

5.2. * Due Diligence Obligations (WHS) #22073

Council is asked to NOTE the WHS Due Diligence Obligations, report #22073.

For Noting

Presented by Peter Creamer

Authority	COUNCIL OPEN	Date	31 December 2021
Report Ref	#22073	Item No	5.2
Proposer	Professor Peter Creamer, Chief Operating Officer		
Developed with	Ms Diana Chambers, Work Health and Safety Manager		
Authorised by	Mr James Harris, UNE Chancellor		

#22073 – UNE Council WHS - Due Diligence Obligations

Report Purpose & Origin

Purpose	To provide the Council with details on WHS Due Diligence Obligations.
Origin	Scheduled item
Governance focus	Council Policy : Oversee and monitor risk management and risk assessment across the University. Approve and monitor systems of control and accountability for the University. TEQSA Act 2011 Ref: 6. Governance and Accountability: 6.1.4 (Corporate Governance), 6.2.1a,e (Corporate Monitoring and Accountability).
Accountability	UNE Council

Resolution

Council is asked to NOTE the UNE Council WHS - Due Diligence Obligations, report #21079.

Executive Summary

Due Diligence obligations require an Officer of a Person Conducting a Business or Undertaking (PCBU) – The University of New England - to take reasonable steps:

1. To acquire and keep up to date knowledge of work health and safety matters
2. Gain an understanding of the nature of the operations of the University and the hazards and risks associated with those operations
3. Ensure appropriate resources and processes are undertaken to eliminate and minimize risks to health and safety as a result of the University's operations
4. Ensure there are appropriate processes for receiving and considering information regarding incidents, hazards, risks and responding in a timely way to that information
5. Ensure there are processes for complying with any WHS duty or obligation
6. To verify the provision and use of resources and processes related to in element three and five

The September and October 2021 reporting period has observed some significant challenges in relation to health and safety and the University's response is testament to its resilience and ability to pivot and respond to multiple challenges simultaneously. This period both the Special Incident Group and Emergency Control Organisation have been activated to respond to the challenges presented by COVID-19 in NSW and the 14 October Super-Cell event.



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Key Information



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Incident Report & Investigation

There was one notifiable incident to the Safework NSW regulator in December 2021, due to COVID-19 transmission arising through work. The three affected staff have since fully recovered.

During November and December 2021, the following hazard and incident reports have been received:

- 17 Hazards
- 19 Incidents

Hazard and Incident Trends

- COVID positive staff, students and contractors attending campus or UNE site during their infectious period
- Falling vegetation due to high wind conditions and high rainfall
- Slips, trips and falls

Notable incidents and hazards

Incident #980, #981, #976, #965

Four incidents were reported concerning people who were deemed to have COVID-19 (through RAT or PCR testing) and were present on a UNE site during their infectious period. The incidents were managed with the assistance of supervisors and EBE, with affected staff and those in proximity isolating in accordance with public health requirements.

Incident 961 – Super-Cell Damage to North East part of UNE Armidale campus

Contribution to the management of Armidale campus WHS impacts of the supercell event on Thursday, 14 October 2021 has continued throughout this reporting period including

- Assessment of buildings coming back on line for use
- Review of emergency access and egress
- Review of emerging secondary impacts (mould)
- Emergency Control Organisation participation and
- Special Incident Group communications and participation.

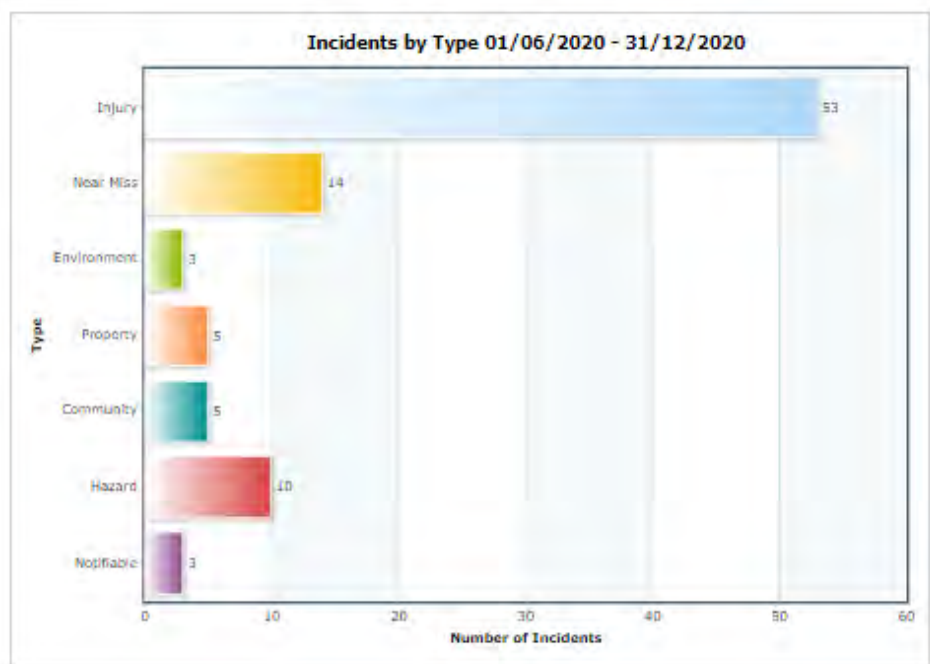
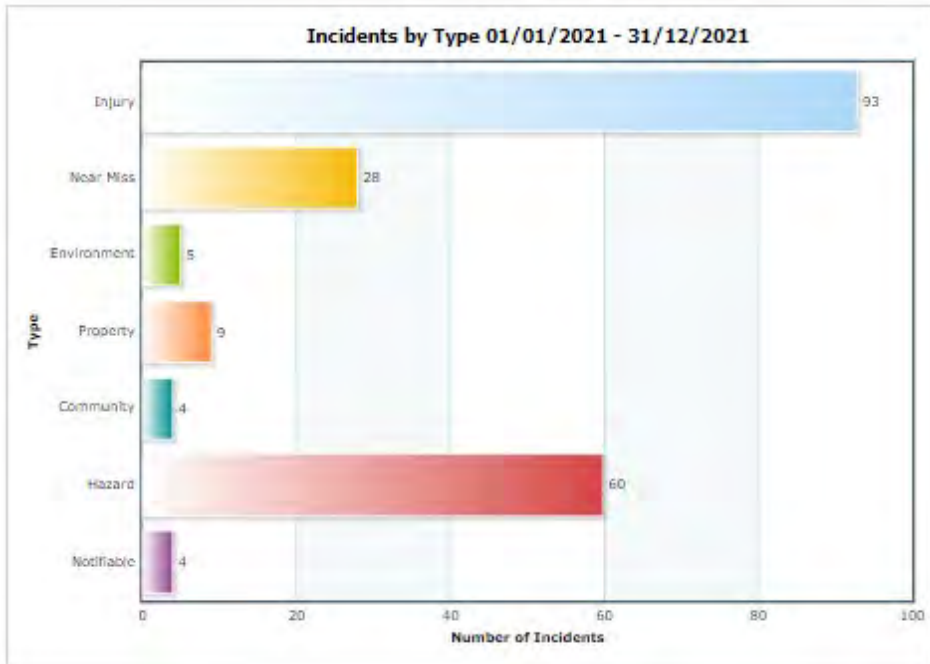
Hazard and Incident Data Quality

The WHS team has undertaken a quality review of hazard and incident data for the 2021 calendar year entries. The intention of the review was to contribute to the provision of a comprehensive and consistent organisational hazard profile for University activities that trigger a report. Following the review:

- Incident data has undergone consistent risk ratings and hazard type classifications for each entry
- Hazard data has undergone consistent hazard type classification entries.

Incident Trends

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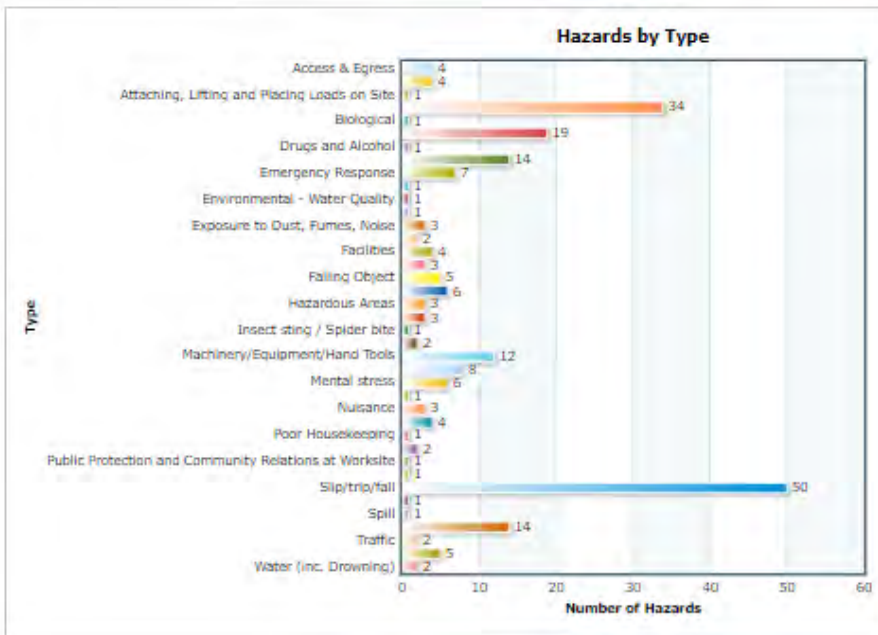


Note that data from the 2020 calendar year has not undergone quality review.

Hazard Trends

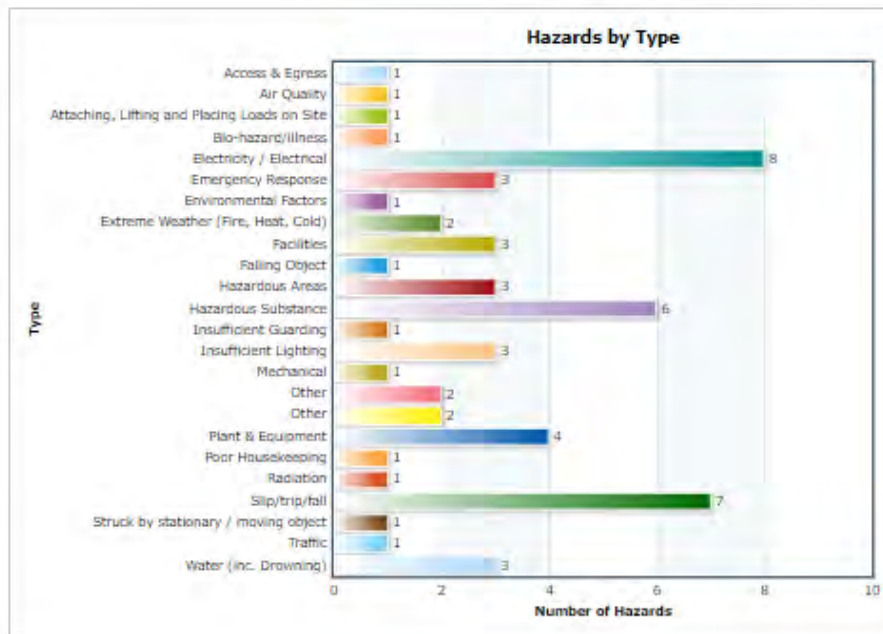
01/01/2021 - 31/12/2021*

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Note that alternate labels which are drillable within Skytrust are not displayed; Attachment 1 provides a full analysis of 2021 hazard types for incident and hazard reports.

01/01/2020 - 31/12/2020



Note that data from the 2020 calendar year has not undergone quality review.

Return to Campus & COVID -19 Management

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The November and December 2021 period focussed on supporting COVID-19 vaccination messaging, assisting UNELife's implementation of a site based Rapid Antigen Testing (RAT) program within the UNE Community; and translation and communication of public health advice/regulation into an operational context.

The Special Incident Group (SIG) was convened throughout this period to support a staged unwinding of public health orders consistent with vaccination rates in regional areas. On 15 December 2021, greater alignment of regional vaccination rates to NSW vaccination rates amongst the general population allowed for adoption of public health orders without additional protections. The University however did decide to retain a COVID Safe Plan.

Key activities of the SIG this period have involved:

- Revision of the COVID Safe Plan
- Consultation with the WHS Committee and WHS Management Group
- Support for @place based UNE to resume COVID Safe operations following the Delta outbreak
- Preparation of a COVID Safe travel framework
- Monitoring and data quality review of Campus Vaccination registrations
- Support for business continuity planning

Rapid Antigen Testing

Medically supervised Rapid Antigen Testing (RAT) was implemented to support safe delivery of on-campus teaching throughout the intensives in October, November and December 2021. The program was successful with:

- no false positive results
- one case of COVID-19 was detected on the last day of intensives on 15 December 2021
- positive feedback from staff and students that they felt safe participating in their face to face learning activities.

Self-administered RAT was implemented from 17 December 2021 and assisted with early detection and management of COVID-19. In this reporting period; cases have arisen predominantly acquired through social and household activity. RAT has also been applied to support close contacts to monitor for infections and safely leave isolation.

Emergency Management

Fire Drills – Fire drills were undertaken this period in Yarm Gwanga, Booloominbah and Sport UNE. The drills support Part B practical training and fire panel demonstration for wardens and building occupants.

Briefings to Emergency Wardens has been undertaken where access to emergency areas has been impacted by the Supercell weather event as buildings are restored to “green zone” operations.

First Aid Training – First Aid training resumed in October 2021 with an addition 27 staff attending training in November and December 2021.

Hazardous Substances

The WHS Management Group passed a resolution to support removal of all legacy hazardous substances from UNE premises. An audit has been undertaken in conjunction with Area Service Managers to identify, consolidate and classify redundant waste. A quotation and coordinated removal program will follow throughout January and February 2022.



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Risk assessments for intermediate chemical waste storage locations with definition of Dangerous Goods class threshold quantities for the chemical waste were conducted (W055 room 326 and W023 G room 3). The threshold quantities will trigger waste transfer to the central chemical waste store. WHS is presently working with EBE to develop service requests for chemical waste transfer to EBE central chemical waste store from school intermediate storage locations.

Health and Wellbeing

Injuries

UNE presently has three open claims, with no new workers compensation claims lodged this reporting period. There have been no premium impacting claims this year with historical claim premium impacts to cease after 2022.

The Health and Wellbeing Coordinator has undertaken a review of all jurisdictional workers compensation policies and worked with finance teams to accurately classify worker location and ensure accurate premium calculations.

Wellbeing

Initiatives

For this reporting period – interdepartmental sport was resumed by Sport UNE with 10 teams participating.

Virtual active Pilates and Total Body Workout Programs remain accessible to staff on UNE SAFE [Health and Wellbeing Initiatives](#) site.

Employee Assistance Program

The wellbeing dashboard for October 2021 has been provided by the EAP Provider – Benestar which informs on the types of challenges that affect employees necessitating support. The current heat map and utilisation is incorporated into the WHS and Wellbeing Dashboard (Attachment 2). The heat map is indicative of new issues raised by staff during their sessions. COVID-19 concerns are understood to be impacting worker mental health however are not the primary presenting issue for participants.

In excess of 50 staff now are subscribed to “Benehub” – the wellbeing portal hosting content in a variety of formats to support self-management of general health and wellbeing.

UNE has hosted a “My Coach for People Leaders” information seminar with Benestar to support uptake of the coaching service for managers. MyCoach for People Leaders has now been access and offers a potential pathway to support managers engage and manage complex situations. This service is now embedded in the Managers Toolkit, promoted in Senior Leaders workshops and with People and Culture Business Partners.

WHS Continuous Improvement

Improvement Projects including:

- Skytrust contract variation
- Due Diligence training
- WHS Performance working party

Have been temporarily suspended while effort is diverted to manage the COVID-19 outbreak response, operation of the SIG and ECO (supercell impacts) as required. These projects are scheduled to resume in 2022.

WHS Dashboard

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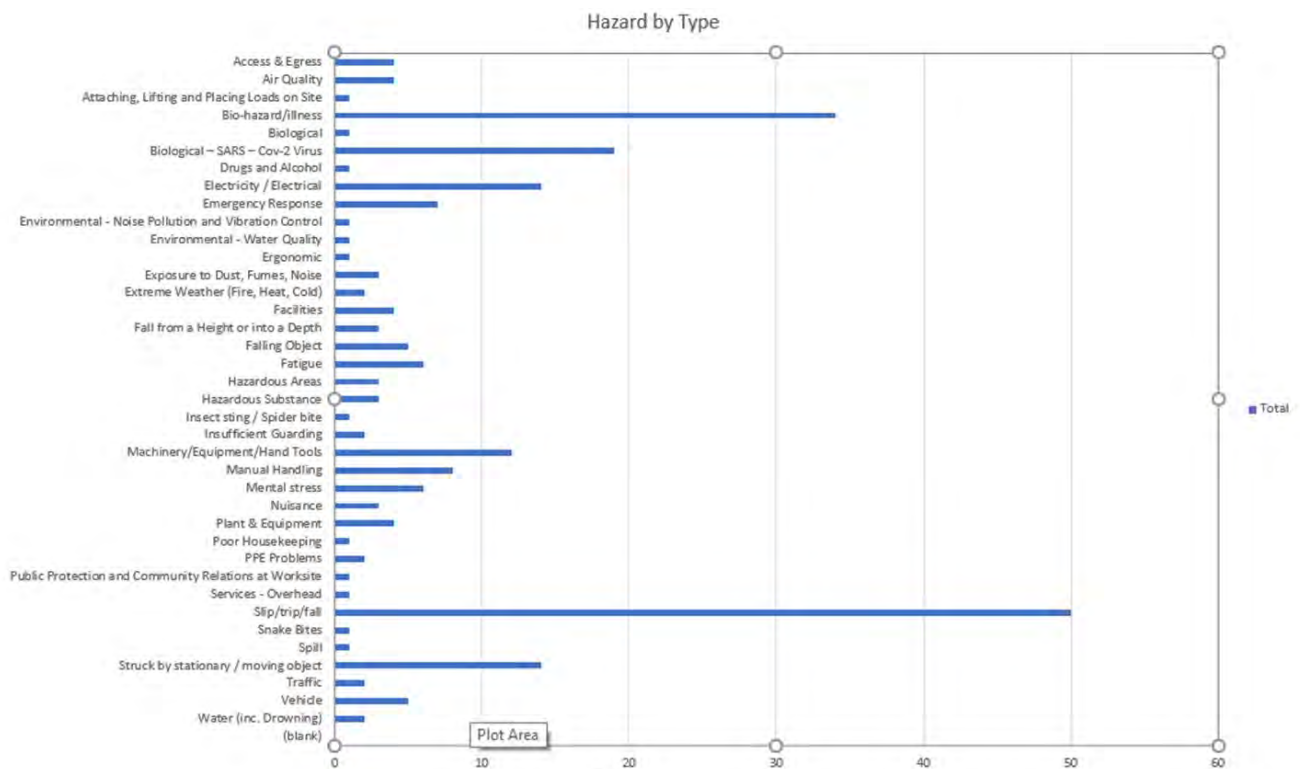
WHS Dashboard reporting commenced in June 2021, with figures supplied for November and December 2021 reporting drawn from information systems of:

- Safety and Security
- EBE
- People and Culture
- WHS
- Benestar EAP

Information is continuing to take shape and add value providing oversight of key lead and lag indicators of WHS risk.

