

UTS Governance Instruments Policy

Abstract

The UTS Governance Instruments Policy establishes principles for the development of UTS governance instruments, and the amendment or review of existing governance instruments at UTS. It also stipulates the requirements, accountability and responsibility for the approval, dissemination, implementation, review and enforcement of UTS governance instruments.

Dates	Policy approved	16/04/2014
	Policy takes effect	07/05/2014
	Policy is due for review (up to five years)	04/2019
	Policy amendment approved	27/05/2015
	Policy amendment takes effect	06/04/2016
Approved by	Council Meeting 14/2, 16 April 2014 Resolution COU/14-2/33	
	Latest amendment: Director, Governance Support Unit (see change history for details)	
Implementation Officer	Director, Governance Support Unit	
Relevant to	All staff and all students engaging in the development or review of UTS governance instruments	
Related documents	Code of Conduct Legal Compliance Register (restricted access: Staff Connect) Standing Delegations of Authority UTS Governance Instruments Development and Review Procedures UTS Governance Instruments Template UTS Rules: <ul style="list-style-type: none"> • Changes to UTS Rules • General Rules • Student Rules 	

Legislation	Government Information (Public Access) Act 2009 (NSW) University of Technology Sydney Act 1989 (NSW) (UTS Act) University of Technology Sydney By-law 2005 (NSW) (UTS By-law)
File number	UR14/266
Superseded documents	UTS Policy Framework (2005)

Contents

1. Purpose
2. Scope
3. Definitions
4. Policy principles
5. Policy statements
6. Roles and responsibilities
7. Version control and change history

1. Purpose

Policy is an essential organisational tool that facilitates the efficient, consistent and transparent management of the University through an agreed set of principles.

The purpose of the UTS Governance Instruments Policy (the Policy) is to articulate the role of governance instruments at UTS and provide definitions for the various governance instruments available to the University in managing its day-to-day activities. This Policy:

- defines the governance instruments recognised by UTS
- explains the respective roles of Council, Academic Board, the Vice-Chancellor and members of the Senior Executive with respect to UTS governance instruments, as outlined in table 3.1
- establishes responsibilities and accountabilities for approving, disseminating, implementing, enforcing and reviewing UTS governance instruments
- establishes formatting and content standards for UTS governance instruments

The implementation of this Policy is supported by the [UTS Governance Instruments Development and Review Procedures](#) (the Procedures). The Procedures provide guidance and information on how to develop a new governance instrument; review, amend or rescind an existing governance instrument; and ensure a timeline for consultation with and approval by the appropriate University authorities.

2. Scope

This Policy applies to all UTS staff, students, contractors, working groups and committees involved in the development, amendment and/or review of UTS governance instruments.

This Policy applies to development and management of University-level governance instruments that have application across UTS as outlined in Table 3.1, including:

- Policies
- Vice-Chancellor's directives
- Codes of practice (and charters)
- University-level procedures that support the implementation of policy and Vice-Chancellor's directives.

While this Policy may be used to guide the development of other local-level instruments intended to outline and guide operational activities at faculty and unit level, these are outside the scope of this document. They include:

- standards
- protocols
- local-level procedures
- guidelines.

3. Definitions

Accountable officer means the University staff member, normally from the Senior Executive, who has overall accountability for the governance instrument.

Legal Compliance Register identifies the external legislative and regulatory requirements that have particular relevance to UTS. The [Legal Compliance Register](#) (restricted access: Staff Connect) is maintained by UTS Legal.

Frameworks (as outlined in Table 3.1) articulate a set of principles, conceptual structures and practices to guide complex activity across the University.

Governance instruments means any of the UTS developed governance instrument documents as described in Table 3.1.

Implementation Officer means a University staff member who acts as a primary point of contact for advice on implementing and administering the governance instrument across the University.

Local-level protocols, local procedures and guidelines mean operational and management tools that are applicable at the level of a faculty, school, business unit or other management or academic sub-section of the University, that enable a unit or faculty to manage the specific business of their particular area.

Regulatory instruments mean the broad spectrum of governance documentation at UTS, including the [UTS Act](#), the [UTS By-Law](#) and the [UTS Rules](#).

Rescission means revocation, cancellation or withdrawal of a governance instrument that is either no longer relevant or required.

Standards mean a set of required quality benchmarks, and outline objectives or performance indicators, against which quality may be assessed.

Strategy means a set of high-level organisational goals and priorities that provide the University with a general or specific plan of action, taking into consideration the available resources.

University-level refers to governance instruments universally applicable across the whole of UTS.

