

COMMITTEE OF CHAIRS OF ACADEMIC BOARDS/SENATES OF UNIVERSITIES IN NSW AND THE ACT

Minutes of meeting (08/1) of the Committee of Chairs held at 9.30 am on Thursday 10 April 2008 in the Council Room, Level 2, Building E11A, Macquarie University.

PRESENT: Tony Baker (UTS)(Chair), Peter Camilleri (ACU), George Cho (Canberra), Linda Connor (Newcastle), Anne Cusick (UWS), David Griffiths (UOW), Jim Jackson (SCU), Michael Johnson (Macquarie), Eilis Magner (UNE), Kevin Robards (CSU) and Bruce Sutton (USYD). George Cooney attended by invitation.

IN ATTENDANCE: Des Petersen (UTS)(Secretary). Rima Myton (Macquarie) attended as an observer.

WELCOME and APPRECIATION: The Chair welcomed members to the first meeting for 2008 and extended a welcome to the new member, George Cho. He also expressed on behalf of the Committee appreciation for the arrangements made by Macquarie University staff for the meeting. In particular, he wished to thank Rima Myton and the Secretary for their efforts in making the arrangements.

1. APOLOGIES and WELCOMES

Apologies were received from Tony Dooley (UNSW), Jim Williams (ANU), Peter Wilson (ACU) and Hayden Ramsay (Notre Dame) (observer, by invitation).

2. MINUTES OF THE MEETING OF 30 AUGUST 2007

The minutes of the previous meeting were confirmed.

3. BUSINESS ARISING FROM THE MINUTES

Anne Cusick updated members on the UWS Student Death Response Plan, which is now available on the UWS website. A paper would also be published in the journal *Death Studies*.

All other known matters arising from the Minutes were listed on the agenda.

4. CONFERENCES AND MEETINGS

It was noted that it had not been possible to obtain the date for the next national meeting of Chairs at JCU. Given that members would now have great difficulty in attending a mid-year national meeting, it was agreed that the organisers of the national meeting should be advised that a meeting later in the year would be more feasible. It was agreed at this stage not to amend the schedule of meetings for the Committee of Chairs.

Other conferences noted included:

- Asia-Pacific Forum for Educational Integrity (APFEI)
- Australian Universities Quality Forum (AUQF).

Jim Jackson would provide details to members regarding a forthcoming conference to discuss the results of a Carrick project on student grievance and discipline issues.

5. BOARD OF STUDIES DECISIONS

Summaries of decisions of the 11 December 2007 and 26 February 2008 meetings of the NSW Board of Studies were noted. The Chair outlined the following particular points:

- The retirement of the President of the Board of Studies, Gordon Stanley. It was agreed that the Chair write to Professor Stanley on behalf of the Committee of Chairs expressing the Committee's appreciation of his contribution to its work over many years, and for keeping the Committee of Chairs informed about Board of Studies issues.
- VET in schools. About 30% of the Year 11/12 cohort is studying some VET courses, and VET options are also being taken up by the Year 9/10 cohort. The emergence of two distinct streams, one VET and one university entrance, seems likely.
- Academic integrity. The Board of Studies was reporting progressively to ICAC, and had approved *Honesty in HSC Assessment – the Standard*.
- HSC Advice Line. The advice line would be discontinued and replaced by online services. The actual cost of supporting the advice line had been too high.
- Maths curriculum review. The draft curriculum will soon be available for comment.
- General matters. The popularity of a range of HSC subjects was outlined (with Ancient History having a sharp increase in popularity). There is a trend towards electronic marking of papers, which would drive a move towards particular assessment forms such as multiple choice. This will have implications for the assessment of higher-order skills, such as synthesis, as well as the assessment of creative work. The Chair was requested to express concern to the Board of Studies about changes in examination prescriptions for HSC students that might diminish capacity to examine higher-order skills.

The Committee agreed that a future meeting should have a specific HSC/Board of Studies focus, to further explore the issues arising from assessment trends, and the validity of the UAI for entry to university study. Officials of the Board of Studies should be invited to attend.

6. ACADEMIC BOARD / SENATE ISSUES

6.1 Report of the Technical Committee on Scaling 2007

The 2007 report of the Chair, Technical Committee on Scaling (TCS), was received for consideration. As George Cooney would be retiring from this role later in 2008, the Committee expressed its appreciation of his contribution as Chair of the TCS. This was supported by acclamation.