The overall volume of hazards is now increased as we have linked a hazard report to incidents:

- Biohazard/illness = mice plague entries
- Slip trip and fall = includes a number of entries relating to sport
- Struck by moving object = also includes entries relating to sport
- COVID-19 has it's own category now





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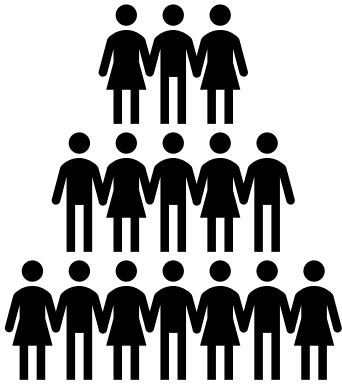
- WHS Dashboard (October)

Appendices may be added, if they are critical to decision-making. You may provide supporting documentation, which will be made available in the Document Library in Convene under the relevant meeting.

WORK HEALTH & SAFETY DASHBOARD DECEMBER 2021



WH&S Stakeholders



Workers
 Employees 2454
 Adjuncts 451
 Contractors 289

Others – Students
 Residential 230
 On-Campus 315
 On-line 23897

Lead WH&S Indicators



Inductions 2021
 Contractors 379
 Employees 697



Emergency
 First Aid 12
 Emergency Drills 2



Consultation
 Work Group Meetings 70%
 WHS Committee 100%

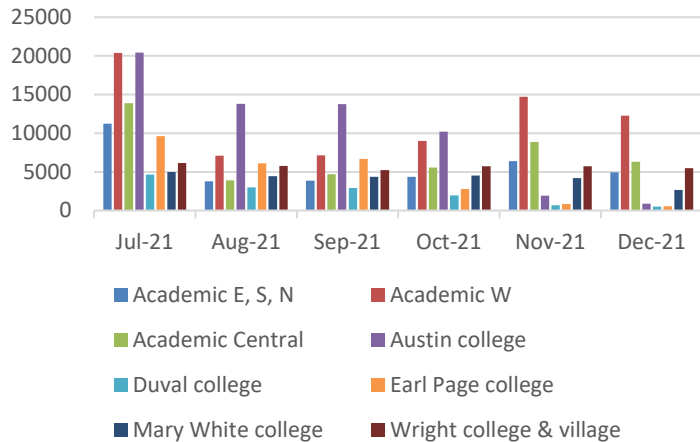
Lag WH&S Indicators

Indicators	2019	2020	2021
Notifiable Incidents	3	2	4
Number Incidents YTD	137	82	137
New Claims	20	5	0
Paid days lost	2011	0	0
Claims Costs (wages)	\$483927	\$0	\$0
Sick leave / FTE	6.3	6.7	5.3

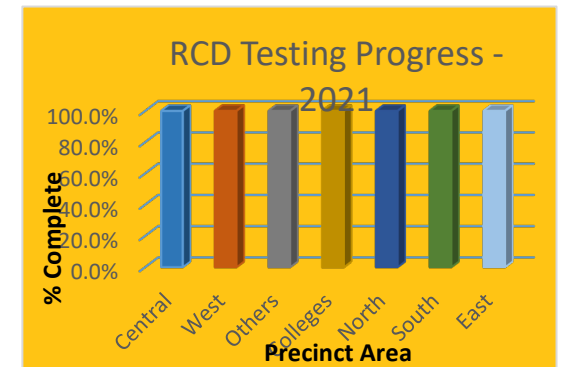
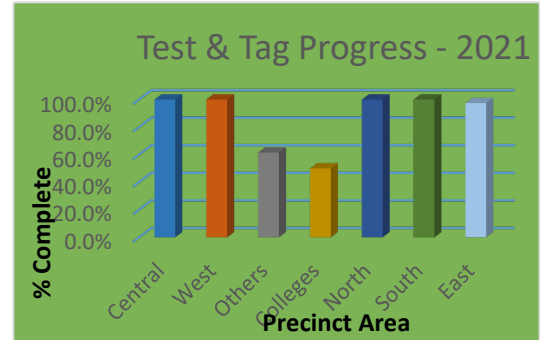
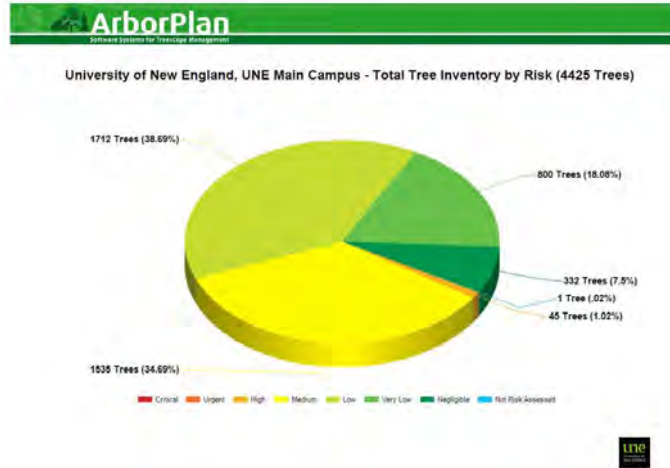
CONTINUOUS IMPROVEMENT



Campus Cardax Usage



Arbor Plan 45 trees high risk



WH&S Stakeholders

Relationships within scope of UNE WHS Management System

Contractor records are current for 1 year; breakdown supplied (annual manual classification)

Lead WHS Indicators

WHS Management System Inputs

Training

Emergency Drills Consultation

Monthly induction record no. vs Cardax/Ascender record

First Aid training records

Fire Drill schedule (by panel)

Committee occurrence against schedule; % attendance at most recent committee

Lag WHS Indicators

WHS Management System Outputs

Notifiable Incidents

Incidents

Workers compensation claims

Paid days lost

Claims cost

Sick leave

Adherence to Regulatory Criteria

Year to date accruing

Year to date accruing – does not include notification only

Days requiring any remuneration of wages

Wages – accrue against year recorded (NB. 2019 is an outlier year for UNE with several claims leading to one/more surgeries and mental health claims; wages component is the most significant claims cost and indicative of severity)

Rolling average days/FTE (NB impact of leave management and working from home policy is understood to impact 2021 figures)

Continuous Improvement

Hazards reported on in the context of significant WHS events in the preceding 12-month period. These indicators provide a level of due diligence and assurance.

Best You Dashboard Report



CUSTOMER
University of New England

BUSINESS UNIT
All

SUB LEVEL
All

INDUSTRY
Education

START DATE
1 December 2021

END DATE
31 December 2021

ANNUALISED UTILISATION



ANNUALISED UTILISATION

Category	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021
Customer	7.8%	10.4%	12.6%	6.0%	4.0%	2.5%
Industry	2.9%	3.0%	3.3%	2.8%	2.7%	1.8%
All Customers	4.0%	4.1%	3.9%	3.7%	3.9%	3.0%

TOP 5 PRESENTING ISSUES

THIS PERIOD

Mental Health	50.0%
Personal Trauma	25.0%
Self Esteem	25.0%

SAME PERIOD LAST YEAR

WORK IMPACT - 50.00% of cases had a Work Impact in this period

NEW CASES - MyCoach for Individuals



NEW CASES - MyCoach for People Leaders



NEW CASES - Critical Incident

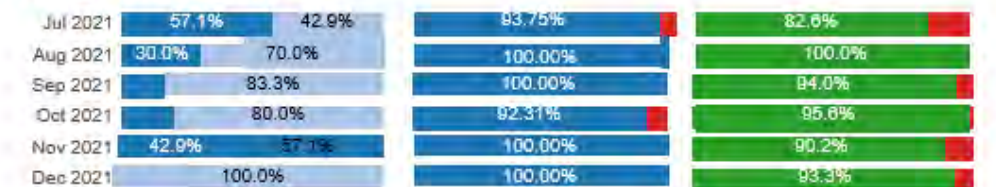


MODALITY (1st SESSION)

	Face to Face	Telephone	Digital
Customer	0.0%	50.0%	50.0%
Industry	17.4%	61.8%	20.8%
All Customers	15.2%	72.0%	12.9%



PRESENTATION OVERVIEW



PRESENTING ISSUE

Work-Related Personal

STANDARD vs CRISIS

Standard Crisis

ATTENDANCE

Show No Show

PERSONAL PRESENTING ISSUES

	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021
Family or Relationship		2	1	1	2	
Legal, Financial, Medical or Addiction	1	2	4	2		
Psychological	5	10	15	5	2	4

	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021
Family or Relationship	* Marital / Relationship Discord		1	1		
	* Separation / Divorce					
	Child / Adolescent				1	
	Domestic Violence		1			
	Extended / Blended Family					
Legal, Financial, Medical or Addiction	Family Relationship Discord		1		1	
	Alcohol / Drug Problem					
	Covid-19 / Coronavirus		1	2		
	Financial / Legal					
	Gambling Problem					
	Medical / Health		1	2	2	
	Medical Issue					
	Nutrition	1				
	^ Anxiety	2	4	4	1	
	^ Depression			1		1
Psychological	^ Personal Stress	3	5	5	1	2
	Anger				1	
	Bushfires					
	Grief & Loss			3	1	1
	Personal Trauma			2	1	
	Psychotic Disorder					
	Self Esteem		1			

WORK PRESENTING ISSUES

	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021
Interpersonal	1		2	1	2	
Occupational Health	1					
Vocational	6	6	2	1	1	

	Jul 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021
Interpersonal	Co-workers			1	1	
	Discrimination, Harassment, or Bullying					
	Public / Clients					
	Staff	1		1		1
	Supervisor / Manager			1		
Occupational Health	Accident / Injury					
	Shiftwork					
	Work Trauma	1				
	Career Planning	1				
Vocational	Organisational Change					
	Redundancy					
	Retirement					
	Work Role Change					
	Work Satisfaction	1	1			1
	Worklife Balance	4	4			
Workload		1	2	1		

* Partner Relationships
^ Mental Health

The heat map above provides a graphical representation of the Presenting Issue Categories. The darker the colour the more cases were recorded in the corresponding period.

6. COUNCIL OPERATIONS

6.1. * Council Policies Report #22067

Council is asked to:

1. NOTE the report on Council Policies, report #22067;
2. APPROVE the following policies:
 - i. Proposed Delegations Guidelines
 - ii. Proposed Governance Framework Rule
 - iii. Governance Integrity and Standards Policy
 - iv. Code of Conduct
 - v. Freedom of Speech and Academic Freedom Statement
 - vi Freedom of Speech and Academic Freedom Guidelines

For Approval

Presented by Gabrielle Price

Authority	COUNCIL OPEN	Date	28 January 2022
Report Ref	#22067	Item No	6.1
Proposer	Mrs Gabrielle Price, Director Governance and University Secretary		
Developed with	Head, Records, Policy & Governance		
Authorised by	Mr James Harris, UNE Chancellor		

#22067 – Council Policies

Report Purpose & Origin

Purpose	To provide Council with an opportunity to review and approve governance policies.
Origin	Standing item
Governance focus	Council Policy : Establish policies and procedural principles for the University consistent with legal requirements and community expectations. TEQSA Act 2011 Ref: 6. Governance and Accountability: 6.1 (Corporate Governance).
Accountability	UNE Council

Resolution

Council is asked to

1. NOTE the report on Council Policies, report #22067;
2. APPROVE the following policies:
 - a. Proposed Delegations Guidelines
 - b. Proposed Governance Framework Rule
 - c. Governance Integrity and Standards Policy
 - d. Code of Conduct
 - e. Freedom of Speech and Academic Freedom Statement
 - f. Freedom of Speech and Academic Freedom Guidelines

Executive Summary

This report includes a number of proposed policies for APPROVAL. These policies have previously been reviewed by Council (#21074), and subject to consultation with key internal stakeholders.

Freedom of Speech policies and Code of Conduct have been subject to extensive review and stakeholder consultation, including Joint Consultative Committee, UNE Legal, Academic Board Freedom of Speech Working Group, and Academic Board (most recently at the December 2021 meeting).

2022 will see the review and renewal of a significant number of UNE policies. To ensure that policy review occurs in a planned, staged manner and maintains a continuous improvement approach, a policy review framework is in development. The framework will set out the cycle of review for UNE policies, and include the process for review, stakeholder consultation, and identify triggers for review outside the normal cycle. This approach enables appropriate management of resources for policy review, and considers workplans for the relevant management and governance approvals bodies.



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Key Information

Governance Integrity and Standards Policy

This policy outlines the principles for governance at UNE, and provides guidance for all UNE representatives. It intended to support and drive a positive governance culture where roles, and responsibilities, are understood.

UNE Delegations Framework Guidelines

The Delegations Framework Guidelines outlines how functions are delegations are assigned. It describes key roles and governance terminology relevant to the exercise of delegations, including concepts of due diligence and accountability. The Guidelines articulates the role of governance bodies, management committees, and Senior Executive authority, and provides guidance on how delegations schedules will be revised when policies and positions are changed. This is a new policy filling a current governance policy gap.

UNE Governance Framework Rule

The UNE Governance Framework Rule outlines the UNE governance framework, and will replace the current UNE Governance Chart Guidelines and UNE Governance Framework policies. The proposed Guidelines expanded includes academic quality assurance, and other areas of governance oversight, including safety and information governance, aligned to the delegations and functions of UNE governance bodies. It is more comprehensive than the documents being replaced.

The Guidelines also introduce a governance model (R.I. Tricker) to illustrate that good governance requires focus on future and external factors, as well as inward and past compliance outcomes.

Code of Conduct, Freedom of Speech and Academic Freedom Statement and Guidelines

UNE's 2021-2023 Mission based compact notes UNE's is currently reviewing the Code of Conduct to ensure consistency with the Model Code, with expected completion end 2021. The proposed documents [#AB21509] were noted at the 6 December 2021 Academic Board meeting. The Academic Freedom Working Group also presented a paper to the December meeting of Academic Board [#AB21510].

Some recommendations of the AFWG have not been adopted, or fully adopted, in the proposed documents. The proposed documents have been subject to exhaustive consultation processes and reviewed by the University community, including UNE Legal, and the Joint Consultative Committee. The proposed documents aim adopt the AFWG recommendations, as broadly as possible, while recognising the feedback from the broader community. A mapping exercise was conducted to ensure that the proposed documents effectively ensure consistency with the Model Code.

The #AB21509 noted there is a considerable program of education on freedom of speech and academic freedom. This will include changes to staff induction programs, Code of Conduct refresher (all staff required to complete annually), and ensuring that the Governance induction module address this fundamental issue. This educative program will support compliance with the [Higher Education Standards Framework \(Thresholds Standards\) 2021](#) updated standard 6.1.4 which came into effect on 1 December 2021, requiring higher education providers' governing bodies to take steps to develop and maintain an institutional environment in which freedom of speech and academic freedom are upheld and protected. The remaining differences between the recommendations of the AFWG and proposed documents are summarised in Attachment 10.

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Future Fit Alignment	Contribution of this initiative
<input checked="" type="checkbox"/> Goal 3: Committing to environmental, social and financial resilience for the University, our staff, our students and our communities.	Policy changes aim to support clearer understanding of governance functions and activities and activities at UNE. Simplifying policy advice and use of a single landing page to direct people to relevant policies is a key goal to improve organisational efficiency.

Key Risks (refer to Action Guidance below)		
Risks	Consequences and possible mitigation	Risk Action Guidance
Delivery Risk: Risk of changes to multiple policies not being understood and accepted by staff	Change to new policies will be championed by the executive team, and supported by communications self-help induction materials and direct in person communications/ team meeting guides.	

Management Action Guidance

	Rare	Unlikely	Possible	Likely	Probable
Severe	MEDIUM Report to SET (within 6 months)	HIGH Report to SET and Council (within 3 months)	HIGH Report to SET and Council (within 3 months)	EXTREME Report to SET and Council (within 1 month)	EXTREME Report to SET and Council (within 1 month)
Major	MEDIUM Report to SET (within 6 months)	MEDIUM Report to SET (within 6 months)	HIGH Report to SET and Council (within 3 months)	HIGH Report to SET and Council (within 3 months)	EXTREME Report to SET and Council (within 1 month)
Moderate	LOW No action required	MEDIUM Report to SET (within 6 months)	MEDIUM Report to SET (within 6 months)	HIGH Report to SET and Council (within 3 months)	HIGH Report to SET and Council (within 3 months)
Minor	LOW No action required	LOW No action required	LOW No action required	MEDIUM Report to SET (within 6 months)	MEDIUM Report to SET (within 6 months)
Insignificant	VERY LOW No action required	VERY LOW No action required	VERY LOW No action required	LOW No action required	LOW No action required

Appendices / Supporting Documentation



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- Attachment 1 UNE Delegations Framework Guidelines Proposed Jan 2022
- Attachment 2 UNE Governance Framework Rule Proposed Jan 2022
- Attachment 3 UNE Governance Integrity and Standards Policy
- Attachment 4 Code of Conduct Proposed Jan 2022
- Attachment 5 Code of Conduct - proposed amendments Jan 2022 tracked changes
- Attachment 6 Freedom of Speech Principles and Academic Freedom Statement Proposed Jan 2022
- Attachment 7 Freedom of Speech Principles and Academic Freedom Statement Proposed Jan 2022 tracked changes
- Attachment 8 Freedom of Speech and Academic Freedom Guidelines Proposed Jan 2022
- Attachment 9 Freedom of Speech and Academic Freedom Guidelines Proposed Jan 2022 tracked changes
- Attachment 10 Differences AFWG recommendations and Proposed documents



UNE Delegations Framework Guidelines

Section 1 - Overview and scope

- (1) UNE’s delegations framework and associated schedules outline the delegations functions within the University.
- (2) These Guidelines should be read in conjunction with the overarching Governance Integrity and Standards Policy.
- (3) All UNE Representatives are required to comply with these Guidelines.
- (4) Within these Guidelines:
 - a. Part A outlines delegations principles;
 - b. Part B outlines how changes are made to delegations and the Delegations Schedule; and
 - c. Part C outlines the authority for UNE delegations.