Table 3.1 Governance instrument categories

Governance instrument categories	Content	Approval authority
Standing Delegations of Authority	The Delegations include the key decision-making authorities in respect of the financial, human resources, administrative, academic and governance functions of the University	Council
Framework	A framework contains the principles and key elements to guide a consistent university-wide approach to delivering on a specified function.	Council
Policies	Official high-order statements that establish the University's position on an issue, the principles that guide decision-making, and the framework, criteria and expectations for conduct and practice at UTS. Normally, policies cover issues under the remit and responsibility of Council or Academic Board. Often these are areas of risk or strategic importance for the University.	Council (Academic Board has delegated authority to determine academic policies)
Vice-Chancellor's directives	Outline mandatory practice, decision-making principles and prescribed courses of action for areas of University business that fall within the remit of the Vice-Chancellor and focus on the University's operational and risk management activities. While they can be used in addition to policy, they are commonly separate from, and developed in place of, a policy. Vice-Chancellor's directives have the same University-level authority as a policy.	Vice-Chancellor
Codes/charters	Official University statements that guide expectations and standards of behaviour. They have the same University-level authority as a policy.	Council or Academic Board
University-level procedures	Detailed operational statements relating to the implementation of either a policy or a Vice-Chancellor's directive that set out mandatory courses of action. It is not a requirement for all policies and Vice-Chancellor's directives to have associated procedures. Procedures should be drafted and developed in line with the policy or directive, but may be amended by a delegated officer of the University to ensure consistent good practice.	Member of the Senior Executive or delegate

4. Policy principles

The following principles of good governance apply to the development, review, amendment, rescission, implementation and management of UTS governance instruments:

- i. Ensure that all governance instruments comply with the [UTS Act](#), [UTS By-Law](#), [UTS Rules](#), industrial agreements and awards and relevant Commonwealth and State government legislation.
- ii. Ensure that all governance instruments clearly articulate their relationships with any relevant Rules, [Standing Delegations of Authority](#), external legislation or other UTS instruments.
- iii. Recognise the importance of maintaining official University records relating to each governance instrument, its approvals and its subsequent amendment and review history.
- iv. Ensure that all governance instruments are approved, amended and rescinded by the same authority (as outlined in section 3).

5. Policy statements

Governance instruments are designed to provide specific direction around expectations, practice, responsibilities and available courses of action. It is essential that all instruments be drafted in a clear and logical format to ensure effectiveness.

5.1 Compliance with legislation and consistency with UTS Rules

All governance instruments must comply with relevant Commonwealth and State legislation. It is essential that implementation officers consider the information in the UTS [Legal Compliance Register](#) (restricted access: Staff Connect) in the development and review of UTS governance instruments to ensure that the University addresses its compliance obligations.

Where a governance instrument is inconsistent with legislation as applicable to UTS from time-to-time, the legislation prevails to the extent of the inconsistency. Where an internal inconsistency is identified between existing UTS Rules and a governance instrument, immediate steps must be taken to advise the implementation officer of the inconsistency to enable remedial action to be undertaken. Consistency should apply across all internal governance instruments and includes consistency with respect to the respective roles and delegated authority of the relevant University staff or approval bodies.

5.2 Format of documents and use of templates

All governance instruments, with the exception of high-level frameworks, should be drafted, approved and published using the official [UTS Governance Instruments Template](#). University-level procedures, codes of practice and charters should also use this template wherever possible. This template also provides guidance on the required policy or Vice-Chancellor's directive content.

Other documents (including local-level protocols, local procedures and guidelines) may follow the official UTS Governance Instruments Template as much as is reasonably practicable or use a local or more appropriate template. Documents published on the UTS Policy website must use the appropriate UTS Governance Instruments Template.

5.3 Approval processes

For details of approval processes for specific types of governance instrument, please refer to section 3 of this Policy as well as the [Procedures](#).

5.4 Ownership and governance authorities under this Policy

As the University's overall governing body, Council is responsible for the approval of and rescission of UTS policies, as outlined in section 3 of this Policy.

Academic Board, under Council's delegation (Council resolution COU 5/084), is responsible for the approval and rescission of academic policies. This delegation is subject to Council's general oversight.

The Vice-Chancellor is responsible for the approval of Vice-Chancellor's directives, which outline mandatory practice for areas of University business that fall within the remit of the Vice-Chancellor and focus on the University's operational and risk management activities. This is in line with [Rule G1 clause 11\(2\)](#).

Members of the Senior Executive are assigned responsibility for setting standards, requirements and University-level procedures applicable to functions within their areas of responsibility. They are also responsible for reviewing and amending University-level Procedures in line with the principles outlined in this Policy.

Each governance instrument outlined in table 3.1 must be assigned an accountable officer and an implementation officer as defined in section 3.

Deans, faculty boards, the University Secretary, the Chief Information Officer, the Chief Financial Officer, directors, associate deans, the Librarian, managers or team leaders have the authority to set local-level protocols, procedures and guidelines applicable to functions within their portfolio of responsibility, that assist in the day-to-day activities for particular staff members. These local-level documents may or may not be linked to a University-level governance instrument; they must, however, must be compliant with University-level governance instruments, Rules and any relevant legislation. Locally enforceable documents are approved to:

- support and facilitate the management of a particular aspect of the faculty/unit's business
- be consistent with the provisions of this Policy and other UTS governance instruments, and
- be compliant with any relevant regulatory requirements.