In introducing his report, he outlined the following aspects:

- improvements to the scaling of small subjects
- the introduction of the Australian Tertiary Admission Rank (ATAR).

The flexibility available to HSC students was highlighted in discussion. With the exception of English, which is compulsory, students are free to choose their courses of study. Consequently, individual course candidatures vary in size and nature, and there are many different enrolment patterns. In 2007 there were 27,088 different enrolment patterns for UAI-eligible students; only 196 of these 27,088 combinations were completed by 18 or more students and 19,919 were taken by only one student.

6.1 Report of the Technical Committee on Scaling 2007 (cont'd)

There was discussion around the issue of the weak correlation between English Extension 2 and Advanced English, versus the strong correlation between English Extension 1 and Advanced English. This relates to the similarity in content and outcomes of English Extension 1 and Advanced English but not between English Extension 2 and Advanced English.

Both the Chair of the TCS and Chair of the Committee of Chairs have suggested to the Board of Studies that English Extension 1 and English Extension 2 be alternate extensions of English Advanced, with students able to enrol in one of the other or both. That is, it is not necessary to enrol in EE1 to do EE2, as is currently required and is required for Maths extensions.

RESOLVED COC08/1

that the following reports be received and noted:

- Report on the Calculation of the UAI
- Report on the Scaling of the 2007 NSW Higher School Certificate
- ITI Calculation Report NSW 2007.

6.2 Appointment of Chair, Technical Committee on Scaling, and Amendments to Standing Orders and Rules of Procedure (Appendix C)

With the retirement of Professor George Cooney, the Committee of Chairs was requested to appoint a Chair to the Technical Committee on Scaling. In addition, as the outgoing Chair of the TCS had updated the material relating to the Technical Committee on Scaling that forms Appendix C of the Standing Orders of the Committee of Chairs, the opportunity was taken to discuss the Committee's Standing Orders.

A question had been raised by the Chair-designate of the TCS regarding any indemnity applying to the position of Chair of the TCS. Pending resolution of this issue, it was agreed to request the NSWVCC to ratify the appointment.

In related discussion, the question of the clarity of delegations from the NSWVCC to the Committee of Chairs and the TCS was raised. The Committee of Chairs sought clarity from a governance point of view of the delegations and lines of authority between the NSWVCC, Committee of Chairs and the TCS. For example, the TCS is a committee of the NSWVCC, but reports to the Committee of Chairs (e.g. under section 2.2). The Chair of the TCS has specifically delegated responsibilities to the Committee of Chairs (e.g. under section 2.5). This issue would need to be listed for follow-up at a later meeting.

In relation to approval of the Standing Orders as they apply to the TCS, while the Committee of Chairs may amend its Standing Orders, the TCS is a committee of the NSWVCC, and the view was taken that approval of the material relating to the TCS (which forms Appendix C of the Standing Orders of the Committee of Chairs) should be approved by the NSWVCC on the recommendation of the Committee of Chairs. The addition of the words "with additional meetings as required" under 2.4 was accepted.

In light of the preceding discussion, the Committee of Chairs was of the view that a risk audit would be useful in clarifying if adequate protections are in place for the Committee and its members (including the Chair of the Technical Committee on Scaling), or whether protections might need to be introduced. It would like the NSWVCC to review this issue.

6.2 Appointment of Chair, Technical Committee on Scaling, and Amendments to *Standing Orders and Rules of Procedure* (Appendix C) (cont'd)

RESOLVED COC08/2

- .1 that Professor Neville Weber, Professor of Mathematical Statistics, University of Sydney, be appointed Chair of the Technical Committee on Scaling on the retirement of Professor George Cooney from that role, subject to his acceptance of the appointment, the term to start at a date to be confirmed, *and that the NSWVCC be asked to ratify this appointment;*
- .2 that the proposed changes to the Standing Orders and Rules of Procedure Appendix C (Technical Committee on Scaling) of the Committee of Chairs, as detailed in the attachment, as amended, be endorsed and recommended to the NSWVCC for approval.

6.3 Academic Freedom

A paper, *The AFT Statement on Academic Freedom*, was received. In general discussion, it was suggested that national legislation of academic freedom may not necessarily be an ideal solution. The notion of academic freedom as it applies to an institution as well as to individual staff was also raised. Jim Jackson would submit a paper on academic freedom for discussion at a future meeting of the Committee.

