

Sport and Clubs Select Committee Report 2012

Sport and Leisure Solutions;
29th June 2012

Executive Summary

Introduction

The Sport and Clubs Select Committee (SACS) was established by the Melbourne University Sport Board (the Board) to consider and advise the Board on the following governance issues:

- a) affiliation arrangements for sporting clubs and club members
- b) recognition by the University of sporting performance and service
- c) our policies and procedures for sporting clubs.

Sport and Leisure Solutions (SLS) was engaged to prepare a report in consultation with the Director of Sport and the Sport Development Manager.

In developing this report SLS reviewed and utilized significant work undertaken by a previous Project Officer in relation to this project. Further information was obtained through staff interviews, a desk-top scan of relevant websites and review of relevant documents.

Of particular relevance to the project was advice from the University's legal counsel and legal services team regarding the roles of both the MU Sport Board and MUSA and a letter from the Vice-Chancellor Professor Glyn Davis, in November 2010 regarding the role and responsibility of the MU Sport Board.

The Melbourne University Sport Association (MUSA) provided a response on the project scope (Appendix 13) and a draft report was also provided to all the sporting clubs with an invitation to provide a response prior to the completion of the final report.

The SACS Committee met on two occasions with the draft report presented to a meeting on the 19th of June 2012 at which the contents and recommendations were discussed and all feedback considered. The recommendations were subsequently endorsed by the Committee for consideration by the Board.

A. Affiliation arrangements for sporting clubs and club member

The situation with the status of the sporting clubs in relation to the University has been unclear in relation to increasing concerns about risk and reputational management to the University. This is also related to the level of risk to individual club officer bearers and the status of individual sporting club members as outlined in the scope C.

Additionally the duplication of responsibilities and duties between MU Sport and MUSA has created confusion and ambiguity amongst sporting club officer bearers, club members and athletes, the University community and external stakeholders.

In January 2009 the Melbourne University Sport (MU Sport) Board replaced the Sports and Physical Recreation Committee (SPRC) as the peak governance body of sport at the University.

The MU Sport Board was appointed by the University Council and reports to the Vice-Chancellor and Council (via the Provost) on issues related to sport and recreation including policy, program delivery and facility development.

The Board also monitors the performance of MU Sport including consideration and approval of the operational plan and annual budget.

The Melbourne University Sports Association (MUSA) is a student body recognised under Statute 15.1.R2 (Appendix 3) to represent the affiliated sporting clubs of the University.

The current MUSA constitution outlines responsibility for a mixture of club related and general sporting, recreational and fitness activities. The major policy and procedure areas outlined in the constitution are:

- Club membership and affiliation requirements
- University and club colors
- Discipline of clubs and individual club members
- Eligibility to represent the University at Australian University Sport Championships.
- The awarding of Blues, Distinguish Service Awards, Sports Grants and Sports Scholarships.

MUSA also periodically communicates with internal and external partners and stakeholders on a range of issues in regards to matters impacting on individual or groups of clubs. This has created some confusion with organisation such as Melbourne City Council and others on who is speaking on behalf of the University and who is responsible for the management and oversight of clubs.

MU Sport currently performs a number of the roles outlined in the MUSA constitution including the following:

- a) providing clubs with financial and administrative support, insurance cover, facility access, marketing services, OHS and human resource services and training and induction for club office bearers
- b) responsibility for all aspects of individual and team representation at Australian University Sport championships
- c) administration of all aspects of the scholarship program
- d) involvement in discipline of clubs and individual members
- e) oversight of compliance for club uniforms and colors
- f) administration of the Sports Swards process.

A memo prepared July 2010 from the University's Senior Lawyer – Compliance in regards to the governance structure of the MUSA highlighted that it is the role of MU Sport and the Board to make decisions about the affiliation of clubs, use of logos, compliance with procedures and disciplinary matters. It also stated that the MU Sport Board and the Director of Sport were the University's representatives on matters concerning sport.

It was suggested that there was still a continuing role for MUSA as a representative body of clubs and the provision of opportunities for clubs to discuss common issues but that the MUSA Constitution should be reviewed to remove any reference to the affiliation and management of clubs.

Subsequent to this correspondence from Professor Glyn Davis, Vice-Chancellor in November 2010 makes specific reference to the decision of the University to establish the MU Sport Board to oversee the strategic direction of sport at the University.

The Vice-Chancellor encouraged MUSA to participate in the governance of sport through nomination of members in the establishment of MU Sport Board and emphasized that in accordance with the new governance and management structure for sport, the Director of Sport is the representative of the University on matters concerning sport including those activities in connection to the national body Australian University Sport (AUS).

In response to the position of the University, as outlined in the material considered, the following recommendations have been made in regards to the affiliation arrangements for sporting clubs:

Recommendations

1. That sporting clubs are formally affiliated with the University through an agreement with MU Sport, stating the obligations and benefits to the University and the sporting club, office bearers and members.
2. That sporting clubs are provided with the opportunity to affiliate to MUSA and that in consultation with the University's Legal Services, MUSA review its constitution for approval by University Council.

B. Recognition by the University of sporting performance and service.

The awarding of Sporting Blues and awards is the highest recognition of annual achievement through sport at the University. The establishment of the MU Sport Board in 2009 along with the responsibility to represent the University to Australian University Sport and the diminishing role that clubs play in the representative sport program has prompted the review of the current arrangements to ascertain if the system can be improved to achieve greater alignment with the University and the Strategic Plan for Sport.

MUSA's constitution confers upon the MUSA Council the responsibility to award Blues and Distinguished Service Awards in accordance with recommendations of a Blues Advisory Board (BAB). The BAB includes seven members elected by MUSA Council, the MUSA President and the Director of MU Sport. MU Sport provides secretarial services to the BAB.

Blues are awarded for outstanding sporting achievement whilst representing the University in the AUG and AUCs only, and not for an elite athlete who has represented their country only.

MU Sport is responsible for the University's participation AUS events, in many cases without the direct involvement of a club or club official. In more recent years, the AUG and AUCs have included sporting competitions which are not aligned with clubs at the University and a large percentage of Blues awardees are not members of a University sporting club.

The current process requiring MUSA Council approval is very cumbersome and the awards are presented the year following. Both MUSA and MU Sport believes that this a contributing factor to the non-attendance of many award recipients at the annual presentation and recommend that the system be streamlined to allow for the awards to occur in the year that they are gained.

A Blues Award is also not currently appearing on the academic transcript.

Recommendations

1. MU Sport in consultation with MUSA, review the awarding of Sport Blues and other awards to be in greater alignment with the conferring of awards by the University.

C. Policies and procedures for sporting clubs

There have been a range of grievances and incidents associated with members of sporting clubs that have ultimately involved and impacted on the University at some level. These events have identified the need for greater clarity regarding relationship between individual club members and the University and the obligations of clubs and individuals when representing the University through club activities.

There are no clear and consistent policies in place to govern the behavior of clubs or individuals. Disputes within clubs, between clubs, between clubs and other internal stakeholders can be resource-intensive and divisive.

Clubs generally lack suitable and robust codes of conduct, procedures, resources and expertise (nor can they be expected to) for dealing with member grievances for example discrimination, equal opportunity and selection for activities or competitions.

University policies are not always relevant for the sporting environment and other current mechanisms to manage risk associated with sporting clubs, their actions and the actions of their members.

The lack of formalized and consistent processes has the potential to expose the University, MU Sport and clubs to risks as associated with behavior of individuals and teams.

Consequently there is an opportunity to formalize the responsibilities of MU Sport, clubs and individuals in relation to conduct when representing clubs and Melbourne University. This could be achieved through a service level agreement between sporting clubs and MU Sport.

The service agreements would outline the following:

- code of behavior for clubs and individuals
- selection and other disputes;
- discipline and behavior;
- member protection;
- risk management;
- branding; and club organizational structures.

Where possible and appropriate, policies should be consistent with University policies.

