

Submission
No 28

**INQUIRY INTO THE GOVERNANCE OF NSW
UNIVERSITIES**

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SUBMISSION TO PARLIAMENTARY ENQUIRY ON UNIVERSITY GOVERNANCE

My name is Herman Beyersdorf, and I was a member of the academic staff of the University of New England (UNE) from 1977 until my recent retirement at the end of December 2008. I was an elected academic staff representative on the UNE Council from 1993-1996, and again from 2000-2008. I was also President of the UNE Branch of the National Tertiary Education Union (NTEU) from 1992-2002, and a member of the National Executive of NTEU from 1996-1998. In addition, I have been (and continue to be) an elected local government Councillor on the Armidale Dumaresq Council since 1991. I mention this to show that I have long familiarity and a wealth of experience, in particular with university governance, but also with governance in other areas.

I would just like to make a few points, which I am happy to speak to further at your hearing, which I understand to be in Armidale on 17 March 2009. You will appreciate that I will be mostly addressing my understanding of the issues as they affect UNE here in Armidale.

1. Role of Chancellor: I would suggest that this role needs to be delineated and defined more clearly, either in the University Act or in By-Laws or Standing Orders. I note here in parenthesis that the UNE Council adopted a policy entitled "Power and Authority of the Chancellor" in 2006, but that this policy was, in my view, largely ignored over the last few years. It should be made clear that, apart from the ceremonial aspects of the Chancellor's role, the Chancellor should only act with the authority and approval of Council (or in urgent situations, of Standing Committee of Council). There should be no executive role for the Chancellor, except for the power to call meetings of Council or Standing Committee (which is already provided for).
2. Removal of Chancellor: there is currently no effective provision for the removal of the Chancellor if he or she no longer has the confidence of the majority of Council. I would suggest that a simple vote of no confidence, of which due notice has been given (say 14 days) should suffice. Alternatively, instead of using the terminology "vote of no confidence", the relevant legislation could make provision for a vote to "terminate the period of office of Chancellor" or similar wording.
3. Role of Vice-Chancellor: it is perhaps somewhat of an anomaly that the Vice-Chancellor is on the one hand the CEO, responsible to Council for the management of the University, yet is at the same time also a full voting member of Council. Perhaps the example of local government could be of benefit here: the General Manager (ie CEO) is not a voting member of Council, but it is explicitly formulated that he/she can (and indeed should) attend all meetings of Council (except for clearly circumscribed matters affecting his/her employment contract and performance), and of course provide advice as needed.
4. Role of Elected Members: there should be no implicit or explicit division of Council members into two (or more) classes, nor should there be a general presumption of conflict of interest or indeed pecuniary interest, particularly in the case of elected staff representatives. The accusation of a general conflict of interest can be used to intimidate elected members from fully and fearlessly carrying out their duties. Again, the example of local government may be salutary here: while the Local Government Act and Codes of Conduct clearly delineate where pecuniary and other conflicts of interest exist, it on the other hand makes clear that actions which are of general benefit (or indeed detriment) to the community, such as increasing or decreasing rates and charges, do not involve conflicts of interest. In a similar way, elected staff members do

not or should not have a conflict of interest when voting on say the annual budget, although there may be some general effect on all staff. Conflicts of interest (for all members of Council, including Chancellor and Vice-Chancellor) should be specific, and should be clearly defined in by-laws or standing orders or similar.

5. Council meetings should be open to the public, and certainly to the University community overall. There should be no restrictions or de facto hindrances on attendance, such as having to give 48 hours notice as is current practice at UNE. Meetings should be advertised, and agendas and subsequently minutes should be freely available
6. "Confidential" or "in private" sessions should be clearly circumscribed to only encompass matter which are the subject of matters such as contracts, legal action, or which affect individual staff or students. Agenda items in private should be made public in a limited way (ie headings such as "recission of award", without giving specific details or private information), so that the public knows what issues are being discussed in private in a general way.
7. Apart from the Council inviting relevant staff and others such as Deans, Directors etc to address Council from time to time, there should also be provision for all members of the university community to address Council on application from time to time. There could be provision, for instance, of a "Have Your Say" session at the beginning of each Council meeting. Obviously, there would have to be some limitations on this, for example, a strictly enforced 5 minutes to speak, with a limitation of say 5-6 speakers at any one time.

I hope that the above suggestions contribute in some way to more effective university governance, and in particular to greater transparency and accountability not only to the university community, but also to the wider community.

Dr Herman Beyersdorf

6 March 2009