

Submission  
No 30

## **INQUIRY INTO THE GOVERNANCE OF NSW UNIVERSITIES**

**Organisation:** National Tertiary Education Union  
**Name:** Dr Maxine Darnell  
**Position:** President, University of New England Branch  
**Date received:** 11/03/2009

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The National Tertiary Education Union (NTEU) University of New England Branch represents the professional and industrial interests of staff employed at the University of New England. Our membership is composed of academic, research, administrative, technical and other general staff employed at the University of New England.

The submission written by the NTEU NSW Division is supported by the UNE Branch, and the motions proposed by that submission endorsed. This submission expresses the particular experiences of UNE Branch.

From the outset, it needs to be stated that Council, has a very important role in selecting the Vice-Chancellor and Chancellor. For this reason the whole of Council should be involved in the selection of the Chancellor and Vice-Chancellor.

The experience of the University of New England over the past four to five years has clearly shown the importance of defined roles for Vice-Chancellor, Chancellor and University governing bodies and also on how these bodies are constructed and operate. Defining features of the University of New England Council over this period were the dominance of the Chancellor over the Council and the intrusion of Council into day-to-day management and decision-making processes on pedagogical matters that more properly lay within the realm of the office of the Vice-Chancellor and Academic Board.

The lack of clarity over the respective roles of the Chancellor and Vice-Chancellor and the subversion of the accepted and understood roles of the two positions resulted in a situation of management breakdown, confusion as to which orders to follow and the imposition of unworkable and disruptive decisions which impacted negatively on staff and their day-to-day work.

Due to the Chancellor being able to nominate to the Council people with whom he had a previous business relationship in which his was the position of dominance he was able to influence not only the structure of the University's governing body but also its decision-making processes. This was manifested in Council being fractured, as an inner cabinet was established, non-aligned members of Council were marginalised, and the work of Council was disseminated across various sub-committees which then did not report back fully to the whole of Council. In addition, members of Council were silenced from voicing their opinions by the Chancellor unilaterally and incorrectly declaring a conflict of interest on their behalf. Any declarations of conflict of interest must be determined by the whole of Council not just by an individual.

The affect of the stifling of debate at the governing body level permeated through the University, and staff felt they were unable to speak out on issues that affected them. It was eventually through the UNE community meetings, where individual staff and students were unable to be identified individually, that opposition to what was happening at Council was discussed.

The moves by the Chancellor in 2007 to dismiss the Vice-Chancellor through forming a "star chamber" of selected members to Council to interview

members of the Executive highlights the importance of Council being required to act as a body in the best interests of the university and in any moves to remove a Vice-Chancellor. This meeting of the "star chamber" was not reported back to the whole of Council and it met without the whole of Council's knowledge let alone approval.

Clear lines of responsibility for both the Chancellor and Vice-Chancellor would prevent situations arising such as occurred in a number of instances at UNE where the Chancellor, although having no rights to financial delegation employed outside firms to conduct audit investigations and in the case of Clayton Utz to undertake management of Enterprise Bargaining all without the knowledge of the whole of Council and the Vice-Chancellor.

The Chancellor, in being the presiding member, has an obligation in ensuring that the information required for Council to make decisions in the best interests of the University is reflected in Council agendas and information papers. Further given that Council, as a body, has the function of approving and monitoring systems of control and accountability for the University, the presiding member should not be able to exercise rights to financial delegation.

The NTEU UNE Branch is supportive of the NSW Upper House Committee's inquiry into NSW universities' governance.

I am happy to give evidence at the hearing on Tuesday 17<sup>th</sup> March 2009 and will be accompanied by Mark Dolahenty the NTEU Senior Industrial Officer as he has had major input into my submission.

Regards,

A handwritten signature in black ink that reads "Maxine Darnell". The signature is written in a cursive style with a large initial 'M' and 'D'.

Maxine Darnell  
NTEU UNE Branch President