The requirements outlined in local-level documents are subordinate to the UTS Rules, governance instruments, Standing Delegations of Authority or a delegation from Council, all of which allocate specific powers and responsibilities across the University.

5.5 Commencement and rescission dates

Governance instruments must specify the approval and commencement dates as outlined in the appropriate [UTS Governance Instruments Template](#).

Commencement dates refer to the date from which the new or amended governance instrument takes effect. Unless specified as part of the approval process and previously agreed with the Governance Support Unit (GSU), the commencement date is normally at least two weeks after the approval date or the date the approved document is provided to GSU, whichever is later, to allow sufficient time for publication, dissemination and communication.

Rescission dates refer to the date from which a governance instrument is revoked. Unless specified, the effective date of the rescission is normally two weeks after the approval of rescission or the date the rescinded document is provided to GSU, whichever is the later. Governance instruments may only be rescinded by the original approval authority for that instrument.

Unless otherwise specified by the approving authority, existing governance instruments that are reviewed or amended continue to have effect until the date the new instrument comes into effect.

5.6 Dissemination, communication, education and implementation

All governance instruments must be forwarded to the Director, GSU for dissemination and publication on the [UTS Policy webpage](#), subject to, for example, the provisions of the [Government Information \(Public Access\) Act 2009 \(NSW\)](#). Governance instruments may only be made available elsewhere on UTS websites (including Staff Connect and enterprise systems) via means of a direct link to the instrument in the UTS policy section, or to the landing page for that instrument where one exists.

An exception to the above requirement is when University procedures are published in formats such as web-based video or as content contained in enterprise systems.

Expectations around required communication and timings of publication are outlined in the [Procedures](#).

In accordance with section 5.4, each governance instrument must have a nominated UTS staff member assigned as an implementation officer. The implementation officer is responsible for establishing and maintaining the official governance instrument file, communication and implementation of the governance instrument as outlined in section 3, for proposing and drafting amendments as required, and for managing the consultation process when the governance instrument is due for review.

5.7 Review cycles

All UTS governance instruments must be reviewed regularly by the official review date outlined in the approved instrument, or every five years, whichever is the earlier. The process for reviewing governance instruments is outlined in the [Procedures](#).

Any proposed amendments identified as part of a review should be submitted for approval in accordance with this Policy and the [Procedures](#).

Should the outcome of a review be that a governance instrument is no longer necessary, a request for that instrument to be formally rescinded should be submitted to the authority that originally approved the instrument.

Minor amendments to governance instruments to reflect consequential changes to other UTS governance instruments may be approved by the Director, GSU under Standing Delegation 3.17.

Major legislative changes should be reflected in relevant governance instruments as required. This is the responsibility of the accountable officer as outlined further in section 5.8.

5.8 Compliance

Governance instrument compliance is the responsibility of all University staff and is a requirement of the [Code of Conduct](#).

The identified accountable officer for a governance instrument is responsible for managing compliance with that particular instrument, initiating amendments and the review process, and for monitoring its continuing relevance and impact on the University's activities. Accountable officers are responsible for ensuring that approved governance instruments are integrated into the appropriate aspects of University operations.

To ensure compliance with and connection to external regulatory obligations, all relevant legislation must be identified in the appropriate section of the UTS governance instrument, with current web links provided. UTS Legal is responsible for the development, maintenance and rollout of the [Legal Compliance Register](#) (restricted access: Staff Connect).

Further information on the management of compliance at UTS is outlined in the [UTS Governance Instruments Development and Review Procedures](#).

6. Roles and responsibilities

This section outlines the key positions responsible for managing and implementing this Policy. These statements are consistent with the [Standing Delegations of Authority](#).

Accountable Officer: The Vice-Chancellor (or nominee) is accountable for enforcing the provisions outlined in this Policy, managing compliance and ensuring that it is observed in the development and approval of new governance instruments, and the progressive review of existing instruments. The Vice-Chancellor is also responsible for setting the University's major operational standards, requirements and procedures for the University, and for the approval and rescission of Vice-Chancellor's directives.

Implementation Officer: The Director, GSU is responsible for the implementation of this Policy and acts as the primary point of contact for advice on implementing its provisions. The Director, GSU is also responsible for establishing and maintaining the official file for proposing amendments as required, and for managing the consultation process when this Policy is due for review.

7. Version control and change history

Effective date	Version	Approved by, resolution no. (date)	Amendment
07/05/2014	1	Council, COU/14-2/33 (16/04/2014)	New policy following the review of the UTS Policy Framework. Changes include the use of the current policy template, re-sectioning, expansion of definitions, compliance aspects addressed and roles and responsibilities reviewed. Alignment with newly drafted Procedures document.
06/04/2016	1.1	Council, COU/14-5/106 (15/10/2014)	Consequential changes to align with changes to the Student Rules.
		Director, Governance Support Unit (GSU) (27/05/2015)	Changes (approved under Delegation 3.17) to update references to the role of Registrar (part of the 2014 restructure).