

# Appointment of the Chancellor and Deputy Chancellor Rule

## Section 1 - Overview

(1) This Rule provides the method by which the Chancellor and Deputy Chancellor are appointed.

## Section 2 - Scope

(2) This Rule covers the circumstances where there is a vacancy or anticipated vacancy in the office of Chancellor or Deputy Chancellor and applies to UNE Representatives, including members of the University Council and to the University Secretary.

## Section 3 - Rule

### Chancellor appointment process

#### Office of the Chancellor

(3) A Chancellor holds office for a period of five (5) years, per [University of New England By-law 2005](#) 7(1).

(4) Unless a resolution specifies otherwise, when the University Council resolves to appoint a Chancellor the date of election will be deemed to be the date the resolution is made, or the date on which an incumbent Chancellor's term ends, whichever is the later.

(5) The University Council may appoint a person as Chancellor whether or not they are a member of the University Council.

(6) If a member of the University Council is appointed as Chancellor, then the member's previous office as a Council member (for example, "Minister-appointed member") will become vacant and they will be replaced in accordance with the applicable requirements.

(7) In the interests of good governance, the University Council has determined that the Chancellor must be an external person, as defined in Section 8 of the [University of New England Act 1993](#).

#### Re-appointment of the Incumbent Chancellor

(8) This section (Clauses (8)-(12)) applies if the office of the Chancellor is currently occupied (incumbent Chancellor).

(9) An incumbent Chancellor must, prior to expiry of his or her term, notify the University Council whether he or she is willing to stand for a further term. The incumbent Chancellor is encouraged to provide this notice approximately twelve (12) months prior to the expiry of his or her term.

(10) If the incumbent Chancellor gives notice that he or she is willing to stand for a further term, then as soon as practicable a resolution to appoint the incumbent Chancellor for a further term will be put to the University

Council and determined by majority vote.

(11) If the appointment of the incumbent Chancellor for a further term will result in him or her being appointed to serve more than twelve (12) consecutive years as a University Council member, then the appointment will be subject to the University Council expressly resolving to appoint that person for more than twelve (12) consecutive years, as per Section 9(3) of the [University of New England Act 1993](#).

(12) If the University Council resolves to appoint the incumbent Chancellor for a further term, then the incumbent Chancellor will be so appointed and serve a new term commencing upon expiry of his or her current term.

### **Appointment of New Chancellor**

(13) This section (Clauses (13)-(18) applies if:

- a. The office of the Chancellor is vacant or filled temporarily by a person in an acting role; or
- b. An incumbent Chancellor gives notice that he or she will not stand for a further term; or
- c. A resolution under clause (9) is voted down.

(14) If this section applies, then the University Council will convene a Chancellor Selection Committee to undertake a search for a new Chancellor.

(15) The powers and obligations of the Chancellor Selection Committee are set out in the terms of reference, in Appendix A.

(16) The Chancellor Selection Committee must submit its recommended candidate to the University Council and as soon as practicable thereafter a resolution to appoint to the recommended candidate as Chancellor will be put to the University Council and determined by majority vote.

(17) If the recommended candidate is a University Council member and the candidate's appointment will result in him or her being appointed to serve more than twelve (12) consecutive years as a University Council member, then the appointment will be subject to the University Council expressly resolving to appoint that person for more than twelve (12) consecutive years, as per Section 9(3) of the [University of New England Act 1993](#).

(18) If a recommended candidate is not appointed by the University Council, then the Chancellor Selection Committee may recommend another candidate to the University Council, or may undertake a further search for suitable candidates.

### **Deputy Chancellor Appointment**

#### **Office of the Deputy Chancellor**

(19) A Deputy Chancellor holds office for a period of two(2) years, as per the [University of New England Act 1993](#) (Section 2).

(20) Unless a resolution specifies otherwise, when the University Council resolves to appoint a Deputy Chancellor the date of election will be deemed to be the date the resolution is made, or the date on which an incumbent Deputy Chancellor's term ends, whichever is the later.

(21) The University Council may appoint a person as Deputy Chancellor only if they are a member of the University Council.

(22) A person appointed as Deputy Chancellor holds office as Deputy Chancellor subject to the person continuing to hold his or her office as a Council member.

