

Curtin University of Technology

Rule No. 1 Made Under Statute No. 6 – Vice-Chancellor

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Curtin University of Technology

Rule No. 1 Made Under Statute No. 6 – Vice-Chancellor

These Rules are made by the Council of the University under the powers conferred on it by section 6 of *Statute No. 6 – Vice-Chancellor* and in accordance with section 34(3) of the *Curtin University of Technology Act 1966*.

PART 1 - PRELIMINARY

1.1 Citation

These Rules may be cited as the '*Vice-Chancellor Rules*'.

1.2 Commencement

These Rules take effect:

- (a) when they are promulgated in accordance with section 2 of Statute No. 3 – Rules; or
- (b) on the commencement date of Statute No. 6 – Vice-Chancellor which revokes previous Statute No. 6,

whichever is the later.

Note: section 4 of Statute No. 3 – Rules relevantly states:

'A Rule is promulgated by posting a copy of it on the notice board located outside the main entrance to the Administration block at the University at Bentley ...'.

1.3 Interpretation

In these Rules, unless the contrary intention appears:

'**Executive Committee**' means the Executive Committee of the Council.

'**Existing Employment Contract**' means the current contract of employment between the University and the Vice-Chancellor.

‘Previous Statute No. 6’ means Statute No. 6 – Vice-Chancellor which came into effect on 19 December 1986.

‘Proposed Employment Contract’ means the proposed employment contract between the University and the proposed Vice-Chancellor.

‘Selection Panel’ means the selection panel for the appointment of a Vice-Chancellor, the composition of which is determined under Part 3 of these Rules.

‘Staff’ means the academic and non-academic staff of the University.

‘Vice-Chancellor’ means the University’s chief executive officer appointed under section 14 of the Act.

PART 2 - RE-APPOINTMENT PROCESS

2.1 Initiation of process

- (1) Unless the Council determines otherwise, no earlier than 24 months and no later than 18 months before the expiry date of the Existing Employment Contract, the Chancellor is to write to the Vice-Chancellor to enquire whether the Vice-Chancellor wishes to seek reappointment.
- (2) The Vice-Chancellor is to respond in writing to the Chancellor within 28 days.
- (3) If the Vice-Chancellor’s response states that he or she wishes to seek reappointment, Rule 2.2 applies.
- (4) If the Vice-Chancellor does not respond or if the Vice-Chancellor’s response does not state that he or she wishes to seek reappointment, Part 3 applies.

2.2 Proposal for reappointment

Where the Vice-Chancellor wishes to seek reappointment, the Chancellor is:

- (a) to consult widely, seeking the views of Council members, Staff and students, representative student groups and other stakeholders on issues relevant to the possible reappointment of the Vice-Chancellor, including:
 - (i) the performance of the Vice-Chancellor;
 - (ii) the qualities and competencies required of a Vice-Chancellor in the light of the University's strategic directions; and
 - (iii) the desirability of the reappointment of the Vice-Chancellor;
- (b) to report to the Council on the outcome of these consultations; and
- (c) to recommend to the Council either that:
 - (i) the Council offer the Vice-Chancellor a new employment contract and, if so, the terms and conditions of that new employment contract; or
 - (ii) the Existing Employment Contract be completed and that a selection process for a Vice-Chancellor, under Part 3 of these Rules, be commenced.

2.3 Decision by the Council

The Council is to decide whether it is in the interests of the University that:

- (a) the Vice-Chancellor should be reappointed under a new employment contract and, if so, the proposed terms and conditions of the contract that the Council considers to be appropriate; or
- (b) there should be a selection process for the position of Vice-Chancellor.

2.4 Offer of Proposed Employment Contract

If the Council decides that the Vice-Chancellor should be offered the Proposed Employment Contract, it is:

- (a) to authorise the Chancellor, or another person, to discuss or negotiate with the Vice-Chancellor the terms and conditions of the Proposed Employment Contract;
- (b) to decide whether any changes to the proposed terms and conditions, resulting from those discussions or negotiations, are appropriate;
- (c) to ensure that the Proposed Employment Contract:
 - (i) provides for the Council to formulate and approve key performance indicators for the Vice-Chancellor's annual performance review under Part 4 of these Rules;
 - (ii) requires the Vice-Chancellor to participate in the annual performance review under Part 4 of these Rules; and
 - (iii) is for a maximum term not exceeding 5 years;
- (d) if it approves the Proposed Employment Contract, to authorise the Chancellor or another person to execute the Proposed Employment Contract on behalf of the University; and
- (e) to ensure, as far as practicable, that the Proposed Employment Contract is executed at least 6 months before the expiry of the Existing Employment Contract.

PART 3 - SELECTION PROCESS

3.1 Application

This Part applies where:

- (a) the Vice-Chancellor does not respond or if his or her response to the Chancellor under Rule 2.1 does not indicate a wish to seek reappointment;
- (b) the Vice-Chancellor otherwise informs the Council, in writing, that he or she does not seek reappointment;

- (c) the Council decides, under Rule 2.3(b), that there should be a selection process for the position of Vice-Chancellor;
- (d) there is, or is proposed to be, an early termination of the Existing Employment Contract; or
- (e) the position of Vice-Chancellor otherwise becomes vacant.