Part A - Delegation principles

(5) There are three (3) delegation principles

<p>Principle 1 - Functional and financial delegations are only to be exercised by a delegated UNE Representative or committee/body.</p>	<p>When presented with a request for a decision;</p> <ul style="list-style-type: none"> • UNE Representatives should ensure, by reference to policy, the delegations register and schedules, that they are operating within their approved delegation. • a committee or body of the University should refer to the approved terms of reference to confirm they are operating within their delegated authority.
<p>Principle 2 - The exercise of a function or an approval carries with it responsibilities.</p>	<p>UNE Representatives with delegated functions are required to exercise the responsibilities of the role with care, including as mandatory:</p> <ul style="list-style-type: none"> • exercise due diligence when applying a delegation, including being informed and ensuring that they are not under any undue influence in exercising a delegation; • avoid or manage (with their Supervisor or Head of Cost Centre) any perceived Conflicts of Interest in relation to a delegation; • keep a Record in an approved University records management system of the use of their delegation; • seek advice or help if they have questions about exercising their delegation; and • support clarity of instructions and intent when applying a delegation, through the use of agreed UNE terminology in decision-making (see Definitions section).

Principle 3 - The exercise of a delegation should be undertaken consistent with delegation protocols

Protocol 1: Delegations are either functional (relating to a function or activity) or financial (e.g. relating to expenditure or income or changes to assets, liabilities or investments).

Protocol 2: Delegations are assigned to a position or a body rather than 'belonging' to a person. This means that delegations:

- can be exercised by a person duly appointed as a temporary or acting occupant of a position or role; and
- may be assigned to an authorised employee under supervision who exercises the delegation on behalf of that position.

Protocol 3: Delegations may be advisory or obligatory for example, as:

- a delegation to a management committee is often advisory, so as not to override the assigned authority for a specific function or matter;
- in the case of UNE's governance bodies of Council and Academic Board, the delegation to the body is a shared delegation, where a quorum of members or other specified majority vote is required to enact the delegation.

Protocol 4: Delegations are aligned to UNE's organisational hierarchy (for example, a lower delegation is also held by the position's immediate supervisor).

Protocol 5: Delegations may be subject to limits, including for example:

- a specified level of financial expenditure may be assigned but can be limited by whether there is allocated budget for that expenditure;
- a delegation may be 'part of' an approval process rather than an absolute authority (see management committees below); or
- by area of responsibility (e.g. a Dean of Faculty (Dean) is limited to exercising their delegation within their Faculty unless specifically authorised).

Protocol 6: A delegation to undertake an action or expenditure will not automatically mean the delegate has the authority to undo or reverse an action or expenditure (reversal of a decision may require higher level approval).

Protocol 7: Delegations are considered to be transferred where a position or a body has a change in name only.

Protocol 8: Delegations are subject to suspension, where special or temporarily changed circumstances are notified via a direction from the Council or Vice-Chancellor and Chief Executive Officer. A direction to suspend one or more delegations:

- can be made at any time, but will be generally be either:
- a standing suspension - which comes into force in specific circumstances - such as on the declaration of an emergency situation; or
- an application of temporary controls over specific activities (e.g. expenditure/recruitment/travel etc) which are put in place via communications and which are in place to be followed until otherwise revoked.

Protocol 9: Matters where there is no clear authority or delegate are required to be referred to the Council.

Protocol 10: the body or position delegating the function or authority retains precedence and authority over the delegation.

NOTE: Records of decisions of the University are required to be kept by law. It is also a mandatory

requirement that all decisions and associated documents and emails be recorded in an approved University records management system.

Delegates who would require help or advice regarding saving records should contact the Records Team via records@une.edu.au.

Approved records management systems at UNE include UNE Records Management System (Content Manager/TRIM); HR System (Web Kiosk); Finance System (Finance One/CIA Anywhere); and Student Management System (Callista).

Part B - Changes to Delegations Schedules

(6) The Delegations Schedules are an online database of UNE positions and bodies who hold delegations at the University. The purpose of the Delegations Schedules is to maintain and provide up to date and accurate information about delegations within the University.

(7) The Council approves changes to the Delegations Schedules. The Council may either:

- a. agree to make changes to the Delegations Schedules, following a review of those schedules; or
- b. make resolutions that have the effect of changing the Delegations Schedule. For example, where Council or committees make a resolution that impacts delegations, the Director Governance and University Secretary (or delegate) is authorised to make a corresponding amendment to the Delegations Schedule(s), for example:
 - i. a Council resolution to change the Senior Executive position titles or structures reporting to the Vice-Chancellor and Chief Executive Officer will trigger an action by the Director Governance and University Secretary (or delegate) to update the Delegations Schedule to reflect the agreed new titles from the relevant date of effect; and/or
 - ii. a Council resolution to amend a Council Policy or Terms of Reference (e.g. to the [Vice-Chancellor Functions Rule](#)) where there are changes to delegated functions or authorities, will trigger an action by the Director Governance and University Secretary (or delegate) to update the Delegations Schedule to reflect the changed delegations from the relevant date of effect; or
- c. make resolutions that allow the Vice-Chancellor and Chief Executive Officer to make or amend Rules or Policies for specific functions (see [Vice-Chancellor Functions Rule](#)). Changes to assigned responsibilities and roles within Vice-Chancellor approved policy instruments will trigger an action by the Director Governance and University Secretary (or delegate) to update the Delegations Schedules to reflect the change.

(8) The Council authorises the Director Governance and University Secretary (or nominee) to make minor administrative changes to Council documents (including Policies and Delegations Schedules). This is limited to amendments that do not change the purpose or intent of a delegation, including for example:

- a. replace references to out-of-date Council committees or other Council bodies or representatives with a reference to the updated body;
- b. replace references to out-of-date position titles with a reference to the updated position title;
- c. replace references to out of date "terms, expressions or glossary items" such as "senior staff" with a reference to the current "term or expression";
- d. add references to new position titles into the Policies or Delegations Schedules, where the new position has been authorised by Director People & Culture and/or Vice-Chancellor and Chief Executive Officer;
- e. replace any other out-of-date references or url links with the current terminology;
- f. correct typographical and grammatical errors without changing meaning of the relevant clause or delegation.

(9) The Council has authorised the Director Governance and University Secretary to certify documents that have been approved by Council.

Help:

- To search the Delegations Schedules, navigate to [Delegations Register](#).
- To notify of issues with Delegations Schedule email delegations@une.edu.au.

Quality assurance

(10) A review of the exercise of delegations will be prepared at least annually for the Vice-Chancellor and Chief Executive Officer and the Audit and Risk Committee of the Council. The report will consider:

- programs of support for delegates in place;
- evidence of recordkeeping consistent with these Guidelines;
- consistency of terminology in governance reporting;
- changes to delegations made by the Director Governance and University Secretary either:
 - in response to a Council resolution or decision; or
 - consistent with provisions for minor administrative changes.

Part C - Authority and compliance

(11) The [University of New England Act 1993 \(UNE Act\)](#) establishes the UNE Council and its authority to undertake the functions of the University.

(12) The UNE Council may exercise any function or authority of the University, regardless of whether it has been delegated.

(13) The delegation of the functions of the University and the making of rules or policies is provided for in the [UNE Act](#) and [UNE By-Law 2005](#). By virtue of section 17 of the [UNE Act](#), the UNE Council may:

- delegate all or any of its functions (other than the authority to delegate) to
 - a member or committee of the Council;
 - to any authority or officer of the University or any other person or body prescribed by the [UNE By-laws](#).
- make rules, so long as they are not inconsistent with the UNE Act or UNE By-laws or excluded by section 29 of the [UNE Act](#) [Clause 25 (a) of the [UNE By-laws](#)];
- consent to the Vice-Chancellor and Chief Executive Officer making rules about any subject matter for or with respect to which the Council may make rules.

(14) The Delegations Framework reflects the University's organisational structure, the flow of supervisory responsibilities and approval pathways.

(15) The Delegations Framework records the assignment by Council of its functions and activities to members or committees of Council or to authorities or officers of the University including the Vice-Chancellor and Chief Executive Officer.

(16) These University Governance Framework Guidelines and associated Delegations Schedules are made by the Council, under the authority of Section 29 the UNE Act.

(17) UNE Representatives must observe these Guidelines in relation to University matters.

(18) These Guidelines operate as and from the Effective Date.

(19) Previous Rules and Policies relating to UNE delegations framework are replaced and have no further operation from the Effective Date of this new Guideline.

Definitions

Types of Bodies

(20) Governing body: References to a governing body at UNE include references to the Council (or its Committees) or the Academic Board (or its committees) which are identified within the UNE Act, and whose members have specific duties on behalf of the institution.

- a. The peak governance body is the Council which has overarching responsibility for corporate and academic governance;
- b. The peak academic body, with delegated responsibility for academic governance and advising Council and the Vice-Chancellor on academic matters, at UNE is the Academic Board.

Note: UNE Controlled Entities may also have a governance body or board.

(21) Committee: At UNE, a 'committee' is a group of officers authorised by Council or the Vice-Chancellor and Chief Executive Officer, or a Senior Executive, to undertake specific functions on behalf of the University, where:

- a. the scope of the committee's delegation, members, functions, processes of appointment, secretary and operations have been defined and made available in a Council or Vice-Chancellor and Chief Executive Officer approved 'Terms of Reference' and accessible via the UNE policies website (may require staff login);
- b. provision has been made for recordkeeping including minute taking for the committee, to meet the mandatory requirements that all UNE committees keep records of their activities, papers and minutes consistent with the [State Records Act 1998](#);
- c. for clarity, it is noted that:
 - i. a group will not have authority or recognition at UNE as a 'committee' without approved terms of reference and provision for recordkeeping;
 - ii. Course Advisory Boards/ Review Boards and Panels, Project Steering Committees etc will generally have the status of a committee and be subject to the requirements of a committee;
 - iii. a 'governance committee' will generally be focused on monitoring performance and compliance, plans, strategies and frameworks, rather than operational matters;
 - iv. a 'management committee' will generally be involved reviewing operational, tactical or project proposals and information related to operations. As identified in Protocol 3
 - a management committee will typically be established to support and provide advice (endorsements, recommendations, suggested actions) to the Executive (or Chair) who retains authority and accountability for a decision;
 - v. a 'sub-committee' is a committee which reports to another committee. A sub-committee must adhere to the requirements of the committee (approved terms of reference/recordkeeping). A sub-committee must also provide a formal report to the higher Committee following each meeting.

Status and Details

Status	Current
Effective Date	To Be Advised
Review Date	To Be Advised
Approval Authority	Council
Approval Date	2nd December 2021
Expiry Date	To Be Advised
Unit Head	Gabrielle Price Director Governance and University Secretary 61 2 6773 3445
Author	Gabrielle Price 61 2 6773 3445
Enquiries Contact	Alicia Zikan Head Records Policy and Governance +61267735190 <hr/> Policies Team

Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"UNE Act" - Is the University of New England Act 1993 (NSW).

"Senior Executive" - Means the Vice-Chancellor and the Vice-Chancellor's direct reports (excluding support staff).

"Conflicts of Interest" - A UNE Representative will have a conflict of interest where they have a material interest in a decision or matter, and/or their interest appears to raise a conflict with the proper performance of their duties (e.g. avoiding personal losses as well as gaining personal advantage — whether financial or otherwise).

"Record" - Records are a part of and result from business activities and provide evidence of those activities. Any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means (State Records Act 1998 (NSW)). Records may include, but are not limited to, any staff member's paper based records, emails, or electronic documents stored at UNE or on UNE equipment. A record does not include personal and/or private documents that are not part of official UNE business records.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

"Faculty" - An organisational unit consisting of a group of related Schools, which is responsible for coordinating the management and quality of the teaching and research conducted by those Schools.

"UNE By-law" - Means the University of New England By-law 2005 (NSW).

"University" - University of New England

"Delegate" - A delegate is a person occupying the office or position with authority to exercise a delegation or sub-delegation in accordance with a Rule and within the limits of the delegated function or authority. The person delegating the function or activity remains responsible for the actions of the delegate.



UNE Governance Framework Rule

Section 1 - Overview and scope

(1) Governance is the framework by which the University is controlled and operates, and held to account. It provides the structure through which the objectives are set, and activity and performance monitored.

(2) Within these Guidelines:

- a. Part A summarises the components of UNE’s governance framework;
- b. Part B outlines the legislative and policy framework from which authority is derived and exercised;
- c. Part C outlines UNE governance structures – the hierarchy of governance bodies and positions;
- d. Part D outlines key governance relationships – the interaction between governance bodies;
- e. Part E outlines the objectives of the University’s governance model and functions; and
- f. Part F outlines the purpose and scope of each governance function and the associated Guideline.

Part A - UNE governance framework overview

(3) The UNE governance framework has four key components – authority, structures, relationships and functions (described in Table 1)

Table 1 - UNE governance framework components

Component	Overview
1. Governance Authority	The legislative and policy framework under which authority is derived and exercised at UNE is as follows: University of New England Act 1993 (UNE Act) and University of New England By-law 2005 (UNE By-law) UNE By-laws, Rules, Policies and Procedural principles and other resolutions and directions made by Council or a delegated authority
2. Governance Structures	UNE governance structures have delegated authority for oversight and decision-making. Key structures include: Council (and Council committees) Academic Board (and Academic Board committees) Vice-Chancellor and Chief Executive Officer (and VC approved committees)
3. Governance Relationships	Governance roles, responsibilities and reporting relationships are defined in various University documents including: the UNE Act and UNE By-law Charter or Terms of Reference for governance bodies or committees UNE Policies including the Delegations Framework Guidelines position descriptions for specific roles at the University

Component	Overview
4. Governance Functions	Governance functions include: leadership, strategy and communication decision making and strategic risk management policy and compliance academic quality assurance financial oversight information governance and reporting performance monitoring and review commercial activities controlled entities

Part B - Governance authority

(4) The [UNE Act](#), and the [UNE By-law](#) are the principal legislative instruments from which authority is derived and exercised at UNE.

- a. UNE is a body corporate established by the [University of New England Act 1993 \(NSW\) \(UNE Act\)](#).
- b. The [UNE Act](#):
 - i. establishes the University Council as the peak governance body of the University with the control and management of the affairs and concerns of the University and power to delegate its functions and activities to any member or committee of Council or to any authority or officer of the University;
 - ii. establishes the Academic Board as the peak advisory body to the Council and the Vice-Chancellor regarding teaching, research and educational programs; and
 - iii. identifies that the key stakeholders to be considered in governance at UNE are the members of the University. University members include University Council members, Convocation members, and academic and other staff, graduates and students.

(5) The University Council is authorised to make By-laws, Rules, Policies and Procedural principles under the [UNE Act](#) and to delegate the making of these to any member of committee of Council or to any authority or officer of the University and the Vice-Chancellor (as applicable).

- a. Rules - are UNE's ordinance, guidance, directives or resolutions made under delegations of authority to support the organisation to operate to the desired standard and in compliance with regulations and obligations. Rules are described in policy Principles and Guidelines;
- b. The Delegations Framework Guidelines define how authorities are assigned across roles and governance bodies; and
- c. Agreements - include enterprise agreements, research or collaborative agreements or agreements relating to commercial activities (corporate and academic arrangements involving third parties).

Part C - UNE governance structures

(6) The University Council is the governing body of the University with control and management of its affairs and concerns. The governance structure to support and discharge these functions is as follows:

- a. the University Council is the peak governing body with overarching responsibility for corporate and academic governance;
- b. the Academic Board has the delegated responsibility for academic governance and advising the Council and the Vice-Chancellor on matters affecting the quality and integrity of the University's academic programs and research activities;
- c. the Vice-Chancellor and Chief Executive Officer has executive responsibility for the management and operations of the University in accordance with the delegations framework and subject to the functions over

which control has been retained by Council; and

- d. The University Council or the Vice-Chancellor and Chief Executive Officer has responsibility for the governance of controlled entities, commercial activities or other contractual agreements established to support the ancillary functions of the University.

(7) UNE Representatives, students and members of the University community, can participate in University governance and decision making through representation on governance bodies and committees, through informal and formal consultation and other feedback forums.

(8) The UNE governance chart details the governance structure and bodies (Table 2 and Table 3). The [UNE Organisational Chart](#) depicts the overall structure of the University and reporting lines to governance bodies.

Table 2 - UNE governance structure

UNE Stakeholders / Members / NSW & Federal Government Authorities				
UNE Council				
Council committees	Academic Board	Controlled Entities	Vice-Chancellor and Chief Executive Officer	
	University committees (Legislative/ Code based)		Senior Executive	Key committees of the Vice-Chancellor
			Faculties	Departments

Table 3 - UNE governance structure, bodies and membership

Governance Structure	Governance Bodies / Membership
Council Committees	Audit and Risk Finance & Infrastructure Honorary Degrees, Titles & Tributes Innovation & Development Nominations Remuneration Standing Committee of Council Temporary or Occasional Committees
Academic Board	Academic Board Standing Committee Curriculum Research Teaching and Learning
Controlled Entities	ABRI UNE Foundation UNE Health UNE Life UNE Partnerships
University Committees (Legislative/ Code based)	Animal Ethics Human Research Ethics Joint Consultative Committee
Senior Executive	Vice-Chancellor and Chief Executive Officer Deputy Vice-Chancellor Deputy Vice-Chancellor Research Chief Financial Officer Chief Operating Officer

Governance Structure	Governance Bodies / Membership
Key Committees of the Vice-Chancellor	Vice-Chancellors Committee (VCC) Academic Portfolio Executive (APEC) Project Steering Committee UNE Safety/WHS Committees University Collections Committee Other Committees
Faculties	Deans Associate & Deputy Deans Heads of Schools Academic Leaders Committees Faculty/Portfolio Education Faculty Research
Departments	Directors or Heads Managers/Supervisors

Part D - Key governance relationships

(9) UNE's organisational culture is shaped by governance relationships and the effectiveness of the areas of the University working, communicating and interacting with UNE's governing bodies.

(10) Key University governance relationships, specific roles and responsibilities are defined in:

- a. the [UNE Act](#) and [UNE By-law](#);
- b. Charters or Terms of Reference of each governance body or committee;
- c. UNE Policies, including UNE's Delegations Framework Guidelines and Schedules and Conflicts of Interest Guidelines;
- d. position descriptions for governance and leadership roles at the University; and
- e. constitutions and other governance documents of Controlled Entities.

(11) UNE Representatives, students and researchers contribute to the effectiveness of governance relationships by:

- a. applying the Governance Integrity and Standards Policy and UNE Identity Values and Goals Principles;
- b. adhering to the [UNE Council Charter](#);
- c. adhering to the Codes of Conduct;
- d. following meeting protocols;
- e. following policy for governance committees; and
- f. applying appropriate learnings from inductions, networking and professional development opportunities.

Part E - Governance model and functions

(12) The UNE governance model (Table 4) defines the approach used by governance functions to ensure performance and compliance of the University against its objects and strategy.