Australian University Sport and the Australian Sports Commission have a range of policies and procedures relevant to clubs administration and code of conduct for clubs and individuals. Many aspects of the policies are relevant to MU Sport Clubs.

Recommendations

1. Club membership must also affiliate individuals with MU Sport and the University
2. MU Sport develop a club service agreement to outline annual financial and in-kind support and member (club and individual) obligations as part of the University community
3. MU Sport policies and procedures are developed or adopted to manage member-related issues including selection and other disputes; discipline and behavior; member protection; risk management; branding; and club organizational structures; and are consistent with University policy where appropriate.

Club Feedback

All sporting clubs were invited to provide feedback on the draft report, and the following comments were received.

The Badminton Club agreed with the recommendation for scope A that sporting clubs should be affiliated with the University. The Club did not have any comment with respect to clubs having optional affiliation with MUSA. The Club agreed in principle with the recommendation for scope B that the awarding of Sports Blues and other awards should be reviewed; and they also agreed with the three recommendations for scope C regarding policies and procedures for sporting clubs.

The Boat Club agreed with the recommendations and fully supported the draft report.

The Kendo Club, with regards scope A, supported the establishment of a governance framework for the affiliation of sports clubs that would provide transparency, fairness and accountability. The Club had no comment other than to offer general support to governance enhancements for scope B and the awarding of Sports Blues; and they supported in principle, the development, adoption and publication of policies and procedures including in relation to dispute resolution and disciplinary proceedings with regards scope C. They further submitted the need to retain a mechanism or body, such as MUSA, to represent the collective concerns of sports clubs.

The Rugby Club requested additional time to provide comment on the draft report, but was not able to provide comment by the publication date of the final report.

PROJECT BACKGROUND

At the July 2011 meeting of the Melbourne University Sport Board (the Board) it was agreed to establish the Sport and Clubs Advisory Committee (Appendix 1) to consider and advise the Board on club and high performance sport development and strategy.

The Committee was tasked to consider and make recommendations to the Board in regards to:

- a) Affiliation arrangements for sporting clubs (competitive, recreation and instructional), individual club members and sport participants.
- b) The High Performance Athlete Support Program including relevant University policies, athlete recruitment, support services and scholarships.
- c) The Australian University Sport (AUS) University Leagues Feasibility study.
- d) Recognition by the University of sporting performance and service including the awarding of Blues.
- e) Our policies and procedures for sporting clubs, members and participants including those dealing with selection, dispute resolution, discipline, member protection, risk management, branding and the authorities, responsibilities and organisation of club structures.

The following committee members were subsequently appointed in accordance with a revised Terms of Reference (Appendix 2):

- **Mr Paul Roger**
President, Melbourne University Sports Association
- **Mr James Stewart**
Vice-President, Melbourne University Sports Association
- **Ms Rosemary Bissett**
Vice-President, Australian Volleyball Federation and Vice-President, Melbourne University Volleyball Club
- **Ms Cath Clark**
CEO, Gymnastics Australia and Director, Australian University Sport
- **Mr Geoff Rees**
Chair, Melbourne University Sport Board
- **Ms Marieke Guehrer**
Student Member, Melbourne University Sport Board

The following MU Sport staff would be in attendance:

- Mr Tim Lee

Director, Melbourne University Sport

- Mr Rod Warnecke
Sport Development Manager, Melbourne University Sport and Committee Secretary

A Project Officer was subsequently appointed in July 2011 and directed to conduct stakeholder interviews, gather and consider relevant information and prepare reports and recommendations for the consideration of the Committee in line with the project plan and timeline. Unfortunately in early November 2011 it was decided by the Director of Sport to terminate the services of the Project Officer due to their inability to provide draft reports according to the project timeline.

The Board was still committed to considering the outstanding issues in regards to the affiliation of sporting clubs and the policies and procedures in relation to effective governance and management.

To expedite this process it was recommended that the scope of SACS be reduced to allow it to focus on the terms of reference relating to the club matters and that the timeline be extended to 2012.

The following items were removed for consideration at a later stage:

- The High Performance Athlete Support Program including relevant University policies, athlete recruitment, support services and scholarships.
- The Australian University Sport (AUS) University Leagues Feasibility study.

The terms of reference for the SACS will be to consider:

- Affiliation arrangements for sporting clubs (competitive, recreation and instructional), individual club members and sport participants.
- Recognition by the University of sporting performance and service including the awarding of Blues.
- Policies and procedures for sporting clubs, members and participants including those dealing with selection, dispute resolution, discipline, member protection, risk management, branding and the authorities, responsibilities and organisation of club structures.

It was determined that Sport Development Manager, Mr Rod Warnecke would continue to undertake the project work in the first instance and prepare reports and recommendations for SACS. The Sport Development Manager was also instructed to develop a club service agreement with reference for introduction in early 2012.

PROJECT METHODOLOGY

The Sport and Clubs Select Committee Report has been prepared by Sport and Leisure Solutions in consultation with the Director of Sport and the Sport Development Manager.

Various documents, statutes, policies and procedures were provided and utilised to develop this report and have been provided as appendixes for the consideration of the Committee.

Extensive work undertaken by a previous Project Officer was reviewed and incorporated in the report.

Interviews were also carried out with senior members of staff at Melbourne University Sport. Interviews with the Executive Officer at a number of other universities across Australia were also undertaken by the original Project Officer.

Information was sourced from a desk top search of websites of university, state and national sporting bodies as well as state and federal government agencies with a sport focus.

The terms of reference for the SACS were provided to the sporting clubs and the Sports Association in July 2011 during the nomination process for the committee. The Sports Association was also invited to provide a response on the scope in June 2012 (Appendix 13).

Sporting clubs of the University were invited to attend a forum organised in October 2011 and will have a further opportunity to provide feedback to this draft report.

The report addresses the issues in each of three scopes in turn, whilst referencing other areas of scope where applicable.

Scope A: Affiliation arrangements for sporting clubs (competitive, recreation and instructional), individual club members and sport participants.

Introduction

The issue of the status of the sporting clubs in relation to the University has been a topic of discussion since the establishment of the Board of Sport in 2009.

This scope will outline the current situation with affiliation and consider a range of advice provided in relation to increasing concerns about risk and reputational management in the University.

The issue of affiliation to the University is also related to the status of individual sporting club members as outlined in the scope C.

Background

The Melbourne University Sports Association (MUSA) is a student body recognised under Statute 15.1.R2 (Appendix 3) to represent the affiliated sporting clubs of the University.

MUSA is not incorporated, has no employees and relies on MU Sport for secretariat services and activities are funded by an allocation in the MU Sport Annual Budget. MUSA was previously known as the Sports Union until April 1995. MUSA consists of a Council of representatives of the affiliated sporting clubs (and others) and the Executive elected each year to deal with prescribe matters outlined in the MUSA constitution.

In January 2009 the Melbourne University Sport Board replaced the Sports and Physical Recreation Committee (SPRC) as the peak governance body of sport at the University. The Board was appointed by Council (under Statue 8.1) and reports to the Vice –Chancellor and Council (via the Provost) on issues related to sport and recreation including policy, program delivery and facility development. The Board also monitors the performance of MU Sport including consideration and approval of the operational plan and annual budget.

The Terms of Reference for the Board make the following reference to MUSA:

- (a) monitor communications between the Director on the one hand, and The *Melbourne University Sports Association*, the residential colleges and any other stakeholders, on the other hand.

The Director of Sport is responsible for the provision of leadership and advice to club office bearers and representatives of MUSA. Additionally other MU Sport staff provides secretarial and event support to MUSA and a range of operational, financial and marketing support to the clubs directly.

MUSA responsibilities

The University undertook a review of the statutes in relation to student bodies to provide generic provision for the recognition of student organisations. The statute 15.1.R2 allows for MUSA to petition University Council directly but does not determine the composition or authority of MUSA.

The current structure and reporting relationships between the various organisations involved in sport governance and service provision are outlined in Appendix 7 (attached).

