

# Governance Documents Rule

## Section 1 - Citation, Purpose and Scope

### Citation

(1) This Rule is made by the Council of the University under clause 52 of the [Southern Cross University By-Law 2005 \(NSW\)](#).

### Purpose

(2) The purpose of this Rule is to establish authorities, accountabilities and principles for the development and review of Rules, Policies, Procedures and Guidelines at the University, and to establish and define the documents which constitute the University's Governance Document Hierarchy.

### Scope

(3) This Rule applies to all University members .

## Section 2 - Definitions

(4) For the purposes of this Policy:

- a. Act means the [Southern Cross University Act 1993 \(NSW\)](#).
- b. Author means the operational staff member assigned by a Head of Work Unit to draft, amend or review a Governance Document;
- c. Australian Law means Australian common law, federal laws enacted by the Parliament of Australia, and laws enacted by the Parliaments of the Australian states and territories;
- d. By-law means the [Southern Cross University By-law 2005 \(NSW\)](#) or other by-law made by the Council in accordance with s. 29 of the [Act](#);
- e. Delegated Authority means a committee or member of staff to who the Council has delegated a function in accordance with the [Delegations Rule](#) or by other resolution;
- f. Governance Document means Australian Law, a By-law, Rule, Policy, Procedure or Guideline;
- g. Guideline means non-mandatory approaches to the implementation of a higher document in the Governance Document Hierarchy. Guidelines provide flexible "good practice" recommendations and advice to assist a higher document's implementation;
- h. Policy means a statement of principle guiding the University's operations and decision making which has University-wide application, and has been approved by Council, Vice-Chancellor, Academic Board or other Delegated Authority;
- i. Procedure means a statement of the University's standard and required practice, approved by a Delegated Authority, which prescribes actions to designated persons in order to implement and comply with a By-law, Rule or Policy and meet its intent;
- j. Rescind means the retraction or deletion of a Governance Document deemed to be obsolete; and
- k. Rule means a formal statement of the conditions which must apply to the conduct of key aspects of the

University's operation and must be made by the Council or other Delegated Authority in accordance with s. 30 of the [Act](#) and Parts 3 and 4 of the [By-law](#).

## Section 3 - Principles Statement

(5) The University requires its operations are conducted and its affairs managed in accordance with the University's applicable Governance Documents.

(6) Executives and the Chair, Academic Board must ensure risks and opportunities are identified within their portfolios and appropriate Rules, Policies, Procedures or Guidelines are drafted in response.

(7) Rules, Policies, Procedures and Guidelines will be developed in accordance with the [Governance Documents Procedures](#) and must:

- a. provide measurable and transparent limits within which members of the University community will manage their University related activities;
- b. be written in plain English (see the Editorial Style Guidelines);
- c. sequence information logically;
- d. seek to mitigate risks and maximise opportunities for the University;
- e. not be unnecessarily burdensome;
- f. be consistent with:
  - i. applicable laws and regulations;
  - ii. the University's vision, mission and values;
  - iii. the principles of academic freedom and freedom of speech as set out in the [Code of Conduct](#);
  - iv. community expectations; and
  - v. any document higher in the Governance Document Hierarchy.

(8) A schedule or other document appended to a Rule, Policy or Procedure forms part of that document.

(9) University employees affected by a proposed Rule or Policy or amendments to a rule or Policy should be given opportunity to comment on draft proposals before they are approved, unless otherwise directed by an Executive or the Chair, Academic Board.

(10) Approved University-wide Rules, Policies, Procedures and Guidelines must be made accessible to members of the University via the University Policy Library.

(11) Executives and the Chair, Academic Board must ensure that Rules and Policies within their portfolio are reviewed at least every three years by the relevant Head of Work Unit, to examine whether the document remains relevant, accurate and achieves its objectives.

(12) Procedures and Guidelines may be reviewed on an as needed basis by the relevant Head of Work Unit.

(13) The Rescission, amendment, or creation of Rules, Policies, Procedures and Guidelines may only be approved by a Delegated Authority of the University.

(14) To the extent Rules, Policies and Procedures are approved by a Delegated Authority of the University, compliance:

- a. is mandatory for all members of the University from the time specified as the "effective date" within the University's Policy Library; and

- b. remains mandatory until the document is Rescinded by decision of a Delegated Authority, or superseded by another Rule, Policy or Procedure respectively.

## **Governance Document Hierarchy**

(15) The Governance Document Hierarchy is comprised of (from highest to lowest):

- a. Australian Laws;
- b. By-Laws;
- c. Rules;
- d. Policies;
- e. Procedures; and
- f. Guidelines

(16) Subject to clause (17), to the extent that any document lower in the Hierarchy is inconsistent with a higher document, the higher document prevails.

(17) To the extent of any inconsistency, the principles of academic freedom and freedom of speech as set out in the [Code of Conduct](#) prevails over any Rules, Policies, Procedures or Guidelines.

## **Transitional Provisions**

(18) All duly authorised Rules, Policies, Procedures and Guidelines that were effective 13 April 2012 will continue to be effective as prescribed until they are amended or Rescinded.

(19) Where there is doubt about the extent to which a particular 'pre-hierarchy' document is binding, which cannot be resolved by reading the document itself, a determination may be sought from the approving authority, or other Delegated Authority, for the document in question.

## **Interpretations**

(20) In interpreting Rules, Policies and Procedures:

- a. unless the context requires another meaning, a reference:
  - i. to the singular includes the plural and vice versa;
  - ii. to gender includes all genders;
  - iii. to a law includes any amendments made to that law from time to time and reference to any of its regulations, by-laws or other subordinate legislation;
  - iv. the word "including" or "includes" means "including, but not limited to", or "includes, without limitation, respectively";
- b. where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- c. a provision will not be interpreted against the University just because it drafted it;
- d. the word 'may' when used to bestow a duty or power indicates that the action or decision could be enacted or not, at discretion;
- e. the words 'will', 'must' or 'shall', if used to bestow a duty or power, indicate that the action or decision has to be enacted; and
- f. the laws of the state of New South Wales apply.

## **Minor Amendments**

(21) Director, Governance Services may approve minor amendments to any Rule, Policy or Procedure where they do

not result in any change to the document's content or meaning. A minor amendment includes:

- a. textual and editing changes to maintain accuracy and currency;
- b. obvious clerical, typographical, grammatical and numbering errors in the text of the document; or
- c. updating references due to changes in:
  - i. position or work unit titles;
  - ii. organisational structure;
  - iii. legislation; and
  - iv. regulatory bodies.

## **Section 4 - Procedures**

(22) See the [Governance Documents Procedures](#).

## **Section 5 - Guidelines**

(23) Nil.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	15th March 2021
<b>Review Date</b>	15th March 2024
<b>Approval Authority</b>	University Council
<b>Approval Date</b>	15th March 2021
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Tyrone Carlin Vice-Chancellor +61 2 66269189
<b>Head of Work Unit</b>	Mark Dixon Director, Governance Services
<b>Enquiries Contact</b>	Governance Services