

# **Macquarie University Special Education Centre (School)**

## **Charter and Management Committee Rules**

### **1. Definitions**

In this Charter and Rules:

**“Department”** means the Department of Educational Studies (by whatever name it is known from time to time) in the Faculty, or such other department, school or unit in the Faculty of which the School forms a part from time to time.

**“Department Head”** means the Department’s Head of Department from time to time.

**“Ex-officio Member”** means a person who is a member of the Management Committee pursuant to paragraph 6(a) of this Charter and Rules.

**“Executive Dean”** means the Executive Dean from time to time of the Faculty.

**“Faculty”** means the Faculty of Human Sciences at the University (by whatever name it is known from time to time), or such other faculty of the University of which the Department and School form a part from time to time.

**“Management Committee”** means the Management Committee of the School which is constituted and will operate in the manner provided in this Charter and Rules (and which comprises the Ex-officio Members and the University Representatives).

**“Parent”** means a parent or legal guardian of one or more children who are enrolled at the School.

**“Parent Observer”** means a Parent who is appointed from time to time as provided in clause 7 as an observer at meetings of the Management Committee.

**“Principal”** means the principal of the School from time to time.

**“School”** means the kindergarten to Year 6 school for students with a disability that operates within the Department in the Faculty and is known as Macquarie University Special Education Centre.

**“University”** means Macquarie University.

**“University Representative”** means a person who is a member of the Management Committee pursuant to paragraph 6(b) of this Charter and Rules.

**“Year”** means a period of 12 months commencing on 1 January.

### **2. Name and Classification of the School**

- (a) The name of the School is the Macquarie University Special Education Centre.
- (b) The School is owned and operated by the University and is a part of the University. More particularly, the School operates as a kindergarten to Year 6 school for students with a disability within the Department in the Faculty and is a teaching and research site for students and staff of the University and others involved in the special education field.

### **3. Objects of the School**

Unless and until the University (or its duly authorised delegates determine otherwise), the objects of the School are as follows:

- (a) to offer high quality special education programs to families in the community and to facilitate the learning and development and wellbeing of each child enrolled at and attending the School;
- (b) to function as an integral part of the Department's programs as a teaching and research centre for students and staff of the University and others involved in the special education field;
- (c) to encourage enquiry into all aspects of special education; and
- (d) to demonstrate to professionals, and other interested parties, exemplary practices in special education.

### **4. Management of the School and Responsible Persons**

- (a) In accordance with its Delegations of Authority Policy, the University has conferred on the Executive Dean:
  - (i) the power (in consultation with relevant members of the executive group of the University) to establish policies, procedures, schedules and guidelines for the management and operation of the School; and
  - (ii) the overall management responsibility (including financial management) of the School (which includes the power to delegate some or all of those management responsibilities).
- (b) All management decisions concerning the operation of the School will be made by the Executive Dean and such other members of the Management Committee as the Executive Dean may determine from time to time under the University's Delegations of Authority Policy.
- (c) For the purposes of the Education Act 1990 (NSW):
  - (i) the Management Committee is the governing body of the School; and
  - (ii) the "Responsible Persons" of the School are the Executive Dean and the other members of the Management Committee.
- (d) Meetings of the Management Committee will be convened and held (and decisions of the Management Committee will be made) in such manner as the Executive Dean may determine in writing from time to time.

### **5. Function, Role and Purpose of the Management Committee**

The Management Committee has been formed:

- (a) to provide advice, recommendations and feedback on specific matters relating to the management, operation and organisation of the School to the Executive Dean (or any person nominated by the Executive Dean);
- (b) to be consulted each year on a draft annual budget for the School (which is to include proposed fee levels and expenditure by major categories); and
- (c) to make recommendations for expenditure within any approved budget to the Executive Dean (or any person nominated by the Executive Dean).

## 6. Appointment of Management Committee Members

- (a) The following persons will be Ex-officio Members of the Management Committee:
  - (i) the Executive Dean (or their nominee);
  - (ii) the Department Head (or their nominee); and
  - (iii) the Principal (or their nominee).
- (b) The Executive Dean may from time to time appoint up to 2 staff members of the Faculty as University Representative members of the Management Committee and may from time to time remove and replace any such University Representative member of the Management Committee.