The current MUSA constitution outlines responsibility for a mixture of club related and general sporting, recreational and fitness activities. The major policy and procedure areas outlined in the constitution are:

- Club membership and affiliation requirements
- University and club colours
- Discipline of clubs and individual club members
- Eligibility to represent the University at Australian University Sport Championships
- The awarding of Blues, Distinguish Service Awards, Sports Grants and Sports Scholarships.

Recent activities of the Executive include providing a MUSA response to both the 'Refining our Strategy' discussion paper and the 'Parkville Campus Master Plan'. Members of the Executive have also made representation to Melbourne City

Council in regards to facility access for clubs in Princess and Royal Parks, as well as to Australian University Sport with regards to membership. These submissions have added to the ambiguity about who has responsibility to speak for the University on sporting issues.

MU Sport responsibilities

In January 2009 the Melbourne University Sport Board was established by the University as the peak governance body of sport at the University. The Board *Terms of Reference* include:

- (l) foster excellence in competitive activities through both organised sporting clubs and individual users

The key areas of management in relation to clubs for MU Sport include:

- a) providing clubs with financial and administrative support, insurance cover facility access, marketing services, OHS and human resource services and training and induction for club office bearers
- b) responsible for all aspects of individual and club representation at AUS Sport championships
- c) administration of all aspects of the scholarship program
- d) involvement in discipline of clubs and individual members
- e) oversight of compliance for club uniforms and colors
- f) administration of the Sports awards process.

Challenges of the current governance structure

A discussion paper prepared jointly in 2009 by Director of Sport Tim Lee and MUSA President Marcus King and presented to the MU Sport Board (Appendix 8) identified a range of issues:

- Duplication and conflict between the duties, responsibilities and reporting lines of MU Sport staff and Board and the MUSA Constitution have lead to confusion and frustration amongst the clubs
- The MUSA Executive experience ongoing difficulty in recruiting and retaining executive members and the current time and resources taken up in the supporting some of the activities
- Increased compliance and reporting requirements on clubs requiring consideration of the legal status and relationship to the University.

The frequency and complexity of club related grievances and issues has also increased substantially becoming more time consuming for MU Sport and the University and the lack of clarity about the legal status of clubs and the responsibility of the University has created additional complexity and confusion (also addressed in scope C).

A memo was prepared in July 2010 by Wendy Mason, Senior Lawyer – Compliance in regards to governance structure of the Melbourne University Sports Association and the impact on the legal and liability issues associated with the management of student sporting and recreational clubs (Appendix 9).

Ms Mason highlighted the issue of effective management of clubs and the risks inherent in club activities as a significant one. The University has a duty of care to club members and range of detailed compliance responsibilities. The advice was that it is the role of MU Sport and the Board to make decisions about the affiliation of clubs, use of logos, compliance with procedures and disciplinary matters. It was suggested that there was still a continuing role for MUSA as a representative body of clubs and the provision of opportunities for clubs to discuss common issues but that the MUSA Constitution be reviewed to remove any reference to the affiliation and management of clubs.

Correspondence from Professor Glyn Davis, Vice-Chancellor was sent in November 2010 to Mr Alf Lazer and Mr Geoff Vaughan in response to a meeting on the 14th August 2010 (Appendix 10).

The Vice-Chancellor makes specific reference to the decision of the University to establish the MU Sport Board to oversee the strategic direction of sport at the University.

The Vice-Chancellor encouraged MUSA to participate through nomination of members, in the establishment of MU Sport Board sub-committees that will consider and advise on sport related issues including club management and support, scholarships, the Sport Foundation and sports awards.

The Vice-Chancellor also emphasized that in accordance with the new governance and management structure for sport, it had been determined that the Director of Sport is the representative of the University on matters concerning sport including those activities in connection to the national body Australian University Sport (AUS).

The External Environment

This project has undertaken investigation, including interviews with a number of senior staff, of the following Australian universities widely considered as leaders in academia and sport provision:

- The University of Adelaide
- The University of New South Wales
- The University of Queensland
- The University of Sydney
- The University of Western Australia
- Macquarie University
- Monash University

Table A: Governance and Sport Delivery provides a snapshot of how these universities govern sport (Board or Staff Executive); how they deliver sport (Sport Delivery Agent); and their Sport Delivery Agent's status (Sports Association or Semi-autonomous Body/Sport Department) while also listing the number of sporting clubs providing opportunities to their university communities (over page).

The seven universities all have a single Sport Delivery Agent responsible for club operations, policy and support.

Five of the seven universities operate as semi-autonomous bodies/sport departments and all are governed by either a board (university appointed, or appointed with university caveats) or a staff executive of the Sport Delivery Agent reporting to the university.

Table A: Governance and Sport Delivery

University	Governance Structure	Sport Delivery Agent	Sport Delivery Agent Status	Number of Clubs (Active)
The University of Adelaide	Board of Management	Adelaide University Sport	Adelaide University Sports Association	35
The University of Melbourne	University-appointed Board	Melbourne University Sport	Semi-autonomous Body/Sport Department	39
The University of NSW	Staff Executive	UNSW Sport & Recreation	Semi-autonomous Body/Sport Department	32
The University of Queensland	University-appointed Board	UQ Sport	Semi-autonomous Body/Sport Department	35
The University of Sydney	Staff Executive	Sydney Uni Sport & Fitness	Semi-autonomous Body/Sport Department	43
The University of WA	Board	UWA Sport	UWA Sport & Recreation Association	35
Macquarie University	Staff Executive	Macquarie University Sport & Recreation	Semi-autonomous Body/Sport Department	14
Monash University	Staff Executive	Monash Sport	Semi-autonomous Body/Sport Department	43

Recommendations

In considering the issues as outlined in the scope the following recommendations are proposed:

1. That sporting clubs are formally affiliated with the University via an agreement with MU Sport, stating the obligations and benefits to the University and the sporting club, office bearers and members.
2. That sporting clubs are provided with the opportunity to affiliate to MUSA and that in consultation with the University's Legal Services, MUSA review its constitution for approval by University Council.

Scope B: Recognition by the University of sporting performance and service including the awarding of Blues.

Introduction

The awarding of Sporting Blues and awards is the highest recognition of annual achievement for sport at the University. The selection process is undertaken by the Blues Committee established by the MUSA constitution according to regulation endorsed by the MUSA Council. The process is supported by staff from MU Sport.

The establishment of the MU Sport Board in 2009 along with the responsibility to represent the University to Australian University Sport and the diminishing role that clubs play in the representative sport program has prompted the review of the current arrangements to ascertain if the system can be improved to achieve greater alignment with the University and the University's Strategic Plan for Sport.

Background

MUSA's constitution confers upon MUSA Council the responsibility to award Blues and Distinguished Service Awards in accordance with recommendations of a Blues Advisory Board (BAB). The BAB includes seven members elected by MUSA Council, the MUSA President and the Director of MU Sport. MU Sport provides secretarial services to the BAB.

The awarding of the Sports Blue dates back to 1904, while more recent awards such as Coach of the Year have been in existence for less than ten years. There are also a number of different sport awards that are conferred annually to members of the University community.

Sport Blues are modeled on the Sport Blue first presented by the universities of Oxford and Cambridge in the mid-1800s.

The Melbourne University Sports Association's Rules Covering the Award of Blues and Distinguished Service Awards (Appendix 11) states:

Blues may be awarded to members for distinguished sporting achievement whilst representing the University and Distinguished Service Awards may be conferred for outstanding service to clubs or to the Sports Association.

The prime criterion for the awarding of a Blue is outstanding performance representing the University at the AUG or AUCs (Australian University Games or Australian University Championships). As such, an elite athlete who has represented their country with success but not represented the University at an AUG or AUC, would not be eligible for a Blue.

MU Sport is responsible for the University's participation in AUG and AUC events in many cases without the direct involvement of a club or club officials.