Table 4 - UNE governance model

	Compliance	Performance
Outward looking	Accountability: stewardship of organisational object, functions and strategy responsibility for reporting on financial performance and organisational viability responsibility for compliance with regulatory obligations/standards reporting to external stakeholders regarding performance and risk ethical conduct and discharge of governance duties	Strategy formulation: understanding and responding to external and internal opportunities and risks (including stakeholder expectations) developing strategic plans and making strategic decisions to achieve organisational goals providing leadership and strategic vision for the organisation planning for long term financial viability
Inward looking	Monitoring: oversight of operational performance (benefits realised, control of organisational finances and risk) evidence that expected standards of practice are being followed (i.e., policy, codes of conduct, agreements, and compliance obligations, quality assurance) monitoring adherence to roles and responsibilities and delegated authorities	Policy making (culture building): setting expectations for consistent and effective standards of practice across organisational activities including financial, corporate, commercial and academic supporting processes for continuous improvement - training, professional development, succession planning, encouraging feedback and suggestions for change.
	Past and present focused	Future focused

Model adapted from 'Corporate Governance Model' by Robert I. Tricker)

(13) Governance functions are responsible for the leadership of:

- a. strategic decision making, planning and communication;
- b. managing and anticipating change and risk;
- c. developing and implementing policy, systems and processes;
- d. monitoring performance and compliance;
- e. providing accountability to stakeholders; and
- f. building organisational culture.

(14) Governance functions establish and maintain frameworks to support the University, including:

- a. people and culture development;
- b. safety and physical environs;
- c. academic governance and quality assurance;
- d. financial governance; and
- e. information governance.

Part F - Purpose and scope of governance functions

Planning and communication

(15) Planning and communication functions support the university by providing the foundation for management and oversight, setting strategic direction and managing key stakeholder relationships.

Table 5 - Planning and communications functions, purpose and responsibilities

Purpose	Responsibilities
<p>The planning governance function leads and determines the future focus of the University.</p>	<p>The approval of the University’s strategic priorities, business plan and budget by the UNE Council (refer Council Charter).</p> <p>The Council is supported in its determination of UNE’s strategic direction by the Vice-Chancellor and Chief Executive Officer and consideration of the University community and stakeholders.</p> <p>The University adopts a tiered approach to its planning to support UNE Representatives in actioning the University’s strategy:</p> <ul style="list-style-type: none"> i. UNE Strategic Plan (approved by Council) ii. UNE Business Plan and Budget (approved by Council) iii. Other plans at portfolio, faculty and operational unit level (approved by Vice-Chancellor or relevant Senior Executive) iv. Individual performance plans (agreed by individuals and their managers).
<p>The communication governance function supports understanding, and alignment with strategy by UNE Representatives.</p>	<p>Communication of decisions of the Council is via the Chancellor, or in the absence of the Chancellor, the Deputy Chancellor; and Focused communications to staff and stakeholders regarding the implementation and actioning of key strategic priorities to achieve desired outcomes, is led by the Vice-Chancellor and Chief Executive Officer and their leadership team.</p> <p>Providing timely and balanced disclosure and reporting.</p> <p>Managing relationships and communication with University stakeholders.</p>

Decision making and risk management

(16) The decision making and risk management functions support the University to ensure present and future focused decision are made that are informed, ethical and responsible, whilst recognising and managing risk.

Table 6 - Decision making and risk management functions, purpose and responsibilities

Purpose	Responsibilities
<p>The decision making governance function provides frameworks for the internal and external integrity of corporate and academic activities.</p>	<p>Promoting professional and ethical decision making and conduct.</p> <p>Declaring and avoiding conflicts of interest (see Conflicts of Interest Guidelines).</p> <p>Having clear terms of reference, functional responsibilities and/or delegated authorities (see Delegations Framework Guidelines).</p> <p>Making decisions considering the ‘whole of institution’ perspective and involving stakeholders in decisions that affect them.</p> <p>Leveraging collective decision-making to consider diverse views and experiences, including providing students with the opportunity to participate in governance activities.</p> <p>Establishing effective meeting protocols.</p> <p>Ensuring decision making is informed, through provision of quality and transparent reporting, including an assessment of risks (see Risk Management Guidelines).</p>
<p>The risk management governance function provides frameworks for the recognising and managing corporate and academic risk and meeting internal and external obligations.</p>	<p>Implementing and supporting systems for the identification elimination, minimising, managing and monitoring of risks (see Risk Management Guidelines).</p> <p>Maintaining risk registers and plans, covering external, strategic, operational including academic or tactical (project) risks.</p> <p>Establish sound risk audit practice and monitoring corporate risk controls.</p> <p>Fostering a risk aware culture.</p>

Policy and compliance

(17) The policy and compliance function supports the University to meet its internal and external compliance

obligations applying consistent and effective standards of practice.

Table 7 - Policy and compliance functions purpose and responsibilities

Purpose	Responsibilities
<p>The policy governance function provides contextual guidance on UNE’s rules and standards of conduct for corporate and academic activities.</p>	<p>Providing and maintaining a thematic, University-wide approach to the management of policy approved by the Vice-Chancellor and Chief Executive Officer. (see Policy & Compliance Guidelines) Ensuring policy is developed, implemented and managed in transparent and effective way. Providing access and support for UNE Representatives and Students to meet their obligations. Keeping records of policy effectiveness and compliance. Reporting to the Vice-Chancellor and Chief Executive Officer and to the Audit and Risk Committee of Council regarding policy status and or issues.</p>
<p>The compliance governance function provides contextual guidance on UNE’s legal (laws, regulations, standards) obligations and responsibilities for corporate and academic activities.</p>	<p>Defining and implementing the compliance methodology and obligations for UNE, and the design of business processes and systems (see Policy and Compliance Guidelines). Maintaining the University’s Compliance Register. Coordinating and monitoring compliance responsibilities across the University’s operations. Providing access and support for UNE Representatives and Students to meet their compliance obligations. Reporting to the Vice-Chancellor and Chief Executive Officer and to the Audit and Risk Committee of Council regarding compliance status and or issues.</p>

Performance monitoring and review

(18) The performance monitoring and review function supports the University to meet its internal and external performance and quality assurance obligations by:

- a. informing future planning and design activities (including changes to governance frameworks or controls and new organisational strategies or operational practices); and
- b. fostering a culture of quality focused performance evaluation, institutional learning, continuous improvement and growth.

Table 8 - Performance monitoring and review functions, purpose and responsibilities

Purpose	Responsibilities
<p>The performance monitoring and review functions provides assurance on the effectiveness of both corporate and academic activities.</p>	<p>Planning and undertaking scheduled monitoring and reporting of both corporate and academic quality. Planning and undertaking scheduled monitoring and reporting of both the student and staff experience. Monitoring and reporting of the: progress of UNE key plans and project activities; controlled entity performance (to Council); commercial activity and contract performance (see Contract and Commercial Activity Guidelines). conducting annual self-reviews and periodic external reviews of governance bodies and University committees to ensure consistency with the body’s Terms of Reference. completing internal audit review and control monitoring (see Audit and Risk Terms of Reference/Charter; Gifts and Benefits Policy; Fraud and Control Guidelines; Public Interest Disclosure and Whistleblower Guidelines).</p>

People and culture

(19) The people and culture function supports the University to meet its internal and external responsibilities for students and staff, aligned with the University's values and culture by:

- a. informing future workforce planning and design activities; and
- b. fostering a healthy culture, consistent and in compliant with the law and community expectations.

Table 9 - People and culture functions purpose and responsibilities

Purpose	Responsibilities
<p>The people and culture functions provide guidance and assurance that our people practices are fair and responsible.</p>	<p>Monitoring of organisational workplace agreements relating to employment conditions and practices. Developing, implementing and monitoring workforce strategy and plans, including: inductions, training, professional development, and self-improvement opportunities. capability frameworks and succession planning. Establishing, monitoring and maintaining policies and practices supporting staff and students as appropriate including: UNE Identity Values and Goals policies for both staff and students. Organisational development policies for staff. Student journey policies.</p>

Safety and environs

(20) The safety and environs function supports the University to meet its internal and external responsibilities for a safe physical environment for student and staff.

Table 10 - Safety and environs functions, purpose and responsibilities

Purpose	Responsibilities
<p>The safety and environs functions provide guidance and assurance that our physical environment can meet the needs of current operations and future strategy.</p>	<p>Developing, implementing and monitoring policies, practices and frameworks for workplace safety, the effective control of physical facilities and environments (see UNE SAFE and, UNE Environment, Facilities and Spaces). Identifying and managing risks to ensure safety and wellbeing across UNE campus facilities and activities conducted offsite including: implementing specific practices for dealing with hazardous materials in the workplace or within teaching or research activities. operating the network of WHS Safety Representatives, First Aid Officers, Wardens and Work Health Safety (WHS) committees. Creating a safety culture by communicating and supporting safe practices to prevent incidents (including via the UNE Safe Application). Maintaining effective systems for capturing and managing WHS incidents and responding to hazards. Reporting on WHS incidents and hazards to meet internal and external obligations. Identifying and implementing the WHS and relevant building codes/standards for the: design of digital and physical environments. operation of digital and physical environments.</p>

Academic quality assurance functions

(21) The academic quality assurance function supports the University to meet its internal and external obligations for the quality of teaching and learning, research, scholarship and student support activities of the University.

Table 11 - Academic quality assurance functions, purpose and responsibilities

Purpose	Responsibilities
<p>The academic quality assurance functions provide guidance and assurance that our academic activities meet the needs of current operations and future strategy.</p>	<p>Supporting UNE Representatives to meet the academic quality expectations of their roles through the implementation of policies for the Student Journey and Scholarship (see Academic Quality Assurance Guidelines). Conducting internal review and monitoring consistent with UNE’s self-accreditation status, including: units, courses, research training and academic areas (e.g., Faculties and Schools and academic governance bodies). institutional academic quality benchmarking measures. external providers supporting UNE’s academic program delivery, providers of work integrated learning for UNE students and reviews of articulation arrangements. internal student feedback mechanisms and grievances, and student surveys (both internal and broader sector surveys). Planning and managing accreditation and registration, including: the external accreditation of academic programs/courses, including professional accreditation and/or benchmarking or peer review processes. institutional re-registration processes (eg: via TEQSA, CRICOS); Participation in Research Excellence and Impact Reviews by the Australian Research Council. Monitoring of research quality and integrity practices including human and animal ethics committee reviews, research examination processes, peer and publication review and/or assessment of research against grant requirements and millstones. Providing opportunities for student input in decision making both directly (representation and participation in governance bodies) and indirectly (via feedback, surveys and other advisory roles).</p>

Financial governance functions

(22) The financial governance function supports the University to meet its internal and external obligations for integrity in financial management and reporting.

Table 12 - Financial governance functions, purpose and responsibilities

Purpose	Responsibilities
<p>The financial governance functions provide oversight and stewardship of the financial resources to meet the needs of current operations and future strategy.</p>	<p>Supporting UNE Representatives to meet the financial governance expectations of their roles through the implementation of systems, policies and processes for the planning and budgeting process (See Organisational Capability, Delegations Framework and Controlled Entity Guidelines). Conducting annual planning of financial commitments of the University via the UNE Business Plan and Budget. Monitoring key performance indicators and reporting on UNE financial performance against business plans, budgets and target financial measures. Ensuring compliance with financial management and reporting standards. Preparing public financial statements for UNE and the Consolidated Group of Entities (i.e., Controlled Entities). Ensuring independent external assurance of the accuracy of financial management and reporting.</p>

Information governance function

(23) The information governance function supports the University to meet its internal and external obligations for consistency in the management of information, including data, to support the University objectives and strategy.

Table 13 - Information governance functions, purpose and responsibilities

Purpose	Responsibilities
<p>The financial governance functions provide oversight and stewardship of the information assets to meet the needs of current operations and future strategy.</p>	<p>Supporting UNE Representatives by implementing processes, roles, controls and metrics that support the protection, reliability, security and use of the University's information assets. (See Cyber and Information Security Rule, Privacy Management Plan, Records Management Guidelines, Policy & Compliance Guidelines, UNE Copyright Management Guidelines, Research Data Management Guidelines).</p> <p>Implementing and supporting systems for the identification elimination, minimising, managing and monitoring of information risks.</p> <p>Planning and reviewing of the University's information assets to meet strategic goals.</p> <p>Ensuring the University meets compliance and regulatory requirements, including monitoring and reporting.</p> <p>Monitoring and reporting on the quality, access and lifecycle of information assets.</p>

Section 2 - Authority and Compliance

(24) The Council makes this rule pursuant to section 29 of the [UNE Act](#).

(25) The Policy Owner and Policy Administrator for this Rule is the Director Governance and University Secretary, who is authorised to make minor administrative updates, and to publish as associated documents any tool that will assist with compliance.

(26) UNE Representatives must observe this Rule in relation to University matters.

(27) This Rule operates as and from the Effective Date.

(28) Previous Rules and Policies relating to UNE Governance Framework are replaced and have no further operation from the Effective Date of this new Rule.

Section 3 - Quality Assurance

(29) Quality Assurance regarding the effective implementation of the UNE Governance Framework will be supported by:

- a. Assurance by the Director Governance and University Secretary to the Vice-Chancellor and Chief Executive Officer and to the Council, at least annually that:
 - i. the authorities and delegations of the University are being adhered to;
 - ii. that the membership of the University's governing bodies and committees, meets the skill and diversity expectations and members are supported in their roles;
 - iii. that governance relationships are being supported and managed consistent with the values and protocols expressed; and
 - iv. that each of the functions of governance are working effectively and that issues or areas for continuous improvement are being followed up/actioned.

Status and Details

Status	Current
Effective Date	To Be Advised
Review Date	To Be Advised
Approval Authority	
Approval Date	To Be Advised
Expiry Date	To Be Advised
Unit Head	Gabrielle Price Director Governance and University Secretary 61 2 6773 3445
Author	Gabrielle Price 61 2 6773 3445
Enquiries Contact	Gabrielle Price Director Governance and University Secretary 61 2 6773 3445 <hr/> Office of the Director Governance and University Secretary 0267732925

Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Graduate" - Is a person who has completed the requirements for a course and has had their award conferred on them by the University Council.

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

"Convocation" - Consists of graduates (alumni) of the University; members and past members of UNE Council (or antecedent governing bodies); present and past full time academic members of the University and other members admitted under the by-laws

"Senior Executive" - Means the Vice-Chancellor and the Vice-Chancellor's direct reports (excluding support staff).

"School" - Is an organisational unit comprising academic staff in related fields of study who are responsible for teaching and research in those academic fields together with support staff. Each School also has lead management for the design and delivery of the courses within its responsibility.

"Commercial Activity" - A commercial activity is any activity engaged in, by, or on behalf of the University in the exercise of commercial functions of the University; and any other activity comprising the promotion of, establishment of, or participation in any partnership, trust, company, or other incorporated bodies, or joint venture, by or on behalf of the University, that is for the time being declared to be a commercial activity. Examples of a commercial activity include: being a member or holding securities of another legal entity; holding academic partnerships and collaborations with other organisations; articulation and pathway arrangements with other organisations; research

commercialisation (with the exception of research conducted for the University by a member of the University's academic staff); leases and other occupancy agreements (with the exception of study centre premises); and, legal agreements with another party, excluding Students, under which the University agrees to provide goods or services. The following activities are not considered to be commercial activities: the delivery by University staff of the University's academic programs to its Students; and, the Joint Medical Program delivered by the School of Rural Medicine and the University of Newcastle.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

"Faculty" - An organisational unit consisting of a group of related Schools, which is responsible for coordinating the management and quality of the teaching and research conducted by those Schools.

"University" - University of New England

UNE Governance Integrity and Standards Policy

Section 1 - Overview and Scope

- (1) Governance, integrity and standards ensures high standards of professional conduct in corporate and academic governance activities, establish the professional practice, and ethical standards for UNE Representatives. The central objective of this policy is to achieve good governance outcomes that fostering and enhancing the reputation of University of New England ('UNE').
- (2) UNE's Governance Integrity and Standards **Policy** and associated **Guidelines**:
 - a. set the core principles, values and behaviours that guide good governance practice;
 - b. define key governance structures, roles and responsibilities;
 - c. define effective decision-making practices;
 - d. define delegations of authorities at UNE for corporate and academic governance and for management;
 - e. define the expectations of people undertaking governance activities at UNE and the support provided by UNE;
 - f. define the standard of practice expected in the conduct of specific governance functions at UNE,; and
 - g. define objectives of good governance practices, the monitoring and measurement of effectiveness and enforcement.
- (3) This Policy and associated Guidelines apply to all **corporate** and **academic governance** activities undertaken by **University Representatives**. This includes strategic planning, financial management, decision-making, communication, performance monitoring and oversight, academic quality assurance, compliance, and fiduciary duties at UNE.

Section 2 - Principles

Principle 1: We act with integrity and professional conduct to foster a positive, purpose driven, ethical and responsible governance culture.

Principle 2: We value participation, equity, inclusion and diversity to ensure the membership of governing bodies and committees collectively represent the diversity of UNE representative and students.

Principle 3: Our governance roles and responsibilities have clear accountability and oversight to make effective and efficient decisions.

Principle 4: We are transparent and responsive, committed to ensuring quality and lawful standards of practice in of our Governance functions whilst furthering UNE's objectives.

Section 3 – Authority and Compliance

- (4) The Council, pursuant to Section 29 of the **University of New England Act**, makes this Policy which have the effect of a **Rule**.
- (5) The **Policy Owner** and **Policy Administrator** for this Policy is the Director Governance and University Secretary, who is authorised to make minor administrative updates to these guidelines, and to publish as associated documents any tool that will assist with compliance.
- (6) UNE Representatives must observe this Policy in relation to university matters.
- (7) This Policy is consistent with the **University of New England Act 1993** ('UNE Act') and the **UNE By-Law 2005**. They also consider the **Voluntary Code of Best Practice for the Governance of Australian Public Universities**, the guidance notes for Academic and Corporate Governance provided by the **Tertiary Education and Quality Standards Agency (TEQSA)** and **the ASX Corporate Governance Principles**.
- (8) This Policy operates as and from the **Effective Date**.
- (9) Previous policies and rules are replaced by this Policy and associated guidelines.

Section 4 – Quality Assurance

(10) The Council will report annually on governance matters in the University's Annual Report as agreed in the reporting framework.

PROPOSED



Code of Conduct

Section 1 - Overview and scope

(1) The Code of Conduct (the Code) for the University of New England establishes principles to be applied by UNE Representatives in their activities and behaviour. As the University is a public sector entity, UNE Representatives are expected to serve the public interest, including through showing leadership and contributing to the public good, promoting academic freedom and a supportive, respectful, safe and healthy environment for our staff and students and engaging in ethical business practices with our partners, aligned with our values as in our strategic plan.