## 7. Nomination, Appointment and Rights and Duties of Management Committee Parent Observer

- (a) To promote greater engagement and transparency between the School and the Parent cohort a Parent Observer will be appointed to attend and observe meetings of the Management Committee in the manner and on the terms provided in this Rule 7. For the avoidance of doubt, the Parent Observer will not be a member of the Management Committee.
- (b) Not later than 1 March of each Year, the Principal will cause at least 2 notices to be displayed in prominent positions at the School's campus calling for nominations of a Parent to be appointed as a Parent Observer to the Management Committee for the period that commences on 1 April and ends on the following 31 March ("**Appointment Period**") and setting a deadline ("**Nomination Deadline**") by which those nominations must be received by the Principal.

A nomination for appointment as a Parent Observer is only valid (a "**Valid Nomination**") if:

- (i) the person nominated is a Parent at the time the nomination is made;
- (ii) the nomination is signed by the nominee and by 2 supporters of the nomination and is received by the Principal by the Nomination Deadline;
- (iii) the supporters who sign the nomination are each a Parent at the time of the nomination and do not reside at the same address as each other or at the same address as the nominee.

The Executive Dean (or their nominee) will consider the Valid Nominations received for possible appointment as Parent Observer to the Management Committee. The Executive Dean (or their nominee) will also be entitled to consider any other Parent for possible appointment as Parent Observer to the Management Committee. The Executive Dean (or their nominee) will select from the Valid Nominations (and any other Parents they consider) one Parent that they will appoint as Parent Observer to the Management Committee for the Appointment Period, with any such appointment operating for the duration of the relevant Appointment Period.

The Executive Dean (or their nominee) may at any time by notice in writing to a Parent Observer terminate their appointment as a Parent Observer to the Management Committee.

- (c) Where the Parent Observer to the Management Committee under this Rule 7:
  - (i) has their appointment terminated by the Executive Dean (or their nominee);

- (ii) resigns;
- (iii) ceases to be eligible to continue; or
- (iv) for any reason becomes unable to continue to act,

as a Parent Observer to the Management Committee at any time during an Appointment Period, the Executive Dean (or their nominee) will be entitled to select and appoint a replacement Parent Observer to the Management Committee for the whole (or the remaining part) of that Appointment Period (as the case may be) from the Parents of any children who are enrolled at the School at the time of that appointment to fill the casual vacancy subject to the relevant Parent consenting to that appointment.

- (d) The Parent Observer will have the following rights, duties and obligations in relation to the Management Committee and meetings and proceedings of the Management Committee:
  - (i) the right to be notified (and receive all notices) of meetings of the Management Committee;
  - (ii) subject to paragraph (e) of this Rule 7, the right to receive all supporting material relating to meetings of the Management Committee;
  - (iii) subject to paragraph (e) of this Rule 7, the right to attend and speak at meetings of the Management Committee (but not the right to vote on any proposed action of the Management Committee);
  - (iv) a duty to not disclose any discussions or actions of the Management Committee or any material and information provided to the Management Committee unless specifically authorised to do so by a majority vote of the Management Committee (and provided that any such disclosure will not result in a breach by the School of any relevant privacy laws).
- (e) The Executive Dean (or their nominee on the Management Committee) may:
  - (i) determine not to provide supporting material for a meeting of the Management Committee to the Parent Observer in circumstances where:
    - (A) that supporting material relates to behavioural or personal issues that concern a child of the Parent Observer; and/or
    - (B) where that supporting material contains confidential, sensitive or personal information about a particular identified (or identifiable) child or children (or the members of the family of that child or children);
  - (ii) determine that the Parent Observer not be present during any part of the Management Committee in which the material and issues referred to in paragraph (e)(i) of this Rule 7 are discussed;
  - (iii) require that the Parent Observer signs an acceptable non-disclosure agreement that supports the Parent Observer's duty of non-disclosure referred to in paragraph (d)(iv) of this Rule 7 before the Parent Observer is provided with any supporting material for meetings of the Management Committee and/or before the Parent Observer attends any meetings of the Management Committee,

## **8. Chair of the Management Committee**

- (a) The Executive Dean (or their nominee on the Management Committee) will be entitled by notice in writing to the Management Committee to appoint themselves (or any other Ex-officio or University Representative on the Management Committee) as the Chair of the Management Committee. Any such appointment will continue for the duration of the period set out in that notice, or if no period is specified, until the Executive Dean (or their nominee on the Management Committee) revokes that appointment by notice in writing to the Management Committee.
- (b) If the Chair is not present or is unable to act and preside as chair at any meeting of the Advisory Committee at which a quorum is present, the members of the Advisory Committee who are present 10 minutes after the meeting was scheduled to commence may choose (from amongst the Ex-officio and University Representative members of the Advisory Committee then present) one of their number to chair and preside at that meeting of the Advisory Committee.