In recent years, the AUG and AUCs have included sporting competitions which are not aligned with clubs at the University. As a case in point the 2011 AUG offered 29 different competitions of which eight were not aligned with a University sporting

club. In addition a large percentage of recent Blues awardees are not members of a University sporting club.

MU Sport provide all secretarial services to the Blues Committee and distributes, collects and collates Blues nominations for the BAB and maintains archive data regarding all nominations, University sporting results, and the number of Blues and Half Blues awarded each year in relation to the sporting result. This information assists the BAB (each of whom must hold a Blue or Distinguished Service Award) to easily reference past recommendations and to maintain a consistently high standard for new recommendations.

The nomination process for Sport Blues could be streamlined. The recommendations of the BAB could be accepted without the need for subsequent MUSA Council approval (this is consistent with practices at other universities as outlined in the next section).

The External Environment

A review of the Blues Awards systems at other relevant universities was undertaken for comparison (Table B, over page).

Each of the universities listed engages a committee to recommend Sport Blues. All but one makes these recommendations directly to their university's Sport Delivery Agent who then implement the awarding of the Blues.

Eligibility for a Sport Blue varies amongst universities. The majority of universities list representation at university sport (AUG or AUC), club sport and elite sport as being eligible for a Sports Blues. Only one university does not list elite sport as a criterion for eligibility; while one other does not list either university sport or club sport.

The university logo appears on all but one of the Blues certificates (the other is a derivation of the university logo); and all universities present their Blues at the end of the same year for which they are awarded.

Table B: Sport Blues and the Awards Process

University	Conferring Body	Award Process	Eligibility	Logo	Presentation Period
The University of Adelaide	Adelaide University Sport	Blues Committee → Board	Uni Sport Club Sport	Blues-specific Logo	Same Year
The University of Melbourne	University / Sports Association	Blues Advisory Board → MUSA Council	Uni Sport	Sports Association	Presentation Period
The University of NSW	UNSW Sport & Recreation	Blues Committee	Uni Sport Club Sport Elite Sport	University Logo	Same Year
The University of Queensland	UQ Sport	Blues Committee	Uni Sport Club Sport Elite Sport	University Logo UQ Sport Logo	Same Year
The University of Sydney	Sydney Uni Sport & Fitness	Blues Committee	Uni Sport Club Sport Elite Sport	University Logo	Same Year
The University of WA	UWA Sport	Blues Committee	Uni Sport Club Sport Elite Sport	University Logo	Same Year
Macquarie University	Macquarie University Sport & Recreation	Blues Committee	Elite Sport	University Logo	Same Year
Monash University	Monash Sport	Blues Committee	Uni Sport Club Sport Elite Sport	University Logo	Same Year

Opportunities

Maintaining the standard of the Sport Blue will continue to be a priority. It is clear that the integrity of the Blue is paramount to both MUSA and also MU Sport.

The Blues nomination, recommendation and challenge process is cumbersome as compared to systems at other universities. The recommendations of the BAB could be sufficient to enable MU Sport to action the presentation of Blues.

The environmental scan of other universities shows that sports awards are generally presented at the end of the same year for which they were awarded. MUSA and MU Sport believes that the existing practice at the University to present awards in the March/April of the following year has seen a rather conspicuous absenteeism

Recommendations

In considering the issues as outlined in the scope the following recommendations are proposed:

1. MU Sport in consultation with MUSA, review the awarding of Sport Blues and other awards to be in greater alignment with the conferring of awards by the University.

Scope C: Our policies and procedures for sporting clubs, members and participants including those dealing with selection, dispute resolution, discipline, member protection, risk management, branding and the authorities, responsibilities and organisation of club structures.

Introduction

There have been a range of recent grievances and incidents associated with members of sporting clubs that have involved and impacted on the University at some level. These events have identified the lack of clarity regarding relationship between individual club members and the University and the obligations of clubs and individuals when representing the University through club activities.

This section of the report will explore a range of cases to illustrate the issues and recommend future action.

Background

Currently, members join a club on an annual basis by completing a club-specific membership form and paying the appropriate membership fee. Clubs subsequently provide MU Sport with copies of these forms and member details are updated on a MU Sport database.

These forms do not reference any MUSA, MU Sport or University policies. According to MU Sport, some clubs also require members to complete additional club-specific documentation. It is not clear whether or not such additional documentation references member obligations according to the club's constitution or by-laws and/or any protection afforded to them.

At present, clubs only have their constitution and/or by-laws (where applicable) to deal with any grievance or dispute.

The University Policy Library contains hundreds of policies in relations to students, professional staff, researchers, academics and affiliates.

Many policies will not be applicable to sporting clubs, members and participants. Some however, are relevant, but may not perfectly fit the context of sporting clubs and members. Other policies will also be more relevant to student members of clubs.

Some of those policies relevant to sporting clubs, members and participants cover topics such as the approval of the University logo; elite athletes and performers; equal opportunity; employment, incorporation of sporting clubs; sexual harassment; and student volunteering.

MU Sport also has a number of operational guidelines and procedures relevant to sporting clubs. These guidelines and procedures are located on dedicated Club Resources page on the MU Sport website and include:

- club facility access
- creating a sporting, recreational or instructional club
- and sports precinct parking conditions.

Whilst there are a number of reference points for club policies and procedures there are no consolidated or consistent policies or procedures relating to clubs and individual club members.

Case Studies

Interviews with the Sport Development Manager identified three cases in recent years that provide further commentary on gaps in policies and procedures for sporting clubs, members and participants.

In ***Case Study 1: Member vs Melbourne University Incorporated Club and Club President***, the Club member made a complaint to the Victorian Equal Opportunity and Human Rights Commission (which was eventually withdrawn) based on exclusion from activity due to mental illness.

A protracted period of mediation including the member, Club Officer Bearers, MU Sport and the University's People & Fairness Unit eventually settled the complaint.

During this process there was an implied connection between the member, the club and the University, that was unclear. The University's policies were also unable to effectively manage the complaint due to the lack of affiliation and policy framework between the member, the club and the University.

In ***Case Study 2: Member vs Melbourne University Incorporated Club and Club Coach*** the Club member suggested their intention to make a complaint to the Victorian Equal Opportunity and Human Rights Commission based on their reduced playing time in the team.

During this process, it was clear that the University's policies regarding equity were not fully compatible with the concept of selection based on merit in the sporting environment.

Mediation ultimately prevailed. However, the case highlights the Club's own grievance procedure to be unable to adequately manage this type of issue.

In ***Case Study 3: Unincorporated Club versus MU Sport*** a club challenged MU Sport's operational decision to implement a hire fee on instructional clubs where they were not training towards competitions or events.

The complaint was addressed firstly by the Director, MU Sport followed by the Provost and eventually the Academic Board. While it dismissed the complaint, the Academic Board also questioned the process (or lack thereof) which resulted in them hearing the complaint. The Club also lodged a complaint with the Australian Human Rights Commission on the basis of being racially discriminated against.

During this process, it was clear that University policy did not provide a mechanism for managing reputational risk where a club could bring the University into disrepute nor did it provide recourse for the disaffiliation of the Club where it became insolvent.

The club is now technically insolvent owing the University \$5,000 in unpaid debts. However the club remains affiliated with MUSA.

The External Environment

Interviews with the relevant universities, together with an environmental scan of websites identified that many have service agreements (or similar) with their sporting clubs.

The Affiliation Agreement between UNSW Sport & Recreation and their sporting clubs (Appendix 12) makes clear the obligations of the club and its members of such things including club name and the permission to use of the UNSW prefix; a constitution approved UNSW/UNSW Sport & Recreation; governance; disciplinary action for clubs; and disciplinary action for club members.

Other universities have similar agreements.

Australian University Sport also has its own policies and guidelines which include member protection; risk management; equal opportunity; and use of alcohol at AUS events and are accessible via its website.

Government departments of sport and recreation (and other aligned agencies) have developed various codes, policies and procedures in recent years for the purposes of assisting not-for-profit sporting clubs and associations.

