending this work for the immediate award of the doctorate, without revision or emendation, and do so without reservation.”

Taking into account the examiners' reports and the above comments, the committee noted that the thesis was of exceptional merit.

RESOVED
That Joel Nathan Kent Scott's PhD thesis entitled “Less than Minor: Translation and/or Experimental Writing” be awarded a Vice-Chancellor's Commendation.