

## TERMS OF REFERENCE

### ACADEMIC BOARD

The Board of Directors delegates academic governance to the Academic board within the parameters of the Higher Education Standards, ESOS Act, National Code and Higher Education Support Act.

The HES (6.2.1f) <sup>1</sup> requires that the corporate governing body assures itself, that the provider is operating effectively and sustainably, including:

*“mechanisms for competent academic governance and leadership of higher education provision and other academic activities have been implemented and these are operating according to an institutional academic governance policy framework and are effective in maintaining the quality of higher education offered”.*

It also requires the corporate governing body to take academic advice (HES 6.1.3a);

*“obtaining and using such information and advice, including independent advice and academic advice, as is necessary for informed and competent decision making and direction setting”*

and for the Academic Board to fulfil its responsibility to report to the corporate governing body on the quality of teaching, learning, research and research training (HES 6.2.1h)

*“monitoring and reporting to the corporate governing body on the quality of teaching, learning, research and research training.”*

The Academic Board determines academic policy and has responsibility for the achievement of educational objectives of the College's higher education courses and compliance with the Higher Education Threshold Standards, National Code and ESOS Act. The Board of Directors has delegated the responsibility for operational policies to Executive Management under the auspices of the Academic Board and the governance framework.

However, ultimately the Academic Board reports to, and is responsible to, the Board of Directors.

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<sup>1</sup> [https://www.legislation.gov.au/Details/F2015L01639/Html/Text#\\_Toc428368872](https://www.legislation.gov.au/Details/F2015L01639/Html/Text#_Toc428368872)

## 1. Academic Freedom

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The ACPE Board of Directors guarantees that academic freedom will prevail within the institution in accordance with the **Model Code on Academic Freedom** recommended by the Minister of Education in March 2019<sup>2</sup>.

Under the draft model code, Academic Freedom comprises:

- i. “the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research;
- ii. the freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research;
- iii. the freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled;
- iv. the freedom of academic staff, without constraint imposed by reason of their employment by the College, to make lawful public comment on any issue in their personal capacities;
- v. the freedom of academic staff to participate in professional or representative academic bodies;
- vi. the freedom of students to participate in student societies and associations.
- vii. the autonomy of the higher education provider in relation to the choice of academic courses and offerings, the ways in which they are taught and the choices of research activities and the ways in which they are conducted.”

In addition, in accordance with the principles of the code every member of the staff and every student at the College enjoys freedom of speech exercised on College land or in connection with the College subject only to restraints or burdens imposed by:

- i. law;
- ii. the reasonable and proportionate regulation of conduct necessary to the discharge of the College's teaching and research activities;
- iii. the right and freedom of others to express themselves and to hear and receive information and opinions;

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<sup>2</sup> Adapted from: <https://docs.education.gov.au/node/52661>

- iv. the reasonable and proportionate regulation of conduct to enable the College to fulfil its duty to foster the wellbeing of students and staff;
- v. the reasonable and proportionate regulation of conduct necessary to enable the College to give effect to its legal duties including its duties to visitors to the College.

Therefore, every member of the academic staff and every student enjoys academic freedom subject only to prohibitions, restrictions or conditions:

- i. imposed by law;
- ii. imposed by the reasonable and proportionate regulation necessary to the discharge of the College's teaching and research activities;
- iii. imposed by the reasonable and proportionate regulation necessary to discharge the College's duty to foster the wellbeing of students and staff;
- iv. imposed by the College to enable the College, the Directors, the executives and staff each to meet their respective legal duties;
- v. imposed by the College by way of its reasonable requirements as to the courses to be delivered and the content and means of their delivery.

The exercise by a member of the academic staff or of a student of academic freedom, subject to the above limitations, shall not constitute misconduct nor attract any penalty or other adverse action.

In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, the College shall take all reasonable steps to minimise the restrictions or burdens imposed by such arrangements or conditions on the freedom of speech or academic freedom of any member of the academic staff or students carrying on research or study under such arrangements or subject to such conditions.

## **2. Functions**

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The functions of the Academic Board are to:

- i. Promote excellence in learning and teaching and ensure effective oversight of the quality of teaching, learning and research training at the College.
- ii. Maintain oversight of and report to the Board of Directors on the quality of teaching, learning, research and academic integrity at the College.

- iii. Set and monitor institutional benchmarks for academic quality and outcomes.
- iv. Monitor potential academic risks.
- v. Facilitate free intellectual enquiry and ensure academic integrity.
- iv. Ensure a culture of scholarship is developed and nurtured throughout the College.
- v. Ensure that Academic Scholarship and Professional Development of academic staff is undertaken each study period to ensure that professional and discipline-based expertise is current, that teaching skills are maintained and updated and that appropriate scholarly activity is undertaken.
- vi. Critically evaluate the quality and effectiveness of educational innovations or proposals for innovations.
- vii. Consider and make decisions on all aspects of the development and accreditation or re-accreditation of courses, the admission of students, teaching, assessment and requirements for graduation, prizes, awards and scholarships.
- viii. Formulate, coordinate, approve and review academic policy.
- ix. Advise on the academic aspects of the College's plans and to foster discourse on issues related to higher education and the College's Mission and Goals.
- x. Refer certain matters to such standing committees as the Board of Directors or Academic Board may establish from time to time.
- xi. Receive reports from standing committees or working groups and ensure that their referred responsibilities are discharged
- xii. Consider and recommend on any matter referred to the Academic Board by the Board of Directors
- xiii. In addition to such matters as are specifically referred to the Academic Board, the Academic Board may generate reports and recommendations to the Board of Directors, including recommending new courses for development.