Such codes, policies and procedures can in most cases be easily modified to be fit for purpose.

The Australian Sports Commission's Resources Library (www.ausport.gov.au) contains extensive information including links to websites of other departmental and statutory agencies; policy templates; codes of behavior; strategies and good practice models; and policies and procedures easily referenced under the key headings of:

- Managing Risks
- Club Management
- Information Management
- Starting a Club
- People Management and
- Administration

Recommendations

In considering the issues as outlined in the scope the following recommendations are proposed:

1. Club membership must also affiliate individuals with MU Sport and the University
2. MU Sport develop club-specific service agreements to outline annual financial and in-kind support and member (club and individual) obligations as part of the University community

3. MU Sport policies and procedures are developed or adopted to manage member-related issues including selection and other disputes; discipline and behavior; member protection; risk management; branding; and club organizational structures; and are consistent with University policy where appropriate.

References

1. Expressions of Interest for Sport and Clubs Select Committee (MU Sport Board; 2011)
2. Growing Esteem Through Sport Paper (Professor Hargreaves; 2009)
3. Interviews with Mr Tim Lee, Director of MU Sport
4. Interviews with Mr Rod Warnecke, Sport Development Manager of MU Sport
5. Interviews with Executive Officers of Adelaide University Sport; UNSW Sport & Recreation; UQ Sport; Sydney Uni Sport & Fitness; UWA Sport; and Monash Sport (conducted by initial Project Officer) and desk top search of these organisation's websites
6. The Ties that Bind. A History of Sport at the University of Melbourne (Seynard; 2004)
7. The University of Melbourne Policy Library (www.policy.unimelb.edu.au)
8. The University of Melbourne Sport Strategic Plan 2010 – 2015 (University; 2010)
9. The Case for University Sport Paper (Australian University Sport; 2011)
10. Response to Refining our Strategy Paper (Lee; 2009)

Appendices

- Appendix 1: Sport and Clubs Advisory Committee Paper (Tim Lee, 2011)
- Appendix 2: Sport and Clubs Select Committee Terms of Reference (MU Sport Board, 2011)
- Appendix 3: Regulation 15.1.R2 - The Melbourne University Sports Association (University Council, 2010)
- Appendix 4: Melbourne University Sports Association Constitution (1995)
- Appendix 5: Regulation 8.1 – Semi-autonomous Bodies (University Council 2009)
- Appendix 6: Melbourne University Sport Board Terms of Reference
- Appendix 7: Sport Governance at the University of Melbourne (MU Sport 2009)
- Appendix 8: Discussion Paper, Melbourne University Sports Association (Tim Lee and Marcus King, 2009)
- Appendix 9: Memorandum: Advice on Management of Student Clubs (Wendy Mason, 2010)
- Appendix 10: Letter to Mr Lazer and Professor Vaughan, Re: Governance (Professor Davis; 2010)
- Appendix 11: Rules for Covering the Award of Blues and Distinguished Service Awards (MUSA, 2011)
- Appendix 12: UNSW Sport & Recreation Affiliation Agreement (UNSW Sport & Recreation, 2008)
- Appendix 13: MUSA Response to the Sport and Clubs Select Committee Areas of Scope (MUSA, 2012)

MELBOURNE UNIVERSITY SPORT
SPORT CLUBS ADVISORY COMMITTEE

Introduction

A discussion paper was presented to the MUS Board at the September 2009 meeting outlining a range of issues with the governance and club representation in relation to the Melbourne University Sport Association (MUSA) with the introduction of the new governance structure. MUSA has continued to advocate persistently for a range of demands contrary to the new governance structure whilst coincidentally the frequency and complexity of club related grievances has increased substantially becoming more time consuming for MUS and the University generally.

Background

Since January 2009 the MUS Board replaced the Sports and Physical Recreation Committee (SPRC) as the peak governance body of sport at the University. MUSA previously had significant representation on the SPRC but now has no direct representation on the MUS Board. The Melbourne University Sports Association (MUSA) is a student body recognised under Statute 15.2 to represent the affiliated sporting clubs of the University. MUSA is not incorporated, has no employees and relies on MUS for secretariat services and activities are funded by an allocation in the MUS Annual Budget.

The Director of Sport is responsible for the provision of leadership and advice to club office bearers and representatives of MUSA. The current MUSA constitution outlines responsibility for a mixture of club related and general sporting, recreational and fitness activities including the discipline of clubs and club members. The capacity for MUSA to be involved with and resolve club related grievance issues has diminished as has the requirement for MUSA to play an active role in the administration and direct support of clubs.

Establish the Sport Clubs Committee

The proposal is to establish a committee of the MUS Board to consider issues related to the development and support of sporting clubs including club related grievances. Under the 'Terms of Reference' the Board may from time to time establish working groups and sub-committees to carry out its responsibilities in relation to particular sports and physical recreation activities. The establishment of the Sport Clubs Committee will establish a more direct and effective relationship between the sporting clubs and the MUS Board. The draft terms of reference are attached and are consistent with the MUS Board terms of reference and University policy and do not conflict with the current representative role of MUSA.

Recommendation

That the MUS Board establish the Sport Clubs Committee under the terms of reference as attached.

MELBOURNE UNIVERSITY SPORT TERMS OF REFERENCE

Sport Clubs Advisory Committee

1. The Sport Club Advisory Committee is appointed by the Board of Melbourne University Sport and is comprised as follows-
 - (a) two external members with specific expertise in University of Melbourne sporting clubs (one of whom must be a University of Melbourne student), and
 - (b) two Board members (including the Chair)
 - (c) the Director of Sport (“Director”)

In attendance: The Sport Development Manager

Members are appointed for a three-year term and may be reappointed for one further term. Student members are appointed annually for up to three years.

Responsibility

2. It is the responsibility of the Committee to-
 - (1) Consider and advise on policy in regards to compliance and reporting requirements on clubs considering the legal status and relationship to the University including the appropriate affiliation processes for clubs and individuals.
 - (2) Advise on MUS programmes, procedures and resource allocation to assist clubs in their strategic development.
 - (3) To develop and recommend policy and procedures in regards to grievances and discipline of clubs and individual club members. To appoint as appropriate discipline or grievance committees to hear and consider grievances and determine outcomes.
 - (4) Advise on the development of an operational plan for club sport, in the context of the Strategic Plan for Sport, and monitor performance against the plan.
 - (5) Advise the MUS Board on the implementation of policy matters concerning sports clubs;

The Board has directed the Committee to report to the Board on all matters relevant to the terms of reference.

Meetings

3. The Committee normally meets four times a year or as required.

MELBOURNE UNIVERSITY SPORT
SPORT AND CLUBS SELECT COMMITTEE

TERMS OF REFERENCE

The Sport and Clubs Select Committee has been established by the Board of Melbourne University Sport as a working group to consider and report on the specific matters as prescribed.

Membership

The Board will appoint members to the committee as follows-

- (a) two members with specific expertise in University of Melbourne sporting clubs (one of whom must be a University of Melbourne student), and
- (b) two members with specific expertise in high performance sport either with a professional club or competition and or state or national sporting organisation or institute of sport, and
- (c) two Board members (the Board Chair and student member)

In attendance: The Director of Sport
The Sport Development Manager (sec)

Responsibility

It is the responsibility of the Committee to consider and make recommendations to the Board in regards to-

- a) Affiliation arrangements for sporting clubs (competitive, recreation and instructional), individual club members and sport participants.
- b) The High Performance Athlete Support Program including relevant University policies, athlete recruitment, support services and scholarships.
- c) The Australian University Sport (AUS) University Leagues Feasibility study.
- d) Recognition by the University of sporting performance and service including the awarding of Blues.
- e) Our policies and procedures for sporting clubs, members and participants including those dealing with selection, dispute resolution, discipline, member protection, risk management, branding and the authorities, responsibilities and organisation of club structures.