6.4 Release of Examination Marking Schemes

The Committee received material relating to a 2006 case of a student at the University of Melbourne, who requested the examination papers and marking guidelines for two subjects he had studied. The university had refused those requests, made under freedom-of-information laws. The student then appealed to the Victorian Civil and Administrative Tribunal. The Tribunal found against the university and ruled that the requested material be released to the student. The University of Melbourne has appealed the decision.

Jim Jackson guided members through this case, and provided details of another case at ANU. It was important to extend consideration of this matter to include other forms of assessment, including assignments and theses, and even notes kept by lecturers based on discussions with a supervising examiner.

Points covered included the following (paraphrased from *McKean v University of Melbourne (General)* [2007] VCAT 1310 (31 July 2007):

- a view that the principle of openness enshrined in the Freedom of Information legislation tilts the balance of public interest in favour of disclosure
- if the examination paper itself is not exempt under s 34(4)(c), and no other exemption is claimed for the examination paper, it seems that there is a very limited ‘public interest’ argument (if any) left to support non-disclosure of the answers when the questions themselves are subject to disclosure
- unless there is a clear case for exemption under the FOI Act, there is a public benefit in having a transparent assessment process
- the burden of proof of all matters in a proceeding of this type rests with the respondent agency (i.e. a respondent university must discharge the burden of proof by satisfying a tribunal that it would be contrary to the public interest – as opposed to being merely inconvenient – for marking guides to be disclosed).

Under the NSW legislation, there is a specific provision for “public interest” in determining if a document is to be regarded as exempt (Freedom of Information Act 1989 Schedule 1 Part 3 para 16b.)

6.4 Release of Examination Marking Schemes (cont'd)

It appears that the diversity of practice across universities and even from discipline to discipline within each university would be problematical in defending a case in which the university wishes to bar release of marking schemes. It might be helpful if universities develop clear policies covering this area, specifying what material can be released and the conditions under which assessment information is made available. This would have to accord with pedagogical practices across the disciplines. An issue needing to be taken into account is that any move to spell out in legal detail the elements of assessment may have unintended pedagogical consequences.

It would be useful to await the Victorian Supreme Court decision in the McKean case.

6.5 National Body of Academic Board Chairs

The Committee of Chairs was requested to discuss whether to ask Universities Australia to support a national network of Chairs of Academic Boards/Senates. Aspects to be considered included:

- Whether to seek support from NSWVCC.
- Whether to recruit other universities around the country in formulating a submission.
- Deciding what to ask Universities Australia to do and what implications it might have for the Committee of Chairs.

In discussion it was suggested that the group needed to be mindful of not losing any of its identity and collegiality by becoming part of a larger group under Universities Australia. It was agreed to have this matter listed for discussion at the national meeting later this year.

7. OTHER BUSINESS

7.1 Chair of the Committee of Chairs

Members noted that the term of the current Chair expires on 31 July 2008. The term of a Chair is “limited to two consecutive two-year terms” (Standing Orders) and the current Chair has served two terms. Election of a new Chair will take place at the 5 June meeting to enable a smooth transition to the new Chair and timely transfer of the support functions to the next university.

The decoupling of the role of Chair of the Committee of Chairs and delegate to the Board of Studies was also raised in relation to the election of a new Chair.

In accordance with the Standing Orders of the Committee of Chairs, “The Chair attends meetings of the New South Wales Board of Studies ...” In discussion, it was agreed that this requirement tends to ensure that only a Sydney metropolitan member can be Chair of the Committee of Chairs, as the travel time and costs involved in travelling to regular meetings of the Board of Studies would work against a Chair from a regional university. For that reason, it was agreed to request the NSWVCC that the role of delegate to the Board of Studies and Chair of the Committee of Chairs be decoupled.

RESOLVED COC08/3

- .1 that it be recommended to the NSWVCC that the role of Chair of the Committee of Chairs and delegate to the NSW Board of Studies be decoupled, and that Standing Orders be amended accordingly;
- .2 that, subject to the approval of .1 above, the delegate to the Board of Studies be determined from time to time by the Committee of Chairs;
- .3 that, subject to the approval of .1 and .2 above, for the balance of 2008, the delegate of the Committee of Chairs to the Board of Studies be Tony Baker.

7.2 Financial Statement

RESOLVED COC08/4

that the financial statement, as at 28 March 2008, including projected expenses to 30 June 2008, be noted.

GENERAL

The following topics were suggested for the national meeting:

- Academic Freedom.
- Discussion of the formation of a national body under the auspices of Universities Australia.

CLOSURE

The meeting closed at 3:00 pm.