### **3. Membership**

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Whilst ultimate responsibility for the selection and appointment of the Academic Board rests with the Board of Directors, the Board of Directors will rely on recommendations from the Academic Board, other directors and the CEO and Dean with regard to the identification and selection of Academic Board Members and the appropriate delegation of specific powers and responsibilities, from time to time, in order to comply with the relevant Legislation, Regulations and Standards which impact on the field of higher education and to meet best practice principles associated with academic

governance more generally and realistic criteria for skills required on the Academic Board at a particular time or for a particular purpose.

The protocols for membership of the Academic Board are:

- i. Prospective members of the Academic Board are selected on the basis of their particular expertise in relation to the operation of higher education providers and the delivery of higher education curriculum and are drawn from internal academic staff, representatives from the alumni, academics from other higher education providers, industry practitioners and members of professional bodies or associations.
- ii. Inaugural membership of the Academic Board shall consist of individuals appointed by the Board of Directors.
- iii. Subsequently, the Board of Directors appoints members of the Academic Board taking into consideration recommendations of the Academic Board.
- iv. At least one member of the Academic Board shall also be a member of the Board of Directors.
- v. The Academic Board must always have a majority of members which meet the Independence Guidelines set out above.
- vi. The number of members of the Academic Board shall be no less than four.

The Board of Directors will appoint one of the independent members as the Chair of the Academic Board. In appointing a Chairperson, the Board of Directors will consider the following:

- i. Considerable knowledge of and experience in senior positions in the higher education sector
- ii. Experience chairing academic councils, boards and similar committees
- iii. Academic qualifications, research and experience in the review of academic policy and procedure and with national regulatory frameworks
- iv. Academic status - (preferably) an Emeritus Professor or Professor.

Membership of the Academic Board will be reviewed at least every two years by the Board of Directors and, where appropriate; recommendations for new members will be sought from the Academic Board. Elected or external members of the Academic Board will be elected for 3 years. Elected or external members may serve a maximum of 3 terms.

Members of the Academic Board must not make any public statement or political comment on matters that may impact on the Company's operations or include reference to the Company without the prior written approval of the Company. This does not preclude a member from communication on matters germane to their discipline.

Academic Board members are required to declare any actual or perceived conflict of interest that might arise in the course of their service on the Academic Board. At the discretion of the Board of Directors, independent members of the Academic Board may be required to enter into terms of engagement with the College including a Deed of Confidentiality.

Since ACPE is a growing Higher Education institution with online qualifications, membership of its Academic Board may include members from around Australia in addition to those from relevant sport, dance, physical education and coaching professions. In some instances of membership, a stipend may apply.

Aside from the Independent Chair of the Academic Board, the members include:

- i. CEO/Dean of ACPE
- ii. 2 Student Representatives (must be currently enrolled in a course of study)
- iii. Alumni Representative ( invited based on the skills mix in relation to other members and the representative's development in the field since graduation.)
- iv. 2 Industry representatives
- v. Registrar
- vi. Chair of the Learning and Teaching Committee (Associate Dean (Programs and Quality))
- vii. Heads of Department (2 per meeting on a rotation basis)
- viii. External senior academic specialising in fields aligned to ACPE courses or in higher education pedagogy.

#### **4. Quorum and Voting**

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Matters arising at a meeting of the Academic Board are to be decided by a majority of votes of the members present and voting. Each member has one vote. At a meeting of the Academic Board, a quorum is two independent members. In the case of a tied vote the Chair has the casting vote.

## 5. Frequency of Meetings

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The Academic Board meets at least four times a year on a date and time according to the *Annual Governance Calendar*. The Chair or the Board of Directors may convene a special meeting at any time with reasonable notice. The Academic Board may meet using technology such as teleconference/ videoconference.

## 6. Decision-Making Between Meetings

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Where urgent action is required between scheduled meetings of the Academic Board, the Chair of the Academic Board may, act on behalf of the Academic Board, but will report all such actions to the Academic Board for ratification at its next meeting.

## 7. Secretariat

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The Academic Board will appoint a secretary who is responsible for distributing agendas and papers to members prior to meetings and recording, preparing and distributing the minutes of each meeting. Agenda and papers for meetings will be distributed to members at least 7 days in advance of any meeting. Minutes of each meeting will be available for ratification by the Chair no later than 7 days after each meeting. Unconfirmed minutes will be distributed to members after ratification by the Chair for approval at the next meeting.

## 8. Review of Terms of References

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These Terms of Reference may be reviewed from time to time. Any amendments agreed by the Academic Board will be recommended by the Chair of the Academic Board for ratification by the Board of Directors.

## 9. Current Membership of the Academic Board

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The current membership of the Academic Board is as follows:

| <b>Category of Membership</b>  | <b>Independent</b> | <b>Name</b>             |
|--|--------------------|-------------------------|
| Independent Chair (academic staff member from another higher education provider) | Yes                | Em Prof Elizabeth Deane |

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|---|-----|---|
| Independent member with business expertise  | Yes | Mr Darren Simpson,<br>CEO of Sport NSW  |
| Independent member from another higher education provider with business expertise | Yes | Em Prof Tony Shannon  |
| Independent member  | Yes | Mr Peter Ross   |
| Alumni Representative   | Yes | Mr James Ellender   |
| CEO & Dean  | No  | Ms Debbie LeRoux  |
| Student Representative  | No  | Mr Matthew Williamson   |
| Registrar   | No  | Ms Christine Haque  |
| Chair of Learning and Teaching Committee  | No  | Ms Kim Goode<br>(Associate Dean,<br>Programs & Quality)   |
| 2 Heads of Department on Rotational Basis   | No  | Dr Trevor Clark (Sports<br>Business & Sports<br>Performance)<br><br>Ms Diane Grant<br>(Education & Dance)<br><br>Ms Mikah van Gogh<br>(Health Sciences) |



## DOCUMENT ADMINISTRATION

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