3.2 Principles

- (1) The Council, the Selection Panel and others involved in the selection process must:
 - (a) observe the highest standards of professionalism and ethical behaviour; and
 - (b) ensure that strict confidentiality is maintained and, for this purpose, each member of the Selection Panel and each person assisting the Selection Panel is to sign a confidentiality undertaking in a form approved by the University's General Counsel.
- (2) The Selection Panel must ensure that any materials and other information given by applicants and others for the purposes of the selection process, including references, are thoroughly checked for accuracy and comprehensiveness.

3.3 Recommendations by the Chancellor

As soon as practicable after becoming aware of one of the events set out in Rule 3.1, the Chancellor is to recommend, for the Council's approval:

- (a) a date being the last day of duty of the Vice-Chancellor, taking into account any outstanding leave entitlements, any existing or proposed commitments or functions involving the Vice-Chancellor that cannot appropriately be delegated, and any handover period with a new appointee;
- (b) the appointment, where appropriate, of an acting Vice-Chancellor; and
- (c) the establishment and membership of the Selection Panel.

3.4 Membership of the Selection Panel

- (1) In determining the membership of the Selection Panel, the Council is to have regard to:
 - (a) the University's Vision;
 - (b) the importance of having external experts, particularly to help in benchmarking short-listed candidates against generally accepted national and international standards for the selection of a chief executive officer of a large, complex organisation;
 - (c) the importance of achieving, as far as practicable, gender balance; and
 - (d) the desirability of having no less than 5, nor more than 7, members.
- (2) An example of the possible composition of a Selection Panel is:
 - (a) the Chancellor;
 - (b) one other member of the Council, from among the community Council members;
 - (c) one serving or retired Vice-Chancellor or President of a higher education institution from Australia or overseas;
 - (d) a person external to the University who is a chief executive officer of another large, complex organisation other than the University, from Australia or overseas; and
 - (e) any other person whom the Council considers to be appropriate taking into account the need for diversity.
- (3) Unless the Council determines otherwise, the Chancellor is to be the Chair of the Selection Panel.
- (4) Unless the Council determines otherwise, the Selection Panel is to be assisted by:
 - (a) the Director, Staff Services, who is to be the Secretary; and

- (b) any other member of Staff or person approved by the Selection Panel.
- (5) In order to maintain the continuity of membership of a Selection Panel, the Council, on the recommendation of the Chancellor, may decide that a person may continue to be a member of the Selection Panel despite that person ceasing to hold the qualifications for membership.

3.5 Role of the Selection Panel

- (1) As soon as practicable after its appointment, the Selection Panel is to prepare and provide to the Council information, advice and recommendations relating to:
- (a) the selection criteria and position description for the Vice-Chancellor;
 - (b) whether a search firm should be appointed to assist the Selection Panel and, if so, which one;
 - (c) the advertising and search arrangements, having regard to any proposed processes to allow for affirmative action strategies;
 - (d) the closing date for applications, having regard to the need for the Council to approve any extension to the closing date that is subsequently proposed;
 - (e) the terms and conditions of the Proposed Employment Contract, including the maximum remuneration package that might be offered to a successful candidate; and
 - (f) the timetable for the selection process.
- (2) After the closing date for applications, the Selection Panel must:
- (a) conduct a merit-based selection process;
 - (b) make a recommendation to the Council that a particular applicant be appointed; and
 - (c) give to the Council:

- (i) a list containing the names of the recommended and short-listed applicants; and
- (ii) a copy of the application of, and other supporting materials and information relating to, the recommended applicant.

3.6 Offer of Proposed Employment Contract

- (1) The Council may accept or reject the recommendation of the Selection Panel under Rule 3.5, or it may ask for further information about any of the applicants for the position.
- (2) Where the Council decides that a particular applicant should be offered the position of Vice-Chancellor, it is:
 - (a) to authorise the Chancellor, or another person, to discuss or negotiate with that applicant the terms and conditions of the Proposed Employment Contract;
 - (b) to decide whether any changes to the proposed terms and conditions, resulting from those discussions or negotiations, are appropriate;
 - (c) to ensure that the Proposed Employment Contract:
 - (i) provides for the Council to formulate and approve key performance indicators for the Vice-Chancellor's annual performance review under Part 4 of these Rules;
 - (ii) requires the Vice-Chancellor to participate in the annual performance review under Part 4 of these Rules; and
 - (iii) is for a maximum term not exceeding 5 years; and
 - (d) if it approves the Proposed Employment Contract, to authorise the Chancellor or another person to execute the Proposed Employment Contract on behalf of the University.

PART 4 - PERFORMANCE REVIEW

4.1 Annual review

The performance of the Vice-Chancellor is to be reviewed annually (**Performance Review**).

4.2 Performance Review Process

- (1) The Performance Review process is to be initiated and managed by the Chancellor.
- (2) For the purpose of undertaking a Performance Review for a particular year, the Chancellor is:
 - (a) to consult with the Executive Committee on the consultation process that is to be followed;
 - (b) to undertake, with whatever assistance he or she considers appropriate, the Performance Review which is to include:
 - (i) consultation with appropriate stakeholders; and
 - (ii) measurement of the Vice-Chancellor's performance against the key performance indicators approved by the Council for that year;
 - (c) to report to the Executive Committee on the outcome of the Performance Review;
 - (d) after consulting with, and seeking the advice of, the Executive Committee, to recommend to the Council the key performance indicators against which the performance of the Vice-Chancellor is to be measured for the following year; and
 - (e) to give a report to the Council:
 - (i) on the outcome of the performance review, taking into account any comments made by the Vice-Chancellor; and

- (ii) recommending to the Council whether any adjustments, and if so what adjustments, should be made to the remuneration of the Vice-Chancellor.

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