The College of Law Limited (ACN 138 459 015)

Academic Board Charter

Adopted December 2016

## Introduction

* 1. The Academic Board is established under article 8.10(c) of The College of Law Limited’s Constitution.
  2. The Academic Board is an Advisory Board to whom is delegated the Board of Governors’ responsibilities in respect of curriculum and oversight of academic governance. The Board of Governors may resume those responsibilities at any time.
  3. This Charter sets out the responsibilities delegated by the Board of Governors to the Academic Board and details the manner in which the Academic Board will operate.

## Responsibilities

* 1. To oversee academic policy.
  2. To assure the quality of the college’s academic programs.
  3. To report and make recommendations on matters of academic policy and quality to the Board of Governors.
  4. In making any decision or recommendation to the Board of Governors, the Academic Board is guided by the following principles:
* Principles in Research and Scholarship;
* Principles in Teaching and Learning;
* Principles of Engagement with the Profession and Community;
* relevant Board of Governors policies; and
* the requirements of regulators.
  1. The Academic Board will also have regard to:
* advice from the Senior Executive Committee;
* advice from the Course Approval and Review Panels;
* advice from the Research and Scholarship Committee;
* advice from the various Curriculum Advisory Committees;
* advice from the Group Course Committee;
* advice from the various Academic Appeals Committees.

*Reporting*

* 1. The Chair of the Academic Board shall report at all meetings of the Board of Governors on anything relevant to the delegation of the Board of Governors’ responsibilities with regard to curriculum, academic policy and quality, including:

* course approval and review;
* academic committees;
* teaching and learning;
* research and scholarship;
* staffing;
* student outcomes;
* academic quality and risk.

## Administration Matters

*Membership and attendance at meetings*

1. The Academic Board will be comprised of the following members:

* Chair (as approved by the Board of Governors). At the date of this Charter, the Chair is the Deputy CEO/Principal and Chief Academic Officer;
* A judge;
* An external academic (Law);
* An external academic (Education);
* An industry representative;
* Internal academics (one elected by academic peers);
* Director, Academic Policy & Quality (Acting as Secretary).
  1. At least 50% of members, including the Chair, at any meeting is required for a quorum and a simple majority of those present is required for the passing of any resolution.
  2. Each member will bring to the role the skill and judgment expected of a person in his or her capacity in order to retain within Academic Board the requisite blend of knowledge and skills to give effect to the business of the Academic Board.
  3. The Academic Board may invite such other persons (e.g. external experts, executive and academic staff) as it deems necessary.

*Meetings*

* 1. The Academic Board will meet as often as the members deem necessary in order to undertake and fulfil their role effectively. However, it is intended that the Academic Board will normally meet at least quarterly and the schedule of meetings will be agreed in advance.
  2. The proceedings of all meetings will be minuted with draft minutes provided to the Chair for review within 7 days of the meeting and circulated to Academic Board members within 14 days of each meeting. The minutes are to be included in the papers for the next Board of Governors meeting assuming such Board of Governors meeting takes place at least 14 days after the Academic Board meeting. If the Board meeting is within 14 days of the Academic Board meeting, then the Academic Board Chair will verbally report to the Board of Governors.
  3. It is expected that regular reports will be received on matters to be defined by the Academic Board but will normally include:

1. academic risk reports/reviews
2. academic quality reports/reviews
3. compliance reports and certifications
4. external audit updates and reports
5. business unit reports
6. academic subcommittee reports
7. course development and review.

*Authority*

* 1. The Board of Governors authorises the Academic Board within the scope of its responsibilities to:

1. seek any information and explanations it requires from any employee and all employees are directed to co-operate with any request made by the Academic Board
2. convene subcommittees
3. ensure the involvement of external parties with relevant experience and expertise
4. review its structure and make any necessary recommendations for change to the Board.

The Board of Governors shall provide the Academic Board with sufficient resources to meet its obligations under this Charter.

*Dispute Resolution*

* 1. In the event that the Board of Governors disputes a decision of Academic Board or rejects a recommendation of Academic Board, the following procedure shall be followed:
* the Board of Governors shall request the Chair of Academic Board to provide a report on the matter to ensure that Governors have all relevant information and are fully briefed on the reasons for the Academic Board decision or recommendation;
* if, after considering the report, the Board of Governors continues to dispute the decision or recommendation of Academic Board then the Chair of the Board of Governors and the Chair of Academic Board shall each appoint representatives from their respective boards who will meet to discuss the dispute and attempt to resolve it, and will report to the Board of Governors and to Academic Board on the results of their discussion;
* if, after considering this further report, the Board of Governors continues to dispute the decision or recommendation of Academic Board then the view of the Board of Governors shall prevail and the Board of Governors may substitute its own decision for any decision of Academic Board.