The Board has directed the Committee to report to it through the Director of Sport on all matters relevant to the terms of reference.

Meetings

The Committee will meet as required up to December 2011.

REGULATION 15.1.R2 - THE MELBOURNE UNIVERSITY SPORTS ASSOCIATION

Recitals

1. The Melbourne University Sports Union ("the Sports Union") was formed in 1904 as an independent unincorporated association by affiliation or association of the sports clubs of the University.
2. The Sports Union has received de facto recognition by the University since its inception and its Constitution was recognised by statute on 28 May 1985.
3. On 3 April 1995 the Council approved the change of name of the Sports Union to "The Melbourne University Sports Association" and recognised its revised constitution.
4. In early 2009 Council agreed to consolidate into one statute matters governing recognition of student organisations, and to provide for recognition of individual student organisations by regulation.

Recognition of the Sports Association

- 1 Pursuant to statute 15.1, Council hereby recognises The Melbourne University Sports Association ("the Sports Association") as a student organisation of the University and, for so long as Council, after considering the constitution of the Sports Association, and the role of other student organisations it recognises, is of the opinion that the Sports Association remains capable of representing the sports clubs of the University and is carrying out all of the obligations imposed on it by legislation or by any agreement with the University, Council will continue to recognise the Sports Association.

[Made by Council 16/11/09 – effective 16/6/10;]

CONSTITUTION OF THE MELBOURNE UNIVERSITY SPORTS ASSOCIATION

Preamble

WHEREAS:

- A The Melbourne University Sports Union ("**the Sports Union**") was founded in 1904 by the affiliation or association of five sports clubs at the University of Melbourne.
- B The Constitution of the Sports Union was amended extensively and was replaced on 30 April 1985 at a General Meeting of the Sports Union Council.
- C At a General Meeting held on [21 March 1995] the Sports Union, all previous constitutions are revoked and the following constitution is adopted as from the date of approval by the University Council, 3 April 1995.
- D Any rights to Life or Honorary Membership conferred or subsisting under the previous constitution unless a contrary intention appears, continue to subsist under this new constitution.
- E The office bearers of the Sports Union elected under the old constitution continue in office until 31 December 1995.
- F The Clubs affiliated to the Sports Union continue to be affiliated until otherwise determined pursuant to the new constitution.

NAME AND COMPOSITION

- 1 The Melbourne University Sports Association ("**the Sports Association**") consists of the Clubs affiliated to the Sports Association and the Members.

DEFINITIONS

- 2 The following words and expressions have the following meanings unless contrary to the context:-
- "**Club**" means a Clubs affiliated to the Sports Association;
- "**Club Member**" means a member of a Club;
- "**Council**" means the Council of the Sports Association;
- "**Council Member**" means a person elected, appointed or nominated to the Council;
- "**SPRC**" means the Sport and Physical Recreation Committee of the University;
- "**Director**" means the person for the time being holding the office of Director of Sport & Physical Recreation of the University;
- "**Executive**" means the executive committee appointed by the Council under **clause 11**;
- "**Honorary Life Member**" means a person referred to in **clause 6**;
- "**Individual User**" means a person deemed eligible by the SPRC to use the sporting and physical recreation services of the University but who is not a Club member;
- "**Junior Member**" means a person referred to in **clause 5(c)**;
- "**Life Member**" means a person referred to in **clause 6**;
- "**Sports Association**" means the Melbourne University Sports Association;
- "**Sports Centre**" means the headquarters of Sport and Physical Recreation within the University campus;
- "**Sports Fee**" means the annual fee payable by an annual subscriber who is not an enrolled student as determined by SPRC from time to time;
- "**University**" means the University of Melbourne.

OBJECTS

- 3 The objects of the Sports Association are:

- (a) in co-operation with the SPRC to ensure that the University is represented in sport honourably and at the highest level of achievement, and to uphold and advance the University's distinguished record of performance in the Australian University Championships;
- (b) to represent the interests of the Clubs and Club members to the University;
- (c) to assist and encourage the provision of sporting and physical recreation opportunities of a high standard and wide range for all Clubs of the Sports Association;
- (d) recognising the fundamental role of Clubs in the achievement of the preceding purposes, to foster and support Clubs;
- (e) to represent the interests of those enrolled students who seek physical recreation not associated with formal Club activity;
- (f) to represent the interests of those deemed eligible by the University Council to have access to the sporting facilities upon payment of an annual subscription to the Sports Centre, as per Clause 5 of this Constitution.
- (g) to help promote within the University an awareness of the importance of sport and physical recreation to physical and psychological well-being;
- (h) to promote an understanding of the scope of the University's role in the enhancement of sporting excellence and research into the function of sport and physical recreation;
- (i) to help foster and encourage the development of new, innovative sporting and physical recreation activities within the University;
- (j) to provide a forum for discussion of sporting and physical recreation issues;
- (k) to advise and assist the University in providing facilities and resources desirable for the attainment of the objects of the Sports Association; and
- (l) to make recommendations to the University concerning other matters affecting the sporting and physical recreation interests of the University as may be deemed appropriate by the Council;

THE CLUBS

- 4.1 The Clubs affiliated to the Sports Association are set out in Schedule 1, as amended from time to time.
- 4.2 Clubs may be affiliated with the Sports Association provided that they fulfil the eligibility criteria in Schedule 2, as amended by Council from time to time.
- 4.3 Where a Club fails to satisfy one or more of these criteria, the Council, may by a special resolution, disaffiliate that Club.

MEMBERSHIP OF CLUBS AND ACCESS TO FACILITIES

- 5 Eligibility for membership of the Sports Association Clubs and access to Sports Centre facilities is limited to:

- (a) enrolled students of the University;
- (b) those persons in the following categories who have paid the Sports Fee (Annual subscription) for that category:
 - (i) graduates of the University or any other university with which the University has reciprocal rights;
 - (ii) members of staff on the payroll of the University;
 - (iii) members and staff of the University's affiliated residential colleges and halls of residence;
 - (iv) persons not on the payroll of the University but who are employed on the University site by an organisation which has a permanent office on the site of the University;
 - (v) any former member under **clause 5(a)** for a period not exceeding four years from the date on which that member ceased to be eligible under that clause; and
 - (vi) enrolled students of the Lincoln Institute while they are undertaking studies at the University;.
- (c) where competition in a league or association requires a Club to be involved in the training of juniors, those juniors are Junior Members of the Sports Association on the payment of the Sports Fee; and
- (d) Life Members and Honorary Life Members.

LIFE MEMBERSHIP AND HONORARY LIFE MEMBERSHIP OF THE SPORTS CENTRE

- 6.1 Any graduate of the University may become a Life Member of the Sports Centre upon payment of the Sports Fee which is payable upon application to be a Life Member.
- 6.2 The Sports Association may elect a person to be an Honorary Life Member of the Centre as recognition of that person's outstanding services to the Sports Association.
- 6.3 An Honorary Life Member is entitled to the privileges of a Life Member of the Centre but does not pay the Sports Fee.
- 6.4
 - (a) Following the nominations made by two Clubs in writing to the Council, the election of an Honorary Life Member of the Centre is by a special resolution of the Council at the next Annual General Meeting of the Council.
 - (b) To be eligible for such nomination an Honorary Life Member must be a Member of a Sports Association Club for at least 6 years.
- 6.5 A Life Member or Honorary Life Member at the date of the adoption of this constitution, continues to be a Life Member or Honorary Life Member as the case may be.

SPORTS CENTRE ACCESS ENTITLEMENT

- 7.1 Those described in Clause 5 above (other than Junior Members) are entitled to use all sporting facilities and equipment provided by the University and controlled by SPRC subject to the payment of any charges imposed by SPRC for such use and upon the terms and conditions specified by the University, the SPRC and the Council or any delegate of those bodies.