(2) In applying the Code, the University of New England is committed to reconciliation and inclusivity by building collaborative, meaningful relationships of reciprocity. Our vision is to ensure our institution is a culturally safe and culturally aware workplace that recognises the value of improving outcomes for Aboriginal and Torres Strait Islander people. Our inaugural [Reconciliation Action Plan](#) outlines our Reconciliation journey, which is inclusive of staff and students with a commitment to Relationships, Respect and Opportunities. We will continue to provide an environment that respects Aboriginal and Torres Strait Islander peoples, histories, cultures and connections to country by encouraging staff, Students and communities to unify in our journey of Reconciliation.

(3) This Code is a University Rule and applies to all UNE Representatives.

Section 2 - Rule

Principles

(4) The six principles outlined below align with our values, and are supported by the University's Policies, Procedures and Guidelines which provide the detail to inform our activities and behaviours.

Principle 1 - We treat others with respect, value difference and opinions.

(5) We observe this principle by:

- a. treating all people we deal with through our work at the University with courtesy, dignity and respect and maintaining a cooperative and collaborative approach to working relationships;
- b. never discriminating, harassing, or bullying any person we deal with through our work at the University within the meaning of the relevant laws;
- c. our commitment to open inquiry and academic debate as stated in the [Freedom of Speech Principles and Academic Freedom Statement \(the Statement\)](#);
- d. exercising freedom of speech and academic freedom in a manner consistent with the principles in [the Statement](#) ; and
- e. making decisions based on merit, and not on attributes that are irrelevant to performance, employment, admission or other engagements with the University.

Principle 2 – In the performance of our duties, we serve the public good, including through our

promotion of academic freedom and thereby also support the values and best interest of the University.

(6) We observe this principle by:

- a. promoting the exercise of academic freedom, intellectual freedom, free inquiry and free intellectual inquiry;
- b. undertaking our duties with care, diligence, and in alignment with the best interest of the University (not private interest);
- c. being accountable for the decisions we make and the actions we take;
- d. exercising our authorities responsibly and within our delegated limits;
- e. behaving in a way that takes into account our impact on the broader community and the environment in both the short and long term; and
- f. never wilfully, intentionally or negligently behaving in a way that may damage the University's reputation, whilst representing the University (noting that this is not a limitation of academic freedom or Principle 3).

Principle 3 - We act with honesty and integrity, transparency and openness.

(7) We observe this principle by:

- a. not making improper use of the information acquired to gain, directly or indirectly an advantage for ourselves or another, or to cause detriment to the University;
- b. being honest in all our communications and dealings with the University and its communities;
- c. acting lawfully, honestly and exercising due care and diligence in carrying out our duties;
- d. ensuring all dealings with UNE Representatives, students, suppliers and third parties are properly recorded and transparent;
- e. ensuring efficient use and management of University resources for University purposes and ensuring at all times resources are not misappropriated;
- f. reporting any suspicions of fraud, corruption, maladministration, theft or other dishonest behaviour;
- g. identifying, disclosing and managing conflicts of interest pertaining to ourselves and/or others; and
- h. behaving ethically and taking action to prevent unethical practices, including via public interest disclosure.

Principle 4 - We respect privacy and maintain confidentiality.

(8) We observe this principle by:

- a. keeping information secure and not disclosing personal or confidential information with anyone unless authorised to do so;
- b. taking all reasonable precautions to prevent unauthorised access to, or misuse of University records and information; and
- c. accessing and using information and information systems only for authorised purposes.

Principle 5 - We promote best practice in workplace health and safety.

(9) We observe this principle by:

- a. promoting a safe working environment, including taking responsibility for our health and safety and the health and safety of others, and reporting any issues as soon as practicable;
- b. complying with all applicable laws, policies, procedures, guidelines, protocols and standards relating to work, health and safety including University Rules, Policies and Guidelines; and
- c. cooperating with the University to ensure compliance with all relevant work, health and safety laws.

Principle 6 - We comply with all applicable laws, industrial instruments, University Rules, Policies and Guidelines.

(10) We observe this principle by:

- a. completing all required training and education programs, and building and maintaining our awareness and understanding of relevant laws (including by reference to UNE's Compliance Register, enterprise (collective) agreements, Rules, Policies, Guidelines, Procedures and practices;
- b. seeking guidance about the interpretation of a particular law, enterprise (collective) agreement, Rule, Policy, Procedure, Guideline or practice from the appropriate UNE Representative; and
- c. honestly reporting all actual or suspected breaches of this Code, the law, enterprise (collective) agreement, or University's Rules, Policies and Procedures immediately to the relevant UNE Representative.

Section 3 - Authority and compliance

Authority

(11) The Council, pursuant to Section 29 of the [University of New England Act](#), makes this University Rule.

(12) This Rule operates as and from the Effective Date.

(13) The Rule Custodian, the Vice-Chancellor and Chief Executive Officer, is authorised to make Procedures and Guidelines for the operation of this University Rule. The Procedures and Guidelines must be compatible with the provisions of this Rule.

(14) The previous Code of Conduct Rule is replaced and has no further operation from the Effective Date of this Rule.

(15) Notwithstanding the other provisions of this University Rule, the Vice-Chancellor and Chief Executive Officer may approve an exception to this Rule where the Vice-Chancellor and Chief Executive Officer determines the application of the Rule would otherwise lead to an unfair, unreasonable or absurd outcome. Approvals by the Vice-Chancellor and Chief Executive Officer under this clause must be documented in writing and must state the reason for the exception.

Compliance

(16) All UNE Representatives must comply with this Rule. A failure to comply with this Rule may amount to misconduct/serious misconduct and/or unsatisfactory performance.

Status and Details

Status	Current
Effective Date	To Be Advised
Review Date	To Be Advised
Approval Authority	Director Governance and University Secretary
Approval Date	To Be Advised
Expiry Date	To Be Advised
Unit Head	Brigid Heywood Vice-Chancellor and Chief Executive Officer vcadministration@une.edu.au
Author	Gabrielle Price 61 2 6773 3445
Enquiries Contact	Alicia Zikan Head Records Policy and Governance +61267735190 <hr/> Records, Policy and Governance Unit

Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

"Academic Freedom" - Academic Freedom comprises: the freedom of the University (as an institution) to make decisions regarding academic programs and research priorities and for autonomy and self-governance; and the freedom and autonomy of individual staff and students to: pursue, create, critique and contribute knowledge through research, education, publication and dissemination, including participation in disciplinary and professional communities, academic governance, engagement in free and open inquiry; and participate in the development, evolution and questioning of standards and practices of scholarship and of governance, including criticism of higher education institutions, and systems, including their own.

"Intellectual Freedom" - Intellectual Freedom is the freedom to conduct research, teach, learn, speak, and publish, subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead.

"University" - University of New England



Code of Conduct

Section 1 - Overview and scope

(1) The Code of Conduct (the Code) for the University of New England establishes principles to be applied by ~~all~~ UNE Representatives in their activities and behaviour. As the University is a public sector entity, UNE Representatives are expected to serve the public interest ~~and promote our organisational culture which is founded on our University values, outlined, including through showing leadership and contributing to the public good, promoting academic freedom and a supportive, respectful, safe and healthy environment for our staff and students and engaging in ethical business practices with our partners, aligned with our values as~~ in our strategic plan.

~~(1) All UNE Representatives must be aware of and comply with the Code. The Code does not seek to identify common or statutory law requirements, and reference must be made to the University of New England Act 1993 (NSW), the University Compliance Register, University policies and procedures, and other sources for such guidance.~~

~~Section 2 - Scope~~

~~(2) In applying the Code, the University of New England is committed to reconciliation and inclusivity by building collaborative, meaningful relationships of reciprocity. Our vision is to ensure our institution is a culturally safe and culturally aware workplace that recognises the value of improving outcomes for Aboriginal and Torres Strait Islander people. Our inaugural Reconciliation Action Plan outlines our Reconciliation journey, which is inclusive of staff and students with a commitment to Relationships, Respect and Opportunities. We will continue to provide an environment that respects Aboriginal and Torres Strait Islander peoples, histories, cultures and connections to country by encouraging staff, Students and communities to unify in our journey of Reconciliation.~~

~~(2)(3)~~ This Code is a University Rule and applies to all UNE Representatives.

Section ~~3~~2 - Rule

Principles

(4) The ~~five~~six principles outlined below align with our values, and are supported by the University's ~~policies, procedures~~Policies, Procedures and ~~guidelines~~Guidelines which provide the detail to inform our activities and behaviours.

Principle 1 - We treat others with respect, value difference and opinions. ~~We seek to maintain a safe working environment.~~

(5) We observe this principle by:

- a. treating all people we deal with through our work at the University with courtesy, dignity and respect and maintaining a cooperative and collaborative approach to working relationships;

~~b. Never~~ discriminating, harassing, ~~or bullying or treating less favourably~~ any person we deal with through our work at the University. ~~Acting appropriately includes being aware that some behaviour may be acceptable to each~~ within the meaning of us, but not the relevant laws;

~~b.c. our commitment to others;~~ open inquiry and academic debate as stated in the Freedom of Speech Principles and Making Academic Freedom Statement (the Statement);

~~d. exercising freedom of speech and academic freedom in a manner consistent with the principles in the Statement and in accordance with this Code; and~~

~~e.e. making~~ decisions based on merit, and not on attributes that are irrelevant to performance, employment, admission or other engagements with the University; ~~and.~~

~~a. Promoting a safe working environment, including taking responsibility for our health and safety and the health and safety of others, and reporting any issues as soon as possible.~~

Principle 2 — In the performance of our duties, we ~~will act to~~ serve the public good, including through our promotion of academic freedom and thereby also support the values and best interest of the University ~~and value the University's reputation.~~

(6) We observe this principle by:

~~a. Undertaking~~ promoting the exercise of academic freedom, intellectual freedom, free inquiry and free intellectual inquiry;

~~a.b. undertaking~~ our duties with care, diligence, and in alignment with the best interest of the University (not private interest);

~~b.c. Being~~ being accountable for the decisions we make and the actions we take;

~~e.d. Exercising~~ exercising our authorities responsibly and within our delegated limits;

~~d.e. Behaving~~ behaving in a way that takes into account our impact on the broader community and the environment in both the short and long term; and

~~e.f. Never~~ never wilfully, intentionally or negligently behaving in a way that may damage the University's reputation, whilst representing the University. ~~(noting that this is not a limitation of academic freedom or Principle 3).~~

Principle 3 - We act with honesty and integrity, transparency and openness.

(7) We observe this principle by:

a. ~~Not~~ not making improper use of the information acquired to gain, directly or indirectly an advantage for ~~yourself~~ ourselves or another, or to cause detriment to the University;

b. ~~Being~~ being honest in all our communications and dealings with the University and its communities;

~~c. Ensuring~~ acting lawfully, honestly and exercising due care and diligence in carrying out our duties;

~~e.d. ensuring~~ all dealings with ~~University~~ UNE Representatives, students, suppliers and third parties are properly recorded and transparent;

~~d.e. Ensuring~~ ensuring efficient use and management of University resources for University purposes and ensuring at all times resources are not misappropriated;

~~e.f. Reporting~~ reporting any suspicions of fraud, corruption, maladministration, theft or other dishonest behaviour;

~~f.g. Identifying~~ identifying, disclosing and managing conflicts of interest pertaining to ourselves and/or others; and

~~g.h. Behaving~~ behaving ethically and taking action to prevent unethical practices, including via public interest disclosure.

Principle 4 - We respect privacy and maintain confidentiality.

(8) We observe this principle by:

- a. ~~Keeping~~keeping information secure and not disclosing personal or confidential information with anyone unless authorised to do so;

~~Principle 5 – We comply with the UNE Act, relevant laws and their obligations, relevant enterprise (collective) agreements and UNE policies and procedures.~~

- ~~b. taking all reasonable precautions to prevent unauthorised access to, or misuse of University records and information; and~~
- ~~c. accessing and using information and information systems only for authorised purposes.~~

~~Principle 5 - We promote best practice in workplace health and safety.~~

(9) We observe this principle by:

- ~~a. Completing~~promoting a safe working environment, including taking responsibility for our health and safety and the health and safety of others, and reporting any issues as soon as practicable;
- ~~b. complying with all applicable laws, policies, procedures, guidelines, protocols and standards relating to work, health and safety including University Rules, Policies and Guidelines; and~~
- ~~c. cooperating with the University to ensure compliance with all relevant work, health and safety laws.~~

~~Principle 6 - We comply with all applicable laws, industrial instruments, University Rules, Policies and Guidelines.~~

(10) We observe this principle by:

- a. ~~completing~~ all required training and education programs ~~to build, and maintain~~building and maintaining our awareness and understanding of relevant laws ~~(including by reference to UNE’s Compliance Register, enterprise (collective) agreement, policies, procedures agreements, Rules, Policies, Guidelines, Procedures and practices;~~
- ~~b. Seeking~~seeking guidance about the interpretation of a particular law, enterprise (collective) agreement, ~~policy, procedure~~Rule, Policy, Procedure, Guideline or practice from the appropriate UNE Representative; and
- ~~b.c. Honestly~~honestly reporting all actual or suspected breaches of this Code, the law, enterprise (collective) agreement, or University’s ~~policies~~Rules, Policies and ~~procedures~~Procedures immediately to the relevant ~~University~~UNE Representative.

Section 3 - Authority and ~~compliance~~ Compliance

Authority

(11) The Council, pursuant to Section 29 of the [University of New England Act](#), makes this University Rule.

~~(10) All UNE Representatives must comply with this Rule. A failure to comply with this rule may amount to misconduct/serious misconduct and/or unsatisfactory performance.~~

~~(11) The Rule Administrator, the Vice-Chancellor and Chief Executive Officer, is authorised to make procedures and guidelines for the operation of this University Rule. The procedures and guidelines must be compatible with the provisions of this Rule.~~

(12) This Rule operates as and from the Effective Date.

~~(13) Previous~~The Rule Custodian, the Vice-Chancellor and Chief Executive Officer, is authorised to make Procedures and Guidelines for the operation of this University Rule. The Procedures and Guidelines must be compatible with the provisions of this Rule.

~~(13)~~(14) The previous Code of Conduct ~~Rules/Policies and related documents are~~Rule is replaced and ~~have~~has no further operation from the Effective Date of this ~~new rule~~Rule.

~~(14)~~(15) Notwithstanding the other provisions of this University Rule, the Vice-Chancellor and Chief Executive Officer may approve an exception to this Rule where the Vice-Chancellor and Chief Executive Officer determines the application of the Rule would otherwise lead to an unfair, unreasonable or absurd outcome. Approvals by the Vice-Chancellor and Chief Executive Officer under this clause must be documented in writing and must state the reason for the exception.

Compliance~~Section 4 – Definitions~~

~~(16) Policies include – rules, policies, and protocols.~~

~~(16) University of New England means — The University of New England established by the University of New England Act 1993 No 68 (NSW).~~

(16) All UNE Representatives must comply with this Rule. A failure to comply with this Rule may amount to misconduct/serious misconduct and/or unsatisfactory performance.

Status and Details

Status	Current
Effective Date	31st July 2015 <u>To Be Advised</u>
Review Date	24th July 2018 <u>To Be Advised</u>
Approval Authority	Vice-Chancellor and Chief Executive Officer
Approval Date	24th July 2015 <u>To Be Advised</u>
Expiry Date	To Be Advised
Unit Head	Brigid Heywood Vice-Chancellor and Chief Executive Officer vadministration@une.edu.au
Author	James Simmons Principal Internal Auditor <u>Gabrielle Price</u> <u>61 2 6773 3445</u>
Enquiries Contact	<u>Alicia Zikan</u> <u>Head Records Policy and Governance</u> <hr/> <hr/> Records, Policy and Governance Unit +61 2 6773 4552

Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

"Academic Freedom" - Academic Freedom comprises: the freedom of the University (as an institution) to make decisions regarding academic programs and research priorities and for autonomy and self-governance; and the freedom and autonomy of individual staff and students to: pursue, create, critique and contribute knowledge through research, education, publication and dissemination, including participation in disciplinary and professional communities, academic governance, engagement in free and open inquiry; and participate in the development, evolution and questioning of standards and practices of scholarship and of governance, including criticism of higher education institutions, and systems, including their own.

"Intellectual Freedom" - Intellectual Freedom is the freedom to conduct research, teach, learn, speak, and publish, subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead.

"University" - University of New England



Freedom of Speech Principles and Academic Freedom Statement

Section 1 - Objective and scope

(1) The University of New England affirms freedom of speech and academic freedom as core UNE values demonstrating UNE's commitment to, within the law and duty of care:

- a. support a person's right to freedom of speech;
- b. establish as a paramount value and to promote, develop and maintain supports and avenues for the fullest exercise of freedom of speech, academic freedom and free intellectual inquiry; and
- c. affirm the importance of UNE's institutional autonomy under law in the regulation of its affairs including in the protection of freedom of speech and academic freedom.

(2) These Principles apply to all UNE Representatives including representatives of UNE's Controlled Entities, students, external visiting speakers and invited visiting speakers and should be read in conjunction with UNE's [Freedom of Speech and Academic Freedom Guidelines](#).

(3) Within these Principles:

- a. Part A outlines UNE's freedom of speech principles and how they are supported; and
- b. Part B states UNE's commitment to academic freedom and attendant considerations to uphold these freedoms within the University context.

Part A - Freedom of speech principles

Principles

Principle 1 - The University values freedom of speech.

(4) The University values freedom of speech:

- a. for its own sake (encouraging individual and institutional autonomy, speech and expression); and
- b. for its contribution to the broader public good, democracy and civil society.

Principle 2 - The University upholds the right of all persons to speak publicly on any issue in their private capacity.

(5) The University upholds the right of all persons to speak publicly on any issue, including in relation to UNE and to lawfully and freely express their opinions in their private capacity as an individual member of society subject only to the constraints imposed by:

- a. the reasonable and proportionate regulation of conduct necessary to the discharge of the University's teaching and research activities;
- b. the right and freedom of all to express themselves and to hear and receive information and opinions;

- c. the reasonable and proportionate regulation of conduct to enable to University to fulfill its duty to foster the wellbeing of staff and students;
- d. UNE Representatives should ensure when exercising lawful freedom of speech that they do not represent themselves as spokespersons for the University unless they are authorised to do so; and
- e. University academic staff should ensure when exercising lawful freedom of speech in relation to academic matters that UNE's Academic Freedom Statement is considered.

Principle 3 - The University actively promotes freedom of lawful speech.