*Signed document passing a resolution of the Committee*

* 1. The Academic Board may pass a resolution without a Meeting being held if each Member entitled to vote on the resolution sign a document stating they are in favour of the resolution set out in the document. Separate copies of a document may be used for signing by the Members (a photo, scanned copy, facsimile copy or the original is acceptable) and the resolution vote is completed when the last Academic Board member signs.

*Board reporting*

* 1. The Chair of the Academic Board should report to the Board of Governors at every Board of Governors Meeting, summarising the activities of the Academic Board.

*This Charter*

3.12 The Academic Board will review this Charter biennially to ensure it remains appropriate to the full scope of necessary oversight and make recommendations to the Board of Governors for any amendments.

3.13 The Academic Board will review its performance at least biennially.

## Academic Subcommittees

* 1. The work of the Academic Board will be informed by the following academic subcommittees:
* Course Approval Panel;
* Course Review Panel;
* Group Course Committee;
* Assessment Review Committee;
* Research & Scholarship Committee;
* Curriculum Advisory Committees
* Work Experience Committee;
* Appeals Committees
* External Appeals Panel

and such other subcommittees as the Academic Board may establish from time to time.

* 1. The purpose, terms of reference and membership criteria for all academic subcommittees is described in Appendix A to this Charter.

**Appendix A – Academic Subcommittees**

**Course Approval Panel**

*Purpose*

The Course Approval Panel (CAP) makes recommendations to the Academic Board on new course proposals and major changes to existing courses. In pursuit of this purpose the CAP will:

* consider new course proposals to ensure that they comply with internal and external accreditation rules (eg, the TEQSA Higher Education Standards and LACC/APLEC National Competencies);
* consider changes to existing courses to ensure that course aims, learning outcomes and assessment remain in alignment and that the integrity of the original course accreditation is not impaired;
* maintain a high standard of teaching and learning in all programs by reference to outcome and evaluation data;
* use outcome and evaluation data to inform developments and improvements in curriculum and delivery.

*Terms of Reference*

* to accredit and/or amend courses in compliance with the TEQSA Higher Education Standards;
* to accredit and/or amend courses in contemplation of the Principles in Research and Scholarship;
* to accredit and/or amend courses in contemplation of the Principles in Teaching and Learning;
* to accredit and/or amend courses in contemplation of the Principles of Engagement with the Profession and Community.

The panels do not have any final authority with respect to internal accreditation but provide a report with recommendations to the Academic Board. The Academic Board endorses (or not) that report (and recommendations) before passing it on to the Board of Governors for a final determination.

*Membership*

Membership of each CAP is determined on an ad hoc basis and always includes the General Manager, Education (or his/her delegate), a College lecturer not associated with the course being approved or amended, the Director, Academic Policy and Quality (as secretary) and at least one external academic and one external industry representative.

**Course Review Panel**

*Purpose*

The Course Review Panel (CRP) makes recommendations to the Academic Board on the status of existing courses after a formal review which should be done at approximately the halfway point of each accreditation cycle (usually seven years). In pursuit of this purpose the CRP will:

* consider courses to ensure that they continue to comply with internal and external accreditation rules (eg, the TEQSA Higher Education Standards and LACC/APLEC National Competencies);
* propose changes to existing courses to ensure that course aims, learning outcomes and assessment remain in alignment and that the integrity of the original course accreditation is not impaired;
* maintain a high standard of teaching and learning in all programs by reference to outcome and evaluation data;
* use outcome and evaluation data to inform developments and improvements in curriculum and delivery.

*Terms of Reference*

* to review courses in compliance with the TEQSA Threshold Standards;
* to review courses in contemplation of the Principles in Research and Scholarship;
* to review courses in contemplation of the Principles in Teaching and Learning;
* to review courses in contemplation of the Principles of Engagement with the Profession and Community.

The panels do not have any final authority with respect to course review but provide a report with recommendations to the Academic Board. The Academic Board endorses (or not) that report (and recommendations) before passing it on to the Board of Governors for a final determination.

*Membership*

Membership of each CRP is determined on an ad hoc basis and always includes the General Manager, Education (or his/her delegate), a College lecturer not associated with the course being approved or amended, the Director, Academic Policy and Quality (as secretary) and at least one external academic and one external industry representative.