(23) If a member of the University Council is appointed as Deputy Chancellor, then the member's underlying office as a Council member (for example, "Minister-appointed member") is retained and the member will return to that office when he or she ceases to be the Deputy Chancellor.

(24) In the interests of good governance, the University Council has determined that the Deputy Chancellor must be an external person, as defined in Section 8 of the [University of New England Act 1993](#).

### **Re-appointment of Incumbent Deputy Chancellor**

(25) This section (Clauses (25)-(28)) applies if the office of the Deputy Chancellor is currently occupied (incumbent Deputy Chancellor).

(26) An incumbent Deputy Chancellor must, prior to the expiry of his or her term, notify the University Council whether he or she is willing to stand for a further term. The incumbent Deputy Chancellor is encouraged to provide this notice approximately four months prior to the expiry of his or her term.

(27) If the incumbent Deputy Chancellor gives notice that he or she is willing to stand for a further term, then as soon as practicable a resolution to appoint the incumbent Deputy Chancellor for a further term will be put to the University Council and determined by majority vote.

(28) If the University Council resolves to appoint the incumbent Deputy Chancellor for a further term, then the incumbent Deputy Chancellor will be so appointed and serve a new term commencing upon expiry of his or her current term.

### **Appointment of new Deputy Chancellor**

(29) This section (Clauses (29)-(32)) applies if:

- a. The office of the Deputy Chancellor is vacant or filled temporarily by a person in an acting role; or
- b. An incumbent Deputy Chancellor gives notice that he or she will not stand for a further term; or
- c. A resolution under clause (23) is voted down.

(30) If this section applies then the University Council, through the University Secretary, will call for nominations from University Council members for the office of Deputy Chancellor. Self-nominations are permitted. A nomination must be seconded by another University Council member. The nominee must state whether or not he or she accepts the nomination. The University Secretary may conduct this process during a Council meeting or out-of-session.

(31) If there is only one valid nomination, then as soon as practicable thereafter a resolution to appoint the nominee as Deputy Chancellor will be put to the University Council and determined by majority vote.

(32) If there is more than one nomination, then the University Council will vote on the nominations and the nominee with the highest number of votes will be appointed as Deputy Chancellor.

### **Confidentiality**

(33) To respect the privacy of candidates and nominees, matters under this Rule will be confidential, and resolutions in relation to it will be considered in confidential session of the Election Council Meeting. The result of an appointment process will be published by the University Secretary after the confidential session has closed.

### **University Secretary**

(34) Subject to the [University of New England Act 1993](#), the [University of New England By-law 2005](#), and this Rule, the University Secretary is authorised to make decisions regarding the operation of this Rule, including without limitation decisions about the conduct of processes under it.

(35) The University Secretary may permit the use of technology and electronic communications in relation to the matters dealt with under this Rule.

## **General**

(36) This Rule takes effect as a Rule of Council pursuant to Section 25 of the [University of New England By-law 2005](#).

(37) To the extent this Rule conflicts with the [University of New England Act 1993](#) (the Act) or the [University of New England By-law 2005](#) (the By-law), the Act or By-law prevails to the extent of the conflict and this Rule must be read down accordingly.

(38) This Rule replaces the existing Election of Chancellor and Deputy Chancellor Rule.

(39) The election of a Chancellor or Deputy Chancellor (as the case may be), and the decisions and actions of the University Secretary or Council, will not be invalid as a result of any of the following:

- a. failure to comply with a procedural requirement; or
- b. a formal defect or error; or
- c. an irregularity.

## **Section 4 - Definitions Specific to this Rule**

(40) Chancellor means the Chancellor of the University, with functions conferred or imposed upon him/her by or under Section 10 of the [University of New England Act 1993](#).

(41) Council means the Council of the University of New England.

(42) Council Member means a member of the Council under Section 9 of the [University of New England Act 1993](#).

(43) Deputy Chancellor means the Deputy Chancellor of the University, with functions conferred or imposed upon him/her by or under Section 11 of the [University of New England Act 1993](#).

(44) University means the University of New England.

## Status and Details

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## Glossary Terms and Definitions

**"Deputy Chancellor"** - Means the Deputy Chancellor of the University, with functions conferred or imposed upon him/her by or under Section 11 of the University of New England Act 1993 (NSW).

**"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.

**"Council"** - Means the Council of the University of New England, being the governing body of the University.