(6) The University actively promotes freedom of speech by:

- a. establishing, promoting, developing and maintaining supports and avenues for the fullest exercise of freedom of speech, academic freedom and free intellectual inquiry;
- b. committing to openness of conduct of the University, including through openness of governance, open access of documentation, encouragement of internally produced free media, and the encouragement of civil, robust and rigorous debate; and
- c. encouraging participation from all members in UNE decision-making bodies and the expression of diverse views and perspectives to inform resolutions.

Principle 4 - The University retains the right and responsibility to determine the terms and conditions of the use of University facilities for speech.

(7) The University has the right and responsibility to determine the terms and conditions upon which it shall permit external visitors and invited visitors to speak on university land and use university facilities.

Part B - Academic freedom statement

Principles

Principle 1 - Academic Freedom is a fundamental principle that is foundational to the University's existence and purpose.

(8) The ultimate aim of the University is the common good which is served by academic freedom through the pursuit of truth, the advancement of learning and the sharing of knowledge for both its own sake and for the betterment of all in society both specifically and generally, and in particular to address social and environmental challenges, and current and historic injustices and silences.

(9) The University upholds academic freedom as a fundamental principle, reflecting the University's appreciation of academic freedom as essential to the conduct of a free and democratic society and to the quest for intellectual, moral and material advancement through informed comment and debate.

Principle 2 - Academic Freedom is a composite principle comprising institutional and collective autonomy, academic and self-governance of the University and of the academy, as well as the freedom and autonomy of individual staff and students.

(10) All members of the academy, and broader collegiate, are free to learn, pursue, create, critique and contribute knowledge through research, education, publication and dissemination, including through participation in disciplinary and professional communities, student societies and associations, academic and institutional governance, engagement in free and open inquiry and public debate, and in the development, evolution and questioning of standards and practices of scholarship and of governance, including criticism of higher education institutions, and systems, including their own, without interference or constraint, censorship or penalty, wherever the search for truth and understanding may lead.

(11) As a composite principle academic freedom is both a shared freedom and a shared responsibility. Both the academy and the institution have freedom and responsibility regarding research and teaching and in decision-making about research and teaching, as well as in administration and governance of the university.

Principle 3 - Academic Freedom requires the active support of the State, the institution, and the academy.

(12) It is the responsibility of the University and of all staff and students to exercise, and maximise academic freedom. Academic Freedom should be given the fullest expression possible in order to ensure maximum benefit to present and future communities and environments, including for peace and sustainability, through encouragement and support of creative and critical thinking, diversity and plurality of thought and perspectives, robust and rigorous reasoning and debate, challenging of ideas and accepted tenets, and open communication, collegiality and collaboration, that are all essential for the maximization of the benefits of academic freedom.

(13) Academic Freedom is supported by diversity in representation, transparency and accountability, and by research ethics requirements and observation of basic norms of civil conduct and a nurturing learning environment that enables the fullest and proper exercise of academic freedom.

(14) It is recognised that the role of the State is to advance and promote academic freedom to the fullest extent possible in order including by the provision of sufficient support to the University to enable full autonomy.

Section 2 - Authority and compliance

Compliance

(15) The freedoms expressed in this Statement are consistent with the [University of New England Act 1993 \(NSW\)](#) and its references within UNE's object and principal functions, including:

- a. UNE's object, which is: 'the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence'.
- b. UNE's principal functions including:
 - i. the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry (Section 6(2)(b));
 - ii. the participation in public discourse (Section 6(2)(d)); and
 - iii. the provision of teaching and learning that engage with advanced knowledge and inquiry (Section 6(2)(f)).

(16) [The Higher Education Support Act 2003](#) (Cth) (as amended) requires all higher education providers to have policy material that upholds freedom of speech and academic freedom.

(17) [Higher Education Standards Framework \(Threshold Standards\) 2021](#) provides that for a higher education provider to satisfy the requirements of the B1.3 'Australian University Category' that the criteria for the 'Institute of Higher Education' category must be satisfied, which includes the following requirement: The higher education provider meets the requirements of Part A, has clearly articulated higher education purpose that includes a commitment to free intellectual inquiry, and offers at least one accredited course of study.

(18) The [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#) and the [UNE Professional Staff Enterprise Agreement 2019-2022](#) recognises and supports academic freedom for staff.

(19) These values are supported:

- a. as part of UNE's overarching [Code of Conduct](#) for all UNE Representatives; and
- b. within other Policies and Guidelines of the University including the [Freedom of Speech and Academic Freedom Guidelines](#).

Authority

(20) This Statement is made by the Council, pursuant to Section 29 of the [University of New England Act](#) and has the effect of a Rule.

(21) UNE students, UNE Representatives and Controlled Entities must observe this Statement in relation to University matters.

(22) The Policy Custodian of this Statement is the Vice-Chancellor and Chief Executive Officer who is authorised to make attendant protocols or associated information compatible with the provisions of this Statement.

(23) This Statement operates from the Effective Date.

(24) Previous statements/Rules regarding intellectual or academic freedom are replaced and have no further operation from the Effective Date of this Rule.

Status and Details

Status	Current
Effective Date	To Be Advised
Review Date	To Be Advised
Approval Authority	
Approval Date	To Be Advised
Expiry Date	To Be Advised
Unit Head	Brigid Heywood Vice-Chancellor and Chief Executive Officer vcadministration@une.edu.au
Author	Gabrielle Price 61 2 6773 3445
Enquiries Contact	Lisa McMahon Senior Manager (Policy) policies@une.edu.au <hr/> Policies Team

Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

"Research" - Is the creation of new knowledge and/or the use of existing knowledge in a new and creative way so as to generate new concepts, methodologies, inventions and understandings. This could include synthesis and analysis of previous research to the extent that it is new and creative. (Defined by the Australian Research Council)

"Controlled Entity" - Means a person, group of persons or body of which the University or Council has control within the meaning of a standard referred to in Section 39(1A) or 45A(1A) of the Public Finance and Audit Act 1983.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

"Academic Freedom" - Academic Freedom comprises: the freedom of the University (as an institution) to make decisions regarding academic programs and research priorities and for autonomy and self-governance; and the freedom and autonomy of individual staff and students to: pursue, create, critique and contribute knowledge through research, education, publication and dissemination, including participation in disciplinary and professional communities, academic governance, engagement in free and open inquiry; and participate in the development, evolution and questioning of standards and practices of scholarship and of governance, including criticism of higher education institutions, and systems, including their own.

"Speech" - (Freedom of Speech and Academic Freedom) Speech extends to all forms of expressive conduct including oral speech and written, artistic, musical and performing works and activity; the word 'speak' has a corresponding

meaning.

"External Visiting Speaker" - External Visiting Speaker is any person who is not an invited visiting speaker and for whom permission is sought to speak on the university's land or facilities.

"Invited Visiting Speaker" - Invited Visiting Speaker is any person who has been invited by the University or by a student society.

"University" - University of New England



Freedom of Speech Principles and Academic Freedom Statement

Section 1 - Objective and ~~scope~~ scope

- (1) The University of New England affirms ~~Freedom~~freedom of ~~Speech~~speech and ~~Academic Freedom~~academic freedom as core UNE values demonstrating UNE's commitment to, within the law and duty of care:
 - a. support a person's right to freedom of speech ~~to the broadest extent possible, and consistent with the core values and functioning of the University; and;~~
 - b. establish, as a paramount value and to promote, develop and maintain supports and avenues for the fullest exercise of freedom of speech, academic freedom and free intellectual inquiry; and
 - c. affirm the importance of UNE's institutional autonomy under law in the regulation of its affairs including in the protection of freedom of speech and academic freedom.
- (2) These Principles apply to ~~and are to be observed by~~ all UNE Representatives including representatives of UNE's Controlled Entities, students, external visiting speakers and ~~internal~~invited visiting speakers; and should be read in conjunction with UNE's Freedom of Speech and Academic Freedom Guidelines.
- (3) Within these Principles:
 - a. Part A outlines UNE's ~~Freedom~~freedom of ~~Speech~~speech principles and how they are supported; and
 - b. Part B states UNE's commitment to ~~Academic Freedom~~academic freedom and attendant considerations to uphold these freedoms within the University context.

Part A - Freedom of ~~Speech Principles~~ speech principles

Principles

Principle 1 – The University values freedom of speech.

- (4) The University values freedom of speech:
 - a. for its own sake (encouraging individual and institutional autonomy, speech and expression); and
 - b. for its contribution to the broader public good, democracy and civil society.

Principle 2 - The University upholds the right of all persons to speak publicly on any issue in their private capacity.

- (5) The University upholds the right of all persons to speak publicly on any issue, including in relation to UNE and to lawfully and freely express their opinions in their private capacity as an individual member of society; subject only to the constraints imposed by:

- a. ~~Persons who are University~~ the reasonable and proportionate regulation of conduct necessary to the discharge of the University's teaching and research activities;
- b. the right and freedom of all to express themselves and to hear and receive information and opinions;
- c. the reasonable and proportionate regulation of conduct to enable to University to fulfill its duty to foster the wellbeing of staff and students;
- a-d. UNE Representatives should ensure when exercising lawful freedom of speech that they do not represent themselves as spokespersons for the University unless they are authorised to do so, ~~consistent with the Code of Conduct and the UNE Media Policy;~~ and
- b-e. University ~~Academic~~ academic staff should ensure when exercising lawful freedom of speech in relation to academic matters that UNE's Academic Freedom Statement is considered.

Principle 3 - The University actively promotes freedom of lawful speech.

- (6) The University actively promotes freedom of speech by:
- a. establishing, promoting, developing and maintaining supports and avenues for the fullest exercise of freedom of speech, academic freedom and free intellectual inquiry;
 - b. committing to openness of conduct of the University, including through openness of governance, open access of documentation, encouragement of internally produced free media, and the encouragement of civil, robust and rigorous debate; and
 - c. encouraging participation from all members in UNE decision-making bodies and the expression of diverse views and perspectives to inform resolutions.

Principle 4 - The University retains the right and responsibility to determine the terms of conditions of the use of University facilities for speech.

- (7) ~~On notification of a request for public events and discourse, the~~ The University has the right and responsibility to determine the terms and conditions upon which it shall permit external visitors and invited visitors to speak on university land and use university facilities.

Part B - Academic ~~Freedom Statement~~ freedom statement

Principles

Principle 1 – Academic Freedom is a fundamental principle that is foundational to the ~~University's~~ University's existence and purpose.

(8) The ultimate aim of the University is the common good which is served by academic freedom through the pursuit of truth, the advancement of learning and the sharing of knowledge for both its own sake and for the betterment of all in society both specifically and generally, and in particular to address social and environmental challenges, and current and historic injustices and silences.

(9) The University upholds academic freedom as a fundamental principle, reflecting the University's appreciation of academic freedom as essential to the conduct of a free and democratic society and to the quest for intellectual, moral and material advancement through informed comment and debate.

Principle 2 – Academic Freedom is a composite principle comprising institutional and collective autonomy, academic and self-governance of the ~~university~~ University and of the academy, as well as the freedom and autonomy of individual staff and students.

(10) All members of the academy, and broader collegiate, are free to learn, pursue, create, critique and contribute knowledge through research, education, publication and dissemination, including through participation in disciplinary and professional communities, student societies and associations, academic and institutional governance, engagement in free and open inquiry and public debate, and in the development, evolution and questioning of standards and practices of scholarship and of governance, including criticism of higher education institutions, and systems, including their own, without interference or constraint, censorship or penalty, wherever the search for truth and understanding may lead.

(11) As a composite principle academic freedom is both a shared freedom and a shared responsibility. Both the academy and the institution have freedom and responsibility regarding research and teaching and in decision-making about research and teaching, as well as in administration and governance of the university.

Principle 3 – Academic Freedom requires the active support of the State, the institution, and the academy.

~~(8)~~—It is the responsibility of the University and of all staff and students to exercise, and maximise, academic ~~(12)~~ freedom, ~~and to do so according to the appropriate scholarly standards.~~ Academic ~~freedom~~ Freedom should be given the fullest expression possible in order to ensure maximum benefit to present and future communities and environments, including for peace and sustainability, through encouragement and support of creative and critical thinking, diversity and plurality of thought and perspectives, robust and rigorous reasoning and debate, challenging of ideas and accepted tenets, and open communication, collegiality and collaboration, that are all essential for the maximization of the benefits of academic freedom.

~~(12)~~(13) Academic ~~freedom~~ Freedom is supported by diversity in representation, transparency and accountability, and by research ethics requirements and observation of basic norms of civil conduct and a nurturing learning environment that enables the fullest and proper exercise of academic freedom.

~~(13)~~(14) It is recognised that the role of the State is to advance and promote academic freedom to the fullest extent possible in order including by the provision of sufficient support to the University to enable full autonomy.

Section 2 - Authority and ~~Compliance~~ compliance

Compliance

(15) The freedoms expressed in this ~~policy~~ Statement are consistent with the University of New England Act 1993 (NSW) (NSW) and its references within UNE's object and principal functions, including:

- a. UNE's object, which is: 'the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence'.
- b. UNE's principal functions including:
 - i. the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry (Section 6(2)(b));
 - ii. the participation in public discourse (Section 6(2)(d)); and
 - iii. the provision of teaching and learning that engage with advanced knowledge and inquiry (Section 6(2)(f)).

(16) The Higher Education Support Act 2003 (Cth) (as amended) requires all higher education providers to have policy material that ~~'upholds~~ upholds freedom of speech and academic ~~freedom' (Section 19-115)~~ freedom.

~~(14)~~ The Higher Education Standards Framework (Threshold Standards) 2015 requires Higher Education Standards Framework (Threshold Standards) 2021 provides that ~~(Part B, B1.1 "Higher Education Provider" Category):~~

- a. ~~The for a~~ higher education provider ~~has to satisfy the requirements of the B1.3 'Australian University Category' that the criteria for the 'Institute of Higher Education' category must be satisfied, which includes the following requirement: The higher education provider meets the requirements of Part A, has~~ clearly articulated higher education purpose that includes a commitment to ~~and support for~~ free intellectual inquiry ~~in its academic endeavours.~~
- b. ~~The higher education provider delivers teaching and learning that engage with advanced knowledge and inquiry.~~
- (17) ~~The higher education provider's academic staff are active in scholarship that informs their teaching, and are active in research when engaged in research student supervision, and offers at least on accredited course of study.~~
- (18) The [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#) and the [UNE Professional Staff Enterprise Agreement 2019-2022](#) (clause 5.2(d)) states 'The University and its Employees are committed to ~~the~~recognises and supports academic freedom for staff.
- c. ~~protection and promotion of intellectual freedom within the University where Employees are able to:~~
- i. ~~participate in public debates relating to decision making processes and express opinions about issues and ideas related to their discipline area or areas of professional expertise and about higher education issues more generally;~~
 - ii. ~~express opinions or comment outside their discipline or areas of professional expertise as long as they do so on their own behalf and do not claim to represent the University;~~
 - iii. ~~pursue critical and open academic inquiry and to freely discuss, publish and research;~~
 - iv. ~~express unpopular or controversial views which do not defame, harass, vilify or intimidate; and~~
 - v. ~~participate in professional and representative bodies, including Unions, and engage in community service without harassment, intimidation or unfair treatment.~~
- (19) These values are supported:
- a. as part of UNE's overarching [Code of Conduct](#) for all ~~University~~UNE Representatives; and
 - ~~d. within other policies and guidelines of the University.~~
 - b. within other Policies and Guidelines of the University including the Freedom of Speech and Academic Freedom Guidelines.

Authority

- (20) ~~These Principles and This~~ Statement ~~are is~~ made by the Council, pursuant to Section 29 of the [University of New England Act Act](#) ~~and have and has~~ the effect of a Rule.
- (21) UNE students, UNE Representatives and Controlled Entities must observe ~~these Principles and this~~ Statement in relation to University matters.
- (22) The [Policy](#) Custodian of ~~these Principles and this~~ Statement is the Vice-Chancellor and Chief Executive Officer who is authorised to make attendant protocols or associated information compatible with the provisions of ~~these Principles and this~~ Statement.
- (23) ~~These Principles and This~~ Statement ~~operate operates~~ from the Effective Date.
- (24) Previous statements/Rules regarding intellectual or academic freedom are replaced and have no further operation from the Effective Date of this ~~new~~-Rule.

Section 3—Definitions (specific to these Guidelines)

~~{24}— Intellectual Freedom is the freedom to conduct research, teach, learn, speak, and publish, subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead.~~

~~{25}— Scholarly Standards are the University's expectation of academic quality and integrity and may consider factors including~~

- ~~a.— academic and research ethics;~~
- ~~b.— scientific and disciplinary specific methods and knowledge;~~
- ~~c.— evidence or reasoning at an appropriate advanced level to demonstrate academic merit;~~
- ~~d.— observation of norms of lawful and public dialogue; and~~
- ~~e.— professional conduct acting in good faith.~~

~~{26}— Speech extends to all forms of expressive conduct including oral speech and written, artistic, musical and performing works and activity; the word 'speak' has a corresponding meaning.~~

~~{27}— External Visiting Speaker is any person who is not an invited visiting speaker and for whom permission is sought to speak on the university's land or facilities.~~

~~{28}— Invited Visiting Speaker is any person who has been invited by the University or by a student society or association or group of students or representative body or by a member or members of the academic staff of the university to speak on the university's land or facilities.~~

Status and Details

Status	Current
Effective Date	18th December 2020 To Be Advised
Review Date	31st July 2021 To Be Advised
Approval Authority	
Approval Date	9th December 2020 To Be Advised
Expiry Date	To Be Advised
Unit Head	Brigid Heywood Vice-Chancellor and Chief Executive Officer vcadministration@une.edu.au
Author	Gabrielle Price Director Governance and University Secretary 61 2 6773 3445
Enquiries Contact	Lisa McMahon Senior Manager (Policy) policies@une.edu.au Policies Team

Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

"Research" - Is the creation of new knowledge and/or the use of existing knowledge in a new and creative way so as to generate new concepts, methodologies, inventions and understandings. This could include synthesis and analysis of previous research to the extent that it is new and creative. (Defined by the Australian Research Council)

"Controlled Entity" - Means a person, group of persons or body of which the University or Council has control within the meaning of a standard referred to in Section 39(1A) or 45A(1A) of the Public Finance and Audit Act 1983.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

~~**"University Representative"** - University Representative means a University employee (casual, fixed term and permanent) contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.~~

"Academic Freedom" - Academic Freedom comprises: the freedom of the University (as an institution) to make decisions regarding academic programs and research priorities and for autonomy and self-governance; and the freedom and autonomy of individual

staff and students to: pursue, create, critique and contribute knowledge through research, education, publication and dissemination, including participation in disciplinary and professional communities, academic governance, engagement in free and open inquiry; and participate in the development, evolution and questioning of standards and practices of scholarship and of governance, including criticism of higher education institutions, and systems, including their own.