**Group Course Committee**

*Purpose*

The Group Course Committee (GCC) deals with the day to day administration of curricula, delivery and attendant policies.

The GCC operates with and through its Executive Chair, the Chief Academic Officer (CAO) who, in turn, reports to the College’s CEO who is also its Academic Principal. Under the Executive Chair’s leadership, the Group Course Committee has the following roles and functions:

* to review the day-to-day operation of College Programs
* to monitor and, where necessary, influence, all aspects of moderation
* to undertake the annual benchmarking exercise and consider benchmarking reports (the annual benchmarking exercise is undertaken by the benchmarking subcommittee of the GCC, including the CAO, all Program Directors, the Director, Program Development and the Director, Academic Policy and Quality)
* to develop and amend timetables
* to analyse data and make recommendations for the continuous improvement of the content and delivery of all courses
* to review the effect of academic policy and report to The College of Law Academic Board and the Academic Principal, from time to time
* to consider recommendations in respect of any Program received from lecturers, Practice Area Teams, student evaluations and external Curriculum Advisory Committees (CACs)
* to make recommendations to the Academic Board and the Senior Executive Committee with regard to resourcing
* to report, as required, to the Academic Board

The GCC meets fortnightly and provides reports quarterly to the Academic Board (or more frequently as required) and to the Senior Executive Committee (as required).

*Membership*

The GCC is constituted by:

* Chief Academic Officer (Executive Chair)
* Executive Director, The College of Law Queensland
* Executive Director, The College of Law Victoria
* Executive Director, The College of Law Western Australia
* Executive Director, The College of Law South Australia
* CEO, The College of Law New Zealand
* Director, PLT Program (New South Wales)
* Director, Curriculum and Course Development
* Director, Practitioner Education
* Head of Practical Legal Training Program Online (NSW)
* Manager, Student Services
* Deputy Director, Marketing
* Director, Academic Policy and Quality

**Assessment Review Committee**

*Purpose*

The Assessment Review Committee (ARC) convenes at the end of every course and endorses lists of graduands for completion/graduation.

The ARC also considers the case of any student who has failed an assessment twice and makes determinations as to what remedial action may be required before the student is eligible to transfer/resit.

The ARC also considers the case of any student who may have technically abandoned the course and determines what conditions will be set upon re-enrolment, including whether the full tuition fees will need to be paid again.

The ARC also hears appeals against the decisions of Program Directors in cases involving academic complaints or disputes.

*Terms of Reference*

In endorsing lists of graduands for completion or graduation, the ARC is convened to ensure that every proposed graduand is, in fact, eligible to graduate and that:

* all course components have been fulfilled
* no fees are outstanding
* no other reasons exist to refuse completion or graduation

In considering the case of any student who has failed an assessment twice and determining what remedial action may be required before the student is eligible to transfer/resit, the ARC will have regard to:

* the number of times the student has failed
* the circumstances of the last failure
* the personal circumstances of the student
* the apparent willingness of the student to get through the course
* the student’s performance in other subjects
* the manner in which similar applications have been determined

In considering the case of any student who may have technically abandoned the course and determining what conditions will be set upon re-enrolment, the ARC will have regard to:

* the personal circumstances of the student
* the apparent willingness of the student to get through the course
* the student’s performance prior to abandonment
* the amount of time passed between abandonment and re-application
* what the student has been doing in the interim
* any changes to law or practice which might impact on credit for subjects completed
* the manner in which similar applications have been determined

The normal rule is that a student resuming after abandonment or exclusion will have to pay the tuition fee for any outstanding subjects. The ARC can waive all fees, including the transfer fee, if it regards the personal circumstances of a student to be extraordinarily compelling and deserving, and can be distinguished from cases where the fees were charged.

In considering an appeal against the decision of a Program Director in an academic complaint or dispute, the ARC will have regard to:

* the policy, guidelines and Assessment Rules expressed in the Program Manual
* the relevant exam script, marking sheet, markers’ guide or other assessment materials
* the version of events presented orally or in writing by the student
* the response to the student’s version of events as presented orally or in writing by the relevant lecturer or Program Director.

In accordance with the policy, Guidelines and Assessment Rules expressed in the Program Manual, the ARC will try to resolve the complaint or dispute via mediation, observing the principles of natural justice, and will always try to resolve the complaint or dispute as quickly as reasonably possible while ensuring the interests of all parties are respected.