## **9. Quorum for Management Committee Meetings**

- (a) A quorum for a meeting of the Management Committee will not exist unless:
  - (i) at least one-half of the number of members of the Management Committee then holding office (which will be rounded up to the nearest whole number if that is a fraction) are present at the meeting; and
  - (ii) at least one of the members of the Management Committee present at that meeting is an Ex-officio member of the Management Committee.
- (b) Should a quorum not be present within half an hour of the time set down for a meeting to commence, the meeting shall be adjourned to a place and time determined by the Chair that is within one month of the date of such meeting. At the adjourned meeting the members of the Management Committee present will be a quorum provided at least 1 of the members present is an Ex-officio member.

If at the adjourned meeting that quorum is not present within 30 minutes after the time appointed for the meeting, the meeting will be dissolved.

- (c) No business may be conducted unless a quorum is present.

## **10. Frequency of Management Committee Meetings**

- (a) The Management Committee must meet up to 4 times (or such greater number of times as may be determined by either the Executive Dean (or their nominee on the Management Committee) or by resolution of the Management Committee) during each Year.
- (b) As far as possible, one Management Committee meeting will be held during each of the school terms that occur during the period referred to in paragraph (a) of this Rule.

## **11. Calling and Notice of Management Committee Meetings**

- (a) Meetings of the Management Committee will be called by the Executive Dean (or their nominee)
- (b) Notice of a Management Committee meeting is to be:

given to all members of the Management Committee and to the Parent Observer  
at least 14 days prior to the meeting.

- (c) Any such notice of meeting must:
  - (i) specify the time and place of the meeting; and
  - (ii) indicate the general nature of the business to be conducted.
- (d) The non-receipt of a notice of a Management Committee meeting (or the failure to give notice of a Management Committee meeting to a Management Committee member (or to the Parent Observer)) does not invalidate any act matter or thing done by or resolution passed at the meeting if the non-receipt or failure occurred by accident or error.

## **12. Procedures and Voting at Management Committee Meetings**

- (a) Subject to this Charter and Rules, the members of the Management Committee shall meet together for the dispatch of business, adjourn and otherwise appoint and regulate their meetings as they think fit.
- (b) Subject to paragraph (c) of this Rule, each member of the Management Committee present at a Management Committee meeting will be entitled to cast one vote in respect to any question to be determined at that meeting.
- (c) Questions arising for determination at any Management Committee meeting are to be decided by a majority of votes of the members of the Management Committee present at that meeting. In the case of an equality of votes the Chair of that meeting shall have a second or casting vote.
- (d) Subject to the inherent right of the Chair presiding at a Management Committee meeting to make rulings and directions for the orderly conduct of any such meeting.
- (e) The Management Committee will cause minutes to be made of its meetings by its secretary.

## **13. Secretariat Duties of the Principal**

The Principal will act as secretary for the Management Committee and will be responsible for:

- (a) providing notices of meeting to members of the Management Committee together with any relevant materials;
- (b) taking (or arranging for the taking) of minutes and recording any resolutions of the Management Committee.

## **14. Financial Year of the School**

The financial year for the School will conclude on 31 December each Year (or on such other date as may be consistent with the financial year of the University from time to time).

## **15. School and University Policies**

The members of the Management Committee will be subject to, and must comply with, relevant policies and procedures of the School and of the University (including those relating to privacy and the use of personal and confidential information) that are brought to their attention by any of the Ex-officio members of the Management Committee in relation to their

participation in Management Committee meetings and the performance by them of their roles as members of the Management Committee.

**16. Replacement of Management Committee Constitution and Amendments of Charter and Rules**

- (a) This Charter and Rules supersedes and replaces the Management Committee Constitution for the School that was approved by the Council of the University on 18 August 2010.
- (b) This Charter and Rules may be amended by the Executive Dean in accordance with any requirements contained in the University's Delegation of Authority Policy (including any associated procedures, rules and requirements put in place under that Policy), or by such other persons or bodies as may from time to time have the power and authority under the University's Delegation of Authority Policy to amend this Charter and Rules.

Approved: .....

Professor Simon Handley  
Executive Dean  
Faculty of Human Sciences, Macquarie University  
(as authorised delegate of Macquarie University under the Macquarie University Delegations of Authority Policy)

Dated: 2019