"Speech" - (Freedom of Speech and Academic Freedom) Speech extends to all forms of expressive conduct including oral speech and written, artistic, musical and performing works and activity; the word 'speak' has a corresponding meaning.

"External Visiting Speaker" - External Visiting Speaker is any person who is not an invited visiting speaker and for whom permission is sought to speak on the university's land or facilities.

"Invited Visiting Speaker" - Invited Visiting Speaker is any person who has been invited by the University or by a student society.

"University" - University of New England



Freedom of Speech and Academic Freedom Guidelines

Section 1 - Objective and scope

- (1) These Guidelines provide guidance to UNE Representatives and students on the application of the [Freedom of Speech Principles and Academic Freedom Statement](#).
- (2) These Guidelines apply to and are to be observed by all UNE Representatives including representatives of UNE Controlled Entities, students, external visiting speakers and invited visiting speakers.
- (3) Within these Guidelines:
 - a. Part A provides guidance on the application of the [Freedom of Speech Principles](#); and
 - b. Part B provides guidance on the application of the [Academic Freedom Statement](#).

Part A - Freedom of speech

- (4) The University actively promotes freedom of speech through:
 - a. encouraging and planning opportunities for speech and discourse, including:
 - i. promoting events, debates, discourse, conversation and other speaking chances at UNE, maximising wherever possible opportunities for access and varied methods of participation and engagement.
 - b. supporting the right of students and UNE Representatives for freedom of assembly and association, including:
 - i. ensuring there is no retribution nor unreasonable withholding of permission to participate in lawful speech, peaceful protests and advocacy; and
 - ii. providing reasonable support for University staff and student unions, associations, clubs and organisations engaged in lawful activities.
 - c. communicating and encouraging an understanding of the need for speakers to ensure their speech:
 - i. does not inhibit UNE from fulfilling its duty to foster the wellbeing of staff and students;
 - ii. does not inhibit UNE from reasonable and proportionate regulation of conduct necessary to discharge the University's teaching and research activities;
 - iii. is not unauthorised disclosure of content classified as commercial-in-confidence or associated with an officer's lawful duties or clinical or legal privilege (e.g. Council member duties; information accepted via a public interest disclosure or privileged content etc);
 - iv. does not disclose personal, health or sensitive information that under privacy laws is subject to consent or other conditions for collection, storage, access, use or disclosure requirements that have not been met; and
 - v. is appropriately attributed to others in regard to authorship and/or copyright where applicable.
 - d. providing opportunities which support and encourage University staff to test and develop skills and experience relating to free speech.

(5) On notification of a request for public events and discourse, the University has the right and responsibility to determine the terms and conditions that it shall permit external visiting speakers and invited visiting speakers to speak on university land and use university facilities and in so doing may:

- a. require the person or persons organising the event to comply with the University's booking procedures and to provide information relevant to the conduct of any event, and any public safety and security issues;
- b. distinguish between an invited visiting speaker and external visiting speaker in framing any such requirements and conditions;
- c. refuse permission to an external visiting speaker to speak on University land or at University facilities where the content of the speech is or is likely to be:
 - i. unlawful (including unlawful discrimination);
 - ii. prejudice the fulfillment by the University of its duty to foster the wellbeing of staff and students; and/or
 - iii. involve the advancement of theories or propositions which purport to be based on scholarship or research but which fall below scholarly standards to such an extent as to be detrimental to the University's character as an institution of higher learning.
- d. require a person or persons seeking permission for the use of university land or facilities for any visiting speaker to contribute in whole or in part to the cost of providing security and other measures in the interests of public safety and order in connection with the event at which the visitor is to speak.

(6) The University will not unreasonably restrict or withhold permission of access or use of the University's land or facilities for external visiting speakers or invited visiting speakers, where such access or use is for the purposes of lawful speech (noting the University may require reasonable terms and conditions for visitors and use of land and facilities be followed).

Part B - Academic freedom statement

(7) The University actively promotes academic freedom through:

- a. corporate governance of the University and its Controlled Entities ensuring stewardship of UNE's object and of 'free inquiry', oversight of development and delivery of academic programs, and monitoring of academic performance and compliance and of Controlled Entities;
- b. academic governance upholding academic quality and integrity including academic freedom;
- c. policies, ethics processes and other academic practices upholding academic freedom as a core value and outlining scholarly standards to guide the design and conduct of research, teaching and learning and outreach programs;
- d. academic leadership structures which aid the furthering of academic freedom principles, including
 - i. the promotion of opportunities for participation in academic events and public discourse, peer review and academic quality and integrity;
 - ii. protection of academic freedom in legal/research/collaboration agreements; and
 - iii. protection or support of staff and students against unfair attack as a result of the pursuit of academic freedom.
- e. providing staff and students the genuine opportunity to participate in governance and decision making and building their capacity to engage actively in decision making within a collegial environment;
- f. building the capacity of established and emerging researchers to engage in research in accordance with principles of academic freedom, including encouraging novel research in accordance with scholarly standards;
- g. protection of academic staff against unfair restrictions on their freedom to direct their own research;
- h. building the teaching and learning capacity of teaching staff in accordance with principles of academic freedom and in accordance with scholarly standards; and

i. cultivating a culture of academic freedom in accordance with scholarly standards.

(8) UNE staff and students are afforded academic freedom, while noting that this right carries with it:

- a. the responsibility to maximise academic freedom; and
- b. the responsibility to exercise academic freedom in accordance with scholarly standards.

(9) UNE staff and students in exercising academic freedom are free to make informed comment on societal behaviours and practice and in challenging held beliefs, policies and structures.

(10) The exercise by staff or students of academic freedom, in accordance with these Guidelines and the [Freedom of Speech and Academic Freedom Statement](#), shall be free from institutional censorship or sanction.

Section 2 - Authority and compliance

Compliance

(11) The freedoms expressed in these Guidelines are consistent with the [University of New England Act 1993 \(NSW\)](#) and its references within UNE's object and principal functions, including:

- a. UNE's object, which is: 'the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence'.
- b. UNE's principal functions including:
 - i. the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry (Section 6(2)(b));
 - ii. the participation in public discourse (Section 6(2)(d)); and
 - iii. the provision of teaching and learning that engage with advanced knowledge and inquiry (Section 6(2)(f)).

(12) The [Higher Education Support Act 2003](#)(Cth) (as amended) requires all higher education providers to have policy material that 'upholds freedom of speech and academic freedom'.

(13) The [Higher Education Standards Framework \(Threshold Standards\) 2021](#) provides that for a higher education provider to satisfy the requirements of Part b, B1.3 'Australian University' category that the criteria for 'Institute of Higher Education' category must be satisfied, which includes the following requirement: The higher education provider meets the requirements of Part A, has clearly articulated higher education purpose that includes a commitment to free intellectual inquiry, and offers at least one accredited course of study.

(14) The [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#) & the [UNE Professional Staff Enterprise Agreement 2019-2022](#) recognises and supports academic freedom for staff.

(15) These values are supported:

- a. as part of UNE's overarching [Code of Conduct](#) for all UNE Representatives; and
- b. other Rules, Policies, Procedures and Guidelines of the University.

Authority

(16) These Guidelines are made by the Vice-Chancellor and Chief Executive Officer, pursuant to the [Vice-Chancellor Functions Rule](#).

(17) UNE students, UNE Representatives and Controlled Entities must observe these Guidelines in relation to University matters.

(18) The Policy Custodian of these Guidelines is the Vice-Chancellor and Chief Executive Officer.

(19) These Guidelines operate from the Effective Dates.

(20) Previous Guidelines regarding intellectual or academic freedom are replaced and have no further operation from the Effective Date.

Section 3 - Definitions

(21) 'duty to foster the wellbeing of staff and students':

- a. includes the duty to ensure that no member of staff and no student suffers unfair disadvantage or unfair adverse discrimination on any basis recognised at law including race, gender, sexuality, religion and political belief;
- b. includes the duty to ensure that no member of staff and no student is subject to threatening or intimidating behaviour by another person or persons on account of anything they have said or proposed to say in exercising their freedom of speech;
- c. supports reasonable and proportionate measures to prevent any person from using lawful speech which a reasonable person would regard, in the circumstances, as likely to humiliate or intimidate other persons and is intended to have either or both of those effects;
- d. does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.

Status and Details

Status	Current
Effective Date	To Be Advised
Review Date	To Be Advised
Approval Authority	
Approval Date	To Be Advised
Expiry Date	To Be Advised
Unit Head	Brigid Heywood Vice-Chancellor and Chief Executive Officer vcadministration@une.edu.au
Author	Gabrielle Price 61 2 6773 3445
Enquiries Contact	Lisa McMahon Senior Manager (Policy) policies@une.edu.au <hr/> Policies Team

Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

"Effective Date" - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

"Academic Freedom" - Academic Freedom comprises: the freedom of the University (as an institution) to make decisions regarding academic programs and research priorities and for autonomy and self-governance; and the freedom and autonomy of individual staff and students to: pursue, create, critique and contribute knowledge through research, education, publication and dissemination, including participation in disciplinary and professional communities, academic governance, engagement in free and open inquiry; and participate in the development, evolution and questioning of standards and practices of scholarship and of governance, including criticism of higher education institutions, and systems, including their own.

"Scholarly Standards" - Scholarly Standards are the University's expectation of academic quality and integrity and may consider factors including: a. academic and research ethics; b. scientific and disciplinary specific methods and knowledge; c. evidence or reasoning at an appropriate advanced level to demonstrate academic merit; d. observation of norms of lawful and public dialogue; and e. professional conduct acting in good faith.

"Speech" - (Freedom of Speech and Academic Freedom) Speech extends to all forms of expressive conduct including oral speech and written, artistic, musical and performing works and activity; the word 'speak' has a corresponding meaning.

"External Visiting Speaker" - External Visiting Speaker is any person who is not an invited visiting speaker and for whom permission is sought to speak on the university's land or facilities.

"Invited Visiting Speaker" - Invited Visiting Speaker is any person who has been invited by the University or by a student society.

"University" - University of New England



Freedom of Speech and Academic Freedom Guidelines

Section 1 - Objective and ~~Scope~~scope

- (1) These Guidelines provide guidance to UNE Representatives and students on the application of the [Freedom of Speech Principles and Academic Freedom Statement](#).
- (2) These Guidelines apply to and are to be observed by all ~~students and~~ UNE Representatives including representatives of UNE Controlled Entities, ~~students~~, external visiting speakers and invited visiting speakers.
- (3) Within these Guidelines:
 - a. Part A provides guidance on the application of the [Freedom of Speech Principles](#); and
 - b. Part B provides guidance on the application of the [Academic Freedom Statement](#).

Part A - Freedom of ~~Speech~~speech

- (4) The University actively promotes freedom of speech through:
 - a. encouraging and planning opportunities for speech and discourse, including:
 - i. promoting events, debates, discourse, conversation and other speaking chances at UNE, maximising wherever possible opportunities for access and varied methods of participation and engagement.
 - b. supporting the right of students and UNE Representatives for freedom of assembly and association, including:
 - i. ensuring there is no retribution nor unreasonable withholding of permission to participate in lawful speech, peaceful protests and advocacy; ~~and~~
 - ii. providing reasonable support for University staff and student unions, associations, clubs and organisations engaged in lawful activities; ~~and~~
 - c. communicating and encouraging an understanding of the need for speakers to ensure their speech:
 - i. does not inhibit UNE from fulfilling its duty to foster the wellbeing of staff and students;
 - ii. ~~does not inhibit UNE from reasonable and proportionate regulation of conduct necessary to discharge the University's teaching and research activities;~~ iii. is not unauthorised disclosure of content classified as commercial-in-confidence or associated with an officer's lawful duties or clinical or legal privilege (e.g. Council member duties; information accepted via a public interest disclosure or privileged content etc);
 - iv. does not disclose personal, health or sensitive information that under privacy laws is subject to consent or other conditions for collection, storage, access, use or disclosure requirements that have not been met; and
 - v. is appropriately attributed to others in regard to authorship and/or copyright where applicable.
 - d. providing opportunities which support and encourage University staff to test and develop skills and experience relating to free speech.

- (5) On notification of a request for public events and discourse, the University has the right and responsibility to determine the terms and conditions ~~upon which~~that it shall permit ~~External Visiting Speaker~~external visiting speakers and ~~Invited Visiting Speakers~~invited visiting speakers to speak on university land and use university facilities and in so doing may:
- a. require the person or persons organising the event to comply with the University's booking procedures and to provide information relevant to the conduct of any event, and any public safety and security issues;
 - b. distinguish between an ~~Invited Visiting Speaker and External Visiting Speaker~~invited visiting speaker and external visiting speaker in framing any such requirements and conditions;
 - c. refuse permission to an ~~External Visiting Speaker~~external visiting speaker to speak on University land or at University facilities where the content of the speech is or is likely to be:
 - i. ~~be unlawful; (including unlawful discrimination);~~
 - ii. prejudice the fulfillment by the University of its duty to foster the wellbeing of staff and students; and/or
 - iii. involve the advancement of theories or propositions which purport to be based on scholarship or research but which fall below scholarly standards to such an extent as to be detrimental to the University's character as an institution of higher learning.
 - d. require a person or persons seeking permission for the use of ~~University~~university land or facilities for any visiting speaker to contribute in whole or in part to the cost of providing security and other measures in the interests of public safety and order in connection with the event at which the visitor is to speak.
- (6) The University will not unreasonably restrict or withhold permission of access or use of the University's land or facilities for external visiting speakers or invited visiting speakers, where such access or use is for the purposes of lawful speech (noting the University may require reasonable terms and conditions for visitors and use of land and facilities be followed).

Part B - Academic ~~Freedom Statement~~freedom statement

- (7) The University actively promotes academic freedom through:
- a. corporate governance of the University and its Controlled Entities ensuring stewardship of UNE's object and of 'free inquiry', oversight of development and delivery of academic programs, and monitoring of academic performance and compliance and ~~of controlled entities~~Controlled Entities;
~~a. staff and students have opportunity to participate in governance and decision making;~~
 - b. academic governance upholding academic quality and integrity including academic freedom;
 - c. policies, ethics processes and other academic practices upholding academic freedom as a core value and outlining scholarly standards to guide the design and conduct of research, teaching and learning and outreach programs; ~~and~~
 - d. academic leadership structures which aid the furthering of academic freedom principles, including
 - i. the promotion of opportunities for participation in academic events and public discourse, peer review and academic quality and integrity;
 - ii. protection ~~for~~of academic freedom in legal/~~funding~~research/collaboration agreements; and
 - iii. protection or support of staff and students against unfair attack as a result of the pursuit of ~~free inquiry~~academic freedom.
 - e. providing staff and students the genuine opportunity to participate in governance and decision making and building their capacity to engage actively in decision making within a collegial environment;
 - f. building the capacity of established and emerging researchers to engage in research in accordance with principles of academic freedom, including encouraging novel research in accordance with scholarly standards;

g. protection of academic staff against unfair restrictions on their freedom to direct their own research;

h. building the teaching and learning capacity of teaching staff in accordance with principles of academic freedom and in accordance with scholarly standards; and

i. cultivating a culture of academic freedom in accordance with scholarly standards.

(8) UNE staff and students are afforded academic freedom, while noting that this right carries with it:

- a. the responsibility to maximise academic freedom; and
- b. the responsibility to exercise academic freedom in accordance with scholarly standards.

(9) UNE staff and students in exercising academic freedom are free to make informed comment on societal behaviours and practice and in challenging held beliefs, policies and structures.

(10) The exercise by staff or students of academic freedom, ~~subject to the above limitations, shall not constitute misconduct nor attract any penalty or other adverse action~~ in accordance with these Guidelines and the Freedom of Speech and Academic Freedom Statement, shall be free from institutional censorship or sanction.

Section 2 - Authority and ~~Compliance~~ compliance

Compliance

(11) The freedoms expressed in these Guidelines are consistent with the [University of New England Act 1993 \(NSW\)](#) ~~(NSW)~~ and its references within UNE's object and principal functions, including:

- a. UNE's object, which is: 'the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence'.
- b. UNE's principal functions including:
 - i. the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry (Section 6(2)(b));
 - ii. the participation in public discourse (Section 6(2)(d)); and
 - iii. the provision of teaching and learning that engage with advanced knowledge and inquiry (Section 6(2)(f)).

(12) The [Higher Education Support Act 2003](#) (Cth) (as amended) requires all higher education providers to have policy material that 'upholds freedom of speech, ~~academic freedom and free intellectual inquiry in relation to learning, teaching and research~~' ~~(Section 19-115), and academic freedom~~'.

~~(11)~~ The ~~Higher Education Standards Framework (Threshold Standards) 2015~~ Higher Education Standards Framework (Threshold Standards) 2021 provides that ~~(Part B, B1.1 "Higher Education Provider" Category):~~

~~a. The~~ for a higher education provider ~~has to satisfy the requirements of Part b, B1.3 'Australian University' category that the criteria for 'Institute of Higher Education' category must be satisfied, which includes the following requirement: The higher education provider meets the requirements of Part A, has~~ clearly articulated higher education purpose that includes a commitment to ~~and support for~~ free intellectual inquiry ~~in its academic endeavours.~~

~~b. The higher education provider delivers teaching and learning that engage with advanced knowledge and inquiry.~~

(13) ~~The higher education provider's academic staff are active in scholarship that informs their teaching, and are active in research when engaged in research student supervision, and offers at least one accredited course of study.~~

- ~~(12)~~ The [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#) & the [UNE Professional Staff Enterprise Agreement 2019-2022](#) (clause 5.2(d)) state ~~'The University and its Employees are committed to the~~recognises and supports academic freedom for staff.
- a. ~~protection and promotion of intellectual freedom within the University where Employees are able to:~~
- ~~i. express unpopular or controversial views which do not defame, harass, vilify or intimidate; and~~
 - ~~ii. pursue critical and open academic inquiry and to freely discuss, publish and research;~~
 - ~~iii. express opinions or comment outside their discipline or areas of professional expertise as long as they do so on their own behalf and do not claim to represent the University;~~
 - ~~iv. participate in public debates relating to decision making processes and express opinions about issues and ideas related to their discipline area or areas of professional expertise and about higher education issues more generally;~~
 - ~~v. participate in professional and representative bodies, including Unions, and engage in community service without harassment, intimidation or unfair treatment.~~
- (15) These values are supported:
- a. as part of UNE's overarching ~~Code of Conduct~~Code of Conduct for all ~~University~~UNE Representatives; and
 - b. ~~within other policies~~Rules, Policies, Procedures and ~~guidelines~~Guidelines of the University.