The ARC reports to the Academic Board via the Chief Academic Officer (CAO).

*Membership*

The ARC is constituted by:

* Director, PLT Program (New South Wales)
* Head of Practical Legal Training Program Online (NSW)
* Head of Course, Full-Time Sydney Campus Course
* Head of Course, Sydney Evening Course
* Director, Practitioner Education
* Manager, Student Services (Secretary)

The Director, Applied Law Programs and the local CEOs join the ARC as required. The Director, Academic Policy & Quality can substitute for any of the above if needed for a quorum (three members).

**Research & Scholarship Committee**

*Purpose*

In concert with the Centre for Legal Innovation, the Research and Scholarship Committee (RSC) co-ordinates and drives research activities at the College with the aims of developing knowledge in support of the College’s *Principles in Research and Scholarship* and ensuring that the products of research and scholarship, where appropriate, are utilised in the development of curriculum and delivery.

The RSC, in contemplation of the Principles and other policies:

* implements the research interests and priorities of the Board of Governors and the Academic Board via the Research and Scholarship Plan
* co-ordinates the research interests of lecturers, seminar presenters and students
* develops strategies and emphases to encourage research of particular types or in particular fields
* co-ordinates different research projects and, where possible, seeks efficiencies and synchronicities
* benchmarks research and scholarship with other institutions wherever relevant to inform College activities
* develops strategies and sets targets for the integration of research and scholarship into College programs
* creates an annual Report on Research and Scholarship at The College of Law

*Terms of Reference*

#### In concert with the Centre for Legal Innovation, the focus of the RSC will be in the following areas:

***Practice Areas***

Research into current trends and developments in:

* core or traditional areas of practice (litigation, property, succession, etc)
* emerging areas of practice (eg, climate change law)
* sector specific practice areas (government legal practice, in-house legal practice, etc)

***Professional Issues***

Research into:

* professional ethics
* practice management
* employment trends
* career progression
* lawyers’ well-being
* use of technology
* sector specific issues

***Teaching and Learning***

Research into:

* educational needs of law graduates and the legal profession
* best practice in legal teaching and learning
* technological developments

*Membership*

The RSC includes:

* Kathryn Kearley (NSW PLT) (RSC Co-ordinator)
* Dr Monica Hayes (retired)
* the Chief Academic Officer
* the Director, Academic Policy & Quality (Secretary)
* academic staff as appointed from time to time, currently:
* Mr Fabian Horton (VIC PLT)
* Ms Jennifer Sturgess (QLD PLT)
* Ms Eileen Camilleri (ALP)

**Curriculum Advisory Committees**

*Purpose*

Curriculum Advisory Committees (CACs) are panels of internal and external experts who advise on the format and content of original curricula and then continue to advise on the maintenance of those curricula.

#### Practical Legal Training Programs

Curriculum Advisory Committees (CACs) in New Zealand, Queensland, Victoria and Western Australia have been established to advise course leaders and the Academic Board about the impact of local conditions on the PLT Program curriculum and to recommend changes to the relevant stream materials. The CAC function in New South Wales is performed by the Group Course Committee (GCC) and the Subject Area Teams headed by Senior Lecturers.

The CACs meet once or twice per year (as deemed necessary) and report to the Academic Board via the Chief Academic Officer.

#### Applied Law Programs

The Curriculum Advisory Committees for the Applied Law Programs perform a similar function to the other CACs; ie, they have input into the settling or amending of the curricula.

The CACs for the Applied Law courses meet as required while the courses are in development, but revert to an annual meeting once fully established.

All CACs report to the Academic Board via the Director, Practitioner Education.

*Terms of Reference*

The CACs are convened in order to:

* have input into curriculum to ensure local conditions are provided for
* ensure that the realities of legal practice are reflected as far as possible in both curriculum, delivery and assessment
* approve and sign off on new courses or amendments to courses
* review student satisfaction and student outcome data and other benchmarking data as appropriate
* test the College on its policies and procedures in respect of curriculum development and delivery

The CACs analyse relevant curriculum and make recommendations for its improvement. They do not make academic decisions but they influence the decision making of the Academic Board and the Board of Governors via the giving of advice in respect of curriculum.

*Membership*

The CACs are typically constituted by:

* the relevant Program Director (or nominee)
* a staff representative
* external members (practitioners or academics).

The Chair of the CAC is normally an external member appointed by the Chair of the Academic Board. Other members of the CAC are appointed by the relevant Program Director in consultation with the Chair of the CAC.