- 7.2 A Club member is subject to the constitution, rules and regulations of that Club and must pay any fees or charges required by that Club from time to time.
- 7.3 Junior members of a Club may subject to directions by the Director and the payment of any applicable charges, use the sporting facilities and equipment as are available to that Club for the purposes of training and competition for that Club.
- 7.4 Enrolled students remain eligible to use the facilities controlled by the Sports Centre until the end of the semester which follows their successful completion of studies and cessation as an enrolled student.

SPORTS FEE (ANNUAL SUBSCRIPTION)

- 8 An application for access to the Sports Centre must be accompanied by the Sports Fee.

OFFICE BEARERS AND THE COUNCIL

- 9.1 The Patron of the Sports Association is elected by the Council.
- 9.2 The office bearers of the Sports Association are:
- (a) President;
 - (b) Four Vice-Presidents, including a nominee of the Vice Chancellor of the University; the President of the Academic Board or delegate; and two enrolled students;
 - (c) Honorary Secretary;
 - (d) Honorary Treasurer,
- and at least one of whom must be a woman and one must be a man, and they are elected at a meeting of the Council held in the second semester in the manner described in Clause 12.
- 9.3 The Council consists of:
- (a) the Office Bearers;
 - (b) the Patron;
 - (c) the Director by virtue of the office;
 - (d) one representative from each Club;
 - (e) one member from the Melbourne University Student Union; and
 - (f) one member from the University of Melbourne Postgraduate Association;
- 9.4 Each representative of a Club, the Melbourne University Student Union and the University of Melbourne Postgraduate Association are appointed by that Club, the Melbourne University Student Union and the Graduate Association respectively and a casual vacancy of a position must be filled by the appointing body for that position.
- 9.5 The Director does not have a vote at any meeting of Council or a Committee of Council.

MEETINGS AND POWERS OF COUNCIL

- 10.1 The Council must meet at least 4 times a year provided that the first meeting is within the first five teaching weeks of the first semester and at least two meetings are held in each semester.
- 10.2 The Honorary Secretary must cause a notice of a meeting of the Council to be prepared and published at least 7 days before the date of the proposed meeting.
- 10.3 Any five members of Council may, in writing, request that the Honorary Secretary call a meeting of the Council which meeting must be held within 10 days receipt of that request. The Honorary Secretary must cause a notice of this meeting to be prepared and published stating the purpose of the meeting.

- 10.4 The quorum for a Council meeting is 15 and where a meeting has less than 15 Council members present, the meeting must be postponed for one week and the Honorary Secretary must prepare and publish a notice to all Council Members advising of such postponement and giving details of the new date, time and venue.
- 10.5 The Council has the power to:
- (a) make and amend policy decisions as required under this Constitution which have the same force and effect as this Constitution save for any inconsistency in which case the Constitution prevails;
 - (b) constitute committees including the Executive with such powers and duties as the Council decides from time to time; and
 - (c) do all such things as may be exercised or done by the Sports Association except those matters specified in the Constitution or in any University statute, that must be done by the Sports Association at an Annual General Meeting.
- 10.6 Enrolled students of the University are entitled to attend meetings of Council as observers provided they have given the Director not less than 48 hours notice of their intention to attend.

THE EXECUTIVE

- 11.1 The Executive consists of:
- (a) the President;
 - (b) Honorary Secretary;
 - (c) Honorary Treasurer;
 - (d) the Director; and
 - (e) three other Council Members,
- of whom:
- (i) at least two must be enrolled students;
 - (ii) at least one must be a woman and one must be a man;
- 11.2 The elected members of the Executive are elected in accordance with **clause 12**.
- 11.3 The Executive determines its own procedures and has the powers conferred on it by this Constitution and the Council.

12 ELECTIONS

- 12.1 Elections must be conducted in the following manner:
- (a) the Executive must appoint a returning officer who is a member of the Executive to conduct the election ("**the Returning Officer**");
 - (b) three weeks before the meeting, the Returning Officer must prepare and publish notices seeking nominations;
 - (c) nominations will not be accepted after 5pm on the Friday before the meeting; and
 - (d) the conduct of the election must be in accordance with the rules adopted by Council from time to time, known as the rules for the conduct of elections.
- 12.2 Where a person elected by the Council, fails to satisfy any eligibility criteria specified by this Constitution or the Council at any time during the holding of a position, that person is not entitled to hold that position and a casual vacancy exists.

- 12.3 Where a casual vacancy exists for an elected position, the Executive must call for an election to be held for that position in accordance with **clause 12.1**.

GENERAL MEETINGS

- 13.1 For the purposes of **clause 13 "General Meeting"** means the Annual General Meeting of the Council or a special general meeting of the Council.
- 13.2 An Annual General Meeting must be held in the teaching period of first semester for the purpose of receiving the Council's Annual Report and balance sheet.
- 13.3 A special general meeting may be called by:
(a) the Council; or
(b) 15 member Clubs where a written request for the special general meeting is made to the Executive and Executive must decide on the place and time for such a meeting which must be held within 20 days receipt of the request.
- 13.4 The Honorary Secretary must cause a notice of a General Meeting to be prepared and published at least 7 days before the date of the proposed meeting and in the case of a special general meeting, a statement of purpose of the meeting.
- 13.5 The quorum for a General Meeting is 30 and where a meeting has less than 30 members of Council present, the meeting must be postponed for one week and the Honorary Secretary must prepare and publish a notice to all members of Council advising of such postponement and the subsequent date of the proposed meeting.
- 13.6 All resolutions passed at a General Meeting are binding on all Member Clubs.

VOTING AT MEETINGS

- 14.1 The President chairs each meeting and in the absence of the President, a Council Member nominated by the Council.
- 14.2 Except for voting at elections the chairperson has a casting vote and all resolutions at a meeting must be passed by at least half the Members of Council present at that meeting, except as otherwise provided for by this Constitution.
- 14.3 Voting is by a show of hands except where 15 Members of Council require a ballot in which case the ballot must be conducted in accordance with the rules set by the Council from time to time.
- 14.4 Where a special resolution is required by this Constitution, the resolution must be passed by 3/4 of the Members present and voting at that meeting.

AMENDING THIS CONSTITUTION

- 15.1 The Council may amend the Constitution by a special resolution at any meeting of the Council held during the teaching period provided that the Honorary Secretary has caused a notice to be prepared and published at least 10 days prior to the meeting stating the proposed amendments.
- 15.2 Any amendment to this Constitution will be effective on the date of approval by the University Council.

FINANCE

- 16.1 The Council has control of all money of the Sports Association and all money received by the Sports Association must be paid into an account at a bank or financial institution specified by the Council from time to time.
- 16.2 The Council has the power to expend, borrow and invest money in such manner and on such terms as the Council determines from time to time.

- 16.3 Any two office bearers of the Council, or an office bearer and the Director, are authorised to sign cheques and any other documents on behalf of the Council.
- 16.4 No liability for any purpose may be incurred by any Club unless moneys sufficient to cover such liability have been voted by the SPRC or are held by the Club for the particular purpose.
- 16.5 The financial year for the Sports Association commences on 1 January of each year.
- 16.6 The Council must appoint an auditor to audit the accounts of the Sports Association which must be presented at the annual general meeting each year.
- 16.7 The University auditor may have access to all financial statements and accounts of the Sports Association for the purpose of the University or any University statute.
- 16.8 Each Club must comply with the reporting requirements as specified by the Council from time to time.

SPORTS ASSOCIATION COLOURS

- 17 Member Clubs of the Sports Association must wear the colours of the Sports Association which are Black (80/2/2) and Royal (163A) when competing.

BLUES AND DISTINGUISHED SERVICE AWARDS

- 18.1 The Council may award Blues annually to Members for distinguished sporting achievement while representing the University at Australian University Championships and otherwise as determined by the Council.
- 18.2 The Council may award Distinguished Service Awards annually to Members for outstanding services to Clubs or to the Sports Association.
- 18.3 The Council determines the procedures and criteria for the award of Blues and Distinguished Service Awards.