Authority

- (16) These Guidelines are made by the Vice-Chancellor and Chief Executive Officer, pursuant to the [Vice-Chancellor Functions Rule](#).
- (17) UNE students, ~~University~~UNE Representatives and Controlled Entities must observe these Guidelines in relation to University matters.
- (18) The Policy Custodian of these Guidelines is the Vice-Chancellor and Chief Executive Officer.
- (19) These Guidelines operate from the Effective ~~Date~~Dates.
- (20) Previous Guidelines regarding intellectual or academic freedom are replaced and have no further operation from the Effective Date.

Section 3 - Definitions ~~(specific to this document)~~

- (21) 'duty to foster the wellbeing of staff and students':
- a. includes the duty to ensure that no member of staff and no student suffers unfair disadvantage or unfair adverse discrimination ~~by reason of their inherent attributes~~on any basis recognised at law including race, gender, sexuality, religion and political belief;
 - b. includes the duty to ensure that no member of staff and no student is subject to threatening or intimidating behaviour by another person or persons on account of anything they have said or proposed to say in in exercising their freedom of speech;
 - c. supports reasonable and proportionate measures to prevent any person from using lawful speech which ~~is intended to insult, humiliate or intimidate other persons and which~~ a reasonable person would regard, in the circumstances, as likely to humiliate or intimidate other persons and is intended to have ~~one~~either or ~~more~~both of those effects;

- d. does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.

Status and Details

Status	Current
Effective Date	18th December 2020 <u>To Be Advised</u>
Review Date	31st July 2021 <u>To Be Advised</u>
Approval Authority	Council
Approval Date	9th December 2020 <u>To Be Advised</u>
Expiry Date	To Be Advised
Unit Head	Brigid Heywood Vice-Chancellor and Chief Executive Officer vadministration@une.edu.au
Author	Gabrielle Price 61 2 6773 3445
Enquiries Contact	Lisa McMahon Senior Manager (Policy) policies@une.edu.au <hr/> Policies Team

Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

"Student" - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

~~**"Code of Conduct"** - A document (variously referred to as a 'Code of Ethics', 'Code of Behaviour' and various other titles) broadly communicated within the entity setting out the entity's expected standards of behaviour.~~

~~**"University Representative"** - University Representative means a University employee (casual, fixed term and permanent) contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.~~

~~**"Effective Date"** - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.~~

"Academic Freedom" - Academic Freedom comprises: the freedom of the University (as an institution) to make decisions regarding academic programs and research priorities and for autonomy and self-governance; and the freedom and autonomy of individual staff and students to: pursue, create, critique and contribute knowledge through research, education, publication and dissemination, including participation in disciplinary and professional communities, academic governance, engagement in free and

open inquiry; and participate in the development, evolution and questioning of standards and practices of scholarship and of governance, including criticism of higher education institutions, and systems, including their own.

"Scholarly Standards" - Scholarly Standards are the University's expectation of academic quality and integrity and may consider factors including: a. academic and research ethics; b. scientific and disciplinary specific methods and knowledge; c. evidence or reasoning at an appropriate advanced level to demonstrate academic merit; d. observation of norms of lawful and public dialogue; and e. professional conduct acting in good faith.

"Speech" - (Freedom of Speech and Academic Freedom) Speech extends to all forms of expressive conduct including oral speech and written, artistic, musical and performing works and activity; the word 'speak' has a corresponding meaning.

"External Visiting Speaker" - External Visiting Speaker is any person who is not an invited visiting speaker and for whom permission is sought to speak on the university's land or facilities.

"Invited Visiting Speaker" - Invited Visiting Speaker is any person who has been invited by the University or by a student society.

"University" - University of New England

Attachment 10

Comparison of differences between existing and proposed amendments and Academic Freedom Working Group recommended amendments

Code of Conduct, Freedom of Speech Principles and Academic Freedom Statement, and Freedom of Speech and Academic Freedom Guidelines January 2022

Document and Clause	Proposed Version	Academic Freedom Working Group recommended version #AB21505 (and other)	
Code of Conduct Principle 1	<i>We treat others with respect and value differences and opinions.</i>	<i>We treat others collegially, value difference and opinions, and support the exercise of Academic Freedom and Freedom of Speech.</i>	<p>A Code of Conduct is a central guide linking missions, values and principles with standards of professional conduct. It should support staff in day to day decision making in the performance of their duties and as members of the workplace community.</p> <p>Respect and collegially are not interchangeable. This Principle is broader than the promotion and exercise of academic freedom and freedom of speech, for example Respect. Now. Always. UNE firmly upholds the right of all members of the community to be treated fairly, with respect and free from threatening or inappropriate behaviour. This is separate from the contestation of ideas, where collegially may be more appropriate (rationale provided by AFWG is extensive, and not adopted in this instance).</p>
Code of Conduct Principle 1 Clause 5	<p>(5) We observe this principle by:</p> <ul style="list-style-type: none"> a. treating all people we deal with through our work at the University with courtesy, dignity and respect and maintaining a co-operative and collaborative approach to working relationships; b. never discriminating, harassing or bullying any person we deal with through our work at the University within the meaning of relevant laws; c. our commitment to open enquiry and academic debate as stated in the <i>Freedom of Speech Principles and Academic Freedom Statement [attach link]</i> (Statement); d. exercising freedom of speech and academic freedom in a manner consistent with the principles in the Statement; e. making decisions based on merit and best practice, and not on attributes that are irrelevant to performance, employment, admission or other engagements with the University. 	<p>(5) We observe this principle [Principle 1] by:</p> <ul style="list-style-type: none"> a. Supporting in practice our commitment to Academic Freedom as essential to the object of the University; b. treating all people we deal with through our work at the University with dignity and respect and maintaining a co-operative and collaborative approach to working relationships; c. never discriminating, harassing or bullying any person we deal with through our work at the University within the meaning of relevant laws; d. making decisions based on merit and best practice, and not on attributes that are irrelevant to performance, employment, admission or other engagements with the University. 	<p>A Code of Conduct is a central guide linking missions, values and principles with standards of professional conduct. It should support staff in day to day decision making in the performance of their duties and as members of the workplace community.</p> <p>It applies to all UNE Representatives.</p>
Code of Conduct Principle 2	Principle 2 — In the performance of our duties, we will serve the public good, including through our promotion of academic freedom , and act in the best interests of the University and value the University's reputation.	Principle 2 – In the performance of our duties, we serve the public good through our promotion of Academic Freedom and thereby also support the values and best interest of the University.	A Code of Conduct is a central guide linking missions, values and principles with standards of professional conduct. It should support staff in day to day decision making in the performance of their duties and as members of the workplace community.

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Comparison of differences between existing and proposed amendments and Academic Freedom Working Group recommended amendments
Code of Conduct, Freedom of Speech Principles and Academic Freedom Statement, and Freedom of Speech and Academic Freedom Guidelines January 2022

Freedom of Speech and Academic Freedom Guidelines

Proposed Clause	RPG responses	Academic Freedom Working Group Response 24 Nov 2021
<p>(4) The University actively promotes freedom of speech through:</p> <p>c. communicating and encouraging an understanding of the need for speakers to ensure their speech:</p> <ul style="list-style-type: none"> i. does not inhibit UNE from fulfilling its duty to foster the wellbeing of staff and students; ii. does not inhibit UNE from reasonable and proportionate regulation of conduct necessary to discharge the University's teaching and research activities; <p>iii. is not unauthorised disclosure of content classified as commercial-in-confidence or associated with an officer's lawful duties or clinical or legal privilege (e.g. Council member duties; information accepted via a public interest disclosure or privileged content etc);</p> <p>iv. does not disclose personal, health or sensitive information that under privacy laws is subject to consent or other conditions for collection, storage, access, use or disclosure requirements that have not been met; and</p> <p>v. is appropriately attributed to others in regard to authorship and/or copyright where applicable.</p>	<p>** Responses in red were provided in-response to those comments from the Academic Freedom Working Group meeting 24 November.</p> <p>**RPG: Review of the Adoption of the Model Code on Freedom of Speech and Academic Freedom</p> <p>This clause is not inconsistent with the Model Code, and does serve an educative function for UNE Representatives and students.</p> <p>NOTE: with the exception of ii., Clause reflected to the left is in the CURRENTLY published instrument.</p>	<p>The Working Group reiterate earlier concerns and recommendations (#AB21505) that while references to legal limits may be considered to have an educative function, they are largely unnecessary, and, as the Working Group have previously advised legal compliance is independently required as the Australian legal system takes precedence (#AB20346). Such language, especially when lengthy, also risks creating an overall impression of constraint rather than of an enabling environment for the freedoms to be promoted. This is unfortunate, as an enabling environment, and language which suggests that this is present and is promoted, is considered essential for developing these freedoms in practice, for awareness-raising and for supporting their freedom "for" aspects (rather than "from" constraints).</p>
<p>(5)</p> <p>c. refuse permission to an external visiting speaker to speak on University land of at University facilities where the content of the speech is or is likely to be, for example:</p> <ul style="list-style-type: none"> i. unlawful (including unlawful discrimination); ii. intimidating, harassing, defamatory, threatening or vilifying; iii. detrimental to the health, wellbeing and safety of a person, or iv. disruptive to the teaching, research or related activities of UNE as a higher education provider. 	<p>**RPG review: agree that this serves an educative function for UNE community and representatives who are bound by it.</p> <p>Currently published version retained, with inclusion of words highlighted at left.</p>	<p>The Working Group reiterate earlier concerns and recommendations (#AB21505) that while references to legal limits may be considered to have an educative function, they are largely unnecessary, and, as the Working Group have previously advised legal compliance is independently required as the Australian legal system takes precedence (#AB20346). Such language, especially when lengthy, also risks creating an overall impression of constraint rather than of an enabling environment for the freedoms to be promoted. This is unfortunate, as an enabling environment, and language which suggests that this is present and is promoted, is considered essential for developing these freedoms in practice, for awareness-raising and for supporting their freedom "for" aspects (rather than "from" constraints).</p>
<p>(14) The UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022 & the UNE Professional Staff Enterprise Agreement 2019-2022 recognises and supports academic freedom for staff.</p>	<p>Legal recommend deletion of Clauses relating to specific enterprise agreements, as these will change over time and not endure.</p> <p>RPG **recommend removing Clause repeated from enterprise agreement, but inserting wording reflecting that the enterprise agreement includes an expectation of academic freedom, and link to the relevant enterprise</p>	<p>The Working Group recommend against the deletion of this clause. While the Working Group are mindful of the risks of obsolescence, the Working Group do not agree with this proposed deletion as the Working Group's focus has been <i>inter alia</i> on ensuring consistency and alignment between the various instruments and policies relating to academic freedom, including critically, the Enterprise Bargaining Agreement's definition of intellectual freedom, which is what cl 14 references.</p>

Attachment 10

Comparison of differences between existing and proposed amendments and Academic Freedom Working Group recommended amendments

Code of Conduct, Freedom of Speech Principles and Academic Freedom Statement, and Freedom of Speech and Academic Freedom Guidelines January 2022

	<p>agreement. This indicates the EA supports academic freedom for staff, while recognising the Guidelines has broader application to all staff, UNE Representatives and students. AFWG recommend retain detail from EA in Guidelines.</p>	
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Freedom of Speech and Academic Freedom Statement

Clause	Response	Academic Freedom Working Group Response 24 Nov 2021
<p>(5) The University upholds the right of all persons to speak publicly on any issue, including in relation to UNE and to lawfully and freely express their opinions in their private capacity as an individual member of society subject only to the constraints imposed by:</p> <ul style="list-style-type: none"> a. the reasonable and proportionate regulation of conduct necessary to the discharge of the University's teaching and research activities; b. the right and freedom of all to express themselves and to hear and receive information and opinions; c. the reasonable and proportionate regulation of conduct to enable to University to fulfill its duty to foster the wellbeing of staff and students; d. UNE Representatives should ensure when exercising lawful freedom of speech that they do not represent themselves as spokespersons for the University unless they are authorised to do so; and e. University academic staff should ensure when exercising lawful freedom of speech in relation to academic matters that UNE's Academic Freedom Statement is considered. 	<p>**Noted and original (published) wording is retained for 5e.</p> <p>**Clause 5 a, b and c are not inconsistent with the Model Code</p>	<p>The Working Group reiterate earlier concerns and recommendations (#AB21505) that while references to legal limits may be considered to have an educative function, they are largely unnecessary, and, as the Working Group have previously advised legal compliance is independently required as the Australian legal system takes precedence (#AB20346). Such language, especially when lengthy, also risks creating an overall impression of constraint rather than of an enabling environment for the freedoms to be promoted. This is unfortunate, as an enabling environment, and language which suggests that this is present and is promoted, is considered essential for developing these freedoms in practice, for awareness-raising and for supporting their freedom "for" aspects (rather than "from" constraints).</p>
<p>(18) The UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022 and the UNE Professional Staff Enterprise Agreement 2019-2022 recognises and supports academic freedom for staff.</p>	<p>**recommend removing Clause repeated from enterprise agreement, but inserting wording reflecting that the enterprise agreement includes an expectation of academic freedom, and link to the relevant enterprise agreement. This indicates the EA supports academic freedom for staff, while recognising the Guidelines has broader application to all staff, UNE Representatives and students. AFWG recommend retain detail from EA in Guidelines.</p>	<p>The Working Group recommend against the deletion of this clause. While the Working Group are mindful of the risks of obsolescence, the Working Group do not agree with this proposed deletion as the Working Group's focus has been <i>inter alia</i> on ensuring consistency and alignment between the various instruments and policies relating to academic freedom, including critically, the Enterprise Bargaining Agreement's definition of intellectual freedom, which is what this clause references.</p>

6.2. * Council Induction Update #22079

Council is asked to NOTE the update to the Council Induction, report #22079.

For Noting

Presented by Gabrielle Price



Authority	COUNCIL OPEN	Date	28 January 2022
Report Ref	#22079	Item No	6.2
Proposer	Mrs Gabrielle Price, Director Governance and University Secretary		
Developed with	Amy O'Toole, Specialist, Governance Liaison		
Authorised by	Mr James Harris, UNE Chancellor		

#22079 – Council Induction Update

Report Purpose & Origin

Purpose	To provide Council with an update regarding the proposed launch of the online governance program.
Origin	Scheduled item
Governance focus	<p>Council Policy: To support their roles, Council members are provided with an induction to the University Governance Framework and Council Charter Council and Academic Board and to the University's operations on appointment.</p> <p>TEQSA Act 2011 Ref: 6. Governance and Accountability: 6.1 (Corporate Governance).</p>
Accountability	UNE Council

Resolution

Council is asked to NOTE the update on the Council Induction, report #22079.

Executive Summary

The work to develop an online governance induction which supports and provides informative content for Council members and UNE staff members interacting with UNE governance processes, is nearing completion and is expected to be launched by end February 2022.

The proposal for an online Council induction was discussed with the Council in 2021. During 2021 the scope of the project activity was expanded to allow for both the specific needs of Council members and to establish an online (accessible any time) portal which provided up to date guidance about governance and compliance practice and requirements for the broader UNE staff community.

Governance related content has been developed and is in the process of being reviewed and augmented by short video introductions to key topics from subject matter experts. The site design in Moodle has recently been reviewed by learning designers and final changes are being made ahead of a proposed pilot in mid-February 2022 by ExT and key stakeholders. Council members interested in piloting the program are invited to express their interest via the secretariat@une.edu.au.

<i>Authority</i>	COUNCIL OPEN	<i>Date</i>	28 January 2022
<i>Report title</i>	Council Induction Update	<i>Report Ref</i>	#22079

Future Fit Alignment	Contribution of this initiative
<input checked="" type="checkbox"/> Goal 1: Crafting, adapting and supporting learning journeys that are distinctive in their accessibility and flexibility.	Improving understanding of UNE governance frameworks for Council and UNE staff.
<input checked="" type="checkbox"/> Goal 2: Creating and sharing knowledge to make a difference locally, regionally and globally.	
<input checked="" type="checkbox"/> Goal 3: Committing to environmental, social and financial resilience for the University, our staff, our students and our communities.	

Key Risks (refer to Action Guidance below)		
Risks	Consequences and possible mitigation	Risk Action Guidance
Benefits Risk: Risk that Governance Induction is not used or does not support improved understanding of Governance framework and functions at UNE.	Governance induction to be support by communications across UNE, and uptake the subject of regular reporting. Feedback and suggestions will be encouraged from users to ensure content is having desired impact and benefits – or to inform continuous improvement.	Medium

Management Action Guidance

	Rare	Unlikely	Possible	Likely	Probable
Severe	MEDIUM Report to SET (within 6 months)	HIGH Report to SET and Council (within 3 months)	HIGH Report to SET and Council (within 3 months)	EXTREME Report to SET and Council (within 1 month)	EXTREME Report to SET and Council (within 1 month)
Major	MEDIUM Report to SET (within 6 months)	MEDIUM Report to SET (within 6 months)	HIGH Report to SET and Council (within 3 months)	HIGH Report to SET and Council (within 3 months)	EXTREME Report to SET and Council (within 1 month)
Moderate	LOW No action required	MEDIUM Report to SET (within 6 months)	MEDIUM Report to SET (within 6 months)	HIGH Report to SET and Council (within 3 months)	HIGH Report to SET and Council (within 3 months)
Minor	LOW No action required	LOW No action required	LOW No action required	MEDIUM Report to SET (within 6 months)	MEDIUM Report to SET (within 6 months)
Insignificant	VERY LOW No action required	VERY LOW No action required	VERY LOW No action required	LOW No action required	LOW No action required



<i>Authority</i>	COUNCIL OPEN	<i>Date</i>	28 January 2022
<i>Report title</i>	Council Induction Update	<i>Report Ref</i>	#22079

Appendices / Supporting Documentation

Attachment 1: Schedule for Delivery

Authority	COUNCIL OPEN	Date	28 January 2022
Report title	Council Induction Update	Report Ref	#22079

Attachment 1



Author: AQ 17012021 | 91

Governance Induction Program Timetable for launch

Action	Due	Notes
1 Finalise content	4 February	<ul style="list-style-type: none"> Content for outstanding modules Convert to chapters Record videos Add photos Create activities Review by DGUS
2 Pilot/test of program	7-13 February	Who to invite? <ul style="list-style-type: none"> Council members (tbc) Select staff (Gov team, VC Office, ExT EAs)
3 Final edits	14-25 February	<ul style="list-style-type: none"> Incorporate feedback from pilot/test Final changes/edits Review by Learning Designers to ensure ok for launch (allow 2 weeks to give sufficient notice for LD due to heavy workload)
4 Launch of program – campaign to be developed	28 February	<ul style="list-style-type: none"> Governance newsletter P&C – new staff induction & manager’s toolkit UNE Official Email SLT, Admin manager, other key staff

7. * GENERAL BUSINESS

Presented by James Harris

8. MEETING FINALISTION

8.1. * Next Meeting and Close

The next Council meeting is scheduled for
Thursday, 31 March 2022.

Presented by James Harris