**Work Experience Committee**

*Purpose*

The Work Experience Committee (WEC) is an administrative delegation which ensures compliance with the Work Experience Component Rules.

*Terms of Reference*

The WEC considers Work Experience Approval Applications and Declarations and the terms of reference are entirely as laid out in the Work Experience Component Rules.

*Membership*

The full WEC Committee is constituted by:

* Director, PLT Program (New South Wales) (ex officio)
* Senior Student Services Officer (ex officio)
* Manager, Student Services (ex officio)
* Jane Boyd (Senior Lecturer)
* CEO’s, depending on State of application.

Three members are required for a quorum.

**Appeals Committee**

*Purpose*

Pursuant to the Assessment Rules in the Program Manual, a student may appeal (on procedural grounds only) to the Academic Appeals Committee (AAC) from any decision of the Assessment Review Committee (ARC), or from any decision of the General Manager, Education in respect of a finding or investigation of academic misconduct.

A student may also appeal to the Appeals Committee from a decision of the Work Experience Committee (WEC).

*Terms of Reference*

In determining an appeal from the ARC, the AAC will have regard to:

* whether the appeal is correctly characterised and framed, pursuant to Rule 9 of the Assessment Rules in the Program Manual, as being brought on the grounds of procedural unfairness
* whether the appeal is brought within time pursuant to Rule 9.3, and
* whether the appeal convincingly establishes grounds indicative of procedural unfairness, irregularity or error under Rule 9.1

If the answer to any of these threshold considerations is in the negative, the appeal should be dismissed, and the student informed in writing.

If the answer to all of these threshold considerations is positive, the appeal should either be allowed, or referred back to the ARC with clear directions as to what features of the original application ought to be reconsidered, and how. In either case, the student should be informed in writing in accordance with the Assessment Rules in the Program Manual.

An appeal should not be allowed simply because grounds of procedural unfairness, irregularity or error are established. If it appears to the Academic Appeals Committee that the merits of the original application are established as an automatic corollary of the threshold considerations on appeal, then the Academic Appeals Committee may substitute its own determination for that of the ARC. If the merits of the original application are not established as an automatic corollary of the threshold considerations on appeal, then the Academic Appeals Committee will refer the appeal back to the ARC.

In any case, once the appeal is determined, the student must be informed in writing and a copy of the notice referred to the relevant College board and The College of Law Academic Board.

The Academic Appeals Committee is required to report to the Academic Board via the Chief Academic Officer (CAO) on any activity, but in reality, the Academic Appeals Committee convenes very rarely.

***Work Experience Committee Appeals***

Pursuant to guidelines under Rule 13.2 of the Work Experience Component Rules, in considering any appeal, the Work Experience Appeals Committee ought to determine:

* whether the appeal is correctly characterised and framed, pursuant to Rule 13.3, as being brought on the grounds of procedural unfairness, irregularity or improper exercise of the Work Experience Committee’s discretion under Rule 11.1, and
* whether the appeal convincingly establishes grounds indicative of procedural unfairness, irregularity or improper exercise of the Work Experience Committee’s discretion under Rule 11.1

If the answer to both of these threshold considerations is positive, the appeal should either be allowed, or referred back to the WEC with clear directions as to what features of the original application ought to be reconsidered, and how. In either case, the student should be informed in writing in accordance with the Assessment Rules in the Program Manual.

Otherwise the Appeals Committee should proceed as for an appeal from the ARC.

*Membership*

The Appeals Committee is constituted by:

* The CEO/Principal or his/her nominee
* A lawyer, not being an employee of the College, nominated by the Chair of the Board of Governors
* A senior member of academic staff nominated by the Chair of the Academic Board.

**External Appeals Panel**

*Function*

Pursuant to the Assessment Rules in the Program Manual, a student may appeal (on procedural grounds only) to the External Appeals Panel from any decision of the Appeals Committee (AC).

The External Appeals Panel is required to report to the Academic Board via the Chief Academic Officer (CAO), and the Board of Governors on any activity, but in reality, the External Appeals Panel convenes very rarely.

*Terms of Reference*

The External Appeals Panel has exactly the same terms of reference as the Appeals Committee and proceeds in accordance with Rule 10 of the Assessment Rules in the Program Manual.

*Membership*

The External Appeals Committee is constituted by either or both of:

* Professor Gino Dal Pont (University of Tasmania)
* The Hon Keith Mason AC QC
* The Hon Peter Rose AM QC