AUSTRALIAN UNIVERSITY CHAMPIONSHIPS

- 19 All Australian University Championships must be played in accordance with the rules of the Australian Universities Sports Federation, and eligibility for such Championships is confined to enrolled students

STATUTE 8.1 – SEMI-AUTONOMOUS BODIES

Interpretation

8.1.1 (1) In this statute, unless the contrary intention appears-

“semi-autonomous body” means a department of the University, whether or not constituted within a faculty or other division of the University, where control and management are exercised by or under the direction of a board on behalf of Council, subject to any specific direction of Council.

Establishment of semi-autonomous bodies

- 8.1.2 (1) Council may establish semi-autonomous bodies for the purposes of organising the non-academic activities of the University.
- (2) Nothing in this statute affects the existence of a semi-autonomous body as reflected in any regulation made under this statute where that body was created as a non-academic department under previous legislation of the University.

Governance of semi-autonomous bodies

- 8.1.3 (1) For each semi-autonomous body, Council must determine its name and purposes by regulation, and must endorse and monitor its proposed governance arrangements including the terms of reference of its board. To obtain Council’s endorsement, those arrangements must include provisions deemed appropriate by Council, including the following:
- (a) a board which must include one or more persons appointed by Council, the vice-chancellor or nominee, and at least two external persons with expertise relevant to the activities of the body, and, where students are an interested party, a student nominee;
 - (b) an executive officer, however titled and appointed in such manner as Council may determine, who will be head of the body and who, subject to the direction of the board, will manage and be responsible to the board and to the vice-chancellor (or to his delegate for that purpose), for the affairs of the body; and
 - (c) an arrangement whereby operational and financial reports are submitted regularly to Council, or to an officer or committee authorised for the purpose by Council.
- (2) In order to enable Council to monitor the approved governance arrangements for each semi-autonomous body as provided in subsection (1), the head of such body must report to Council any material changes to its governance structure and practice.
- (3) In addition to any powers and duties conferred upon semi-autonomous bodies by any other statute or by regulation, each semi-autonomous body must publish, in a form approved by the university secretary accessible throughout the University, details of the terms of reference, membership and frequency of meetings of its board.

[Enacted by Council 7/9/09 – approved by the Minister 22/12/09.]

MELBOURNE UNIVERSITY SPORT

TERMS OF REFERENCE

Board of Melbourne University Sport

1. The Board of Melbourne University Sport is appointed by Council and is comprised as follows-
 - (a) four external members (including the Chair), including members with specific expertise in the fields of sport and recreation; and
 - (b) three internal members (one of whom must be a University of Melbourne student, and one of whom will be the Vice-Chancellor's nominee)

In attendance: Provost

Director of Sport and Physical Recreation ("Director")

Members are appointed for a three-year term and may be reappointed for one further term. Student members are appointed annually for up to three years.

Responsibility

2. It is the responsibility of the Board to-
 - (1) approve the development of an operational plan for sport and physical recreation, in the context of the University's strategic plan and the student services plan, and monitor performance against the plans;
 - (2) approve the preparation of business plan and annual budget for Melbourne University Sport and monitor performance against plan and budget;
 - (3) oversee the operations of Melbourne University Sport in a manner consistent with plans and budgets approved by the Board for that purpose;
 - (4) submit regular operational and financial reports to the Finance Committee of University Council;
 - (5) advise the vice-chancellor and Council on sport and physical recreation policy;
 - (6) advise on medium and long term planning for the development and maintenance of University sport and physical recreation programs and facilities;
 - (7) advise the Director on the implementation of policy matters concerning sport and physical recreation;

- (8) monitor and advise on industry developments relevant to the provision of University sport and physical recreation;
- (9) make a recommendation on the appointment of the Director and provide advice on any particular terms that may be applicable to the appointment;
- (10) monitor, in collaboration with the Provost, the performance of the Director subject to the terms of his appointment, and receive reports from the Director at its meetings on the operation and management of Melbourne University Sport;
- (11) advise on the promotion of a wide range of University sport and physical recreation activities within the University and, as appropriate, the external community;
- (12) foster excellence in competitive activities through both organised sporting clubs and individual users; and
- (13) monitor communications between the Director on the one hand, and The Melbourne University Sports Association, the residential colleges and any other stakeholders, on the other hand.

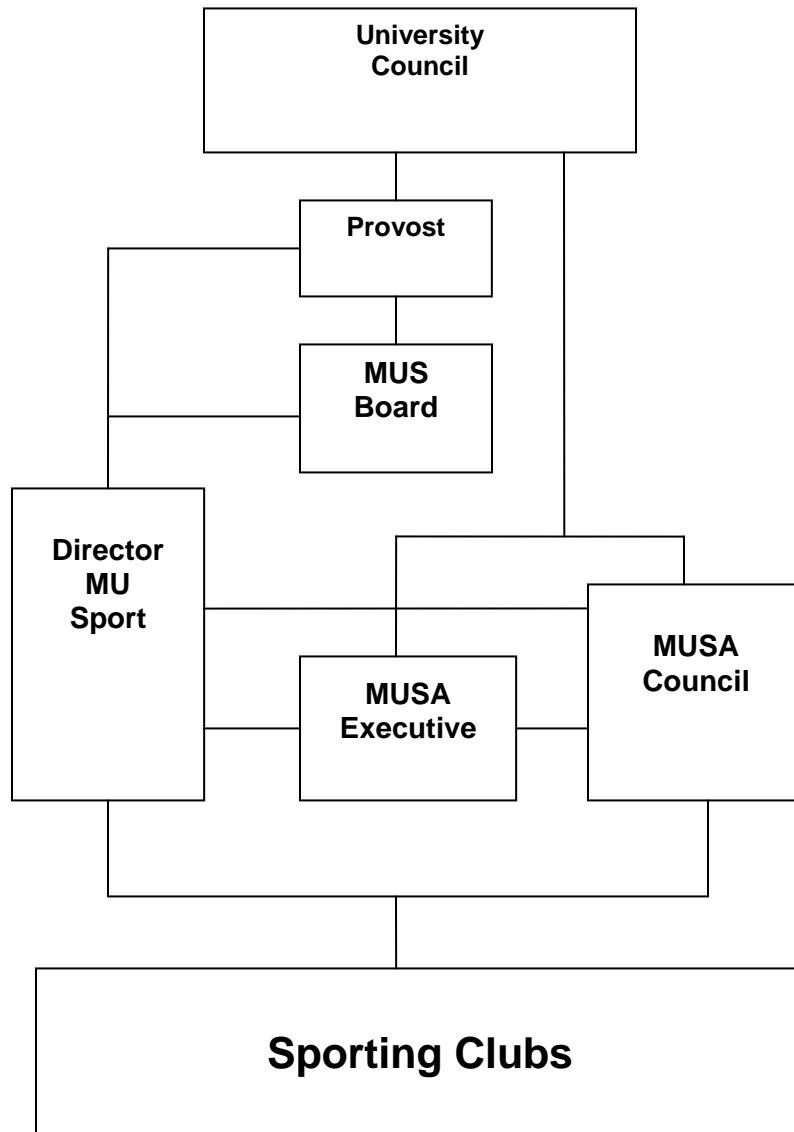
The Board may from time to time establish working groups and sub-committees to carry out its responsibilities in relation to particular sports and physical recreation activities.

Council has directed the Board to report to it through the Vice-Chancellor, who has in turn with Council's approval directed the Provost to include such matters in the Provost's report to Council, as part of the responsibilities of the Provost.

Meetings

3. The Board normally meets four times a year.

Sport Governance at the University of Melbourne





**Discussion Paper
Melbourne University Sports Association
MUS Board Meeting
10th September 2009**

Introduction

The Melbourne University Sports Association (MUSA) is a student body recognised under Statute 15.2 to represent the affiliated sporting clubs of the University. MUSA is not incorporated, has no employees and relies on MUS for secretariat services and activities are funded by an allocation in the MUS Annual Budget. MUSA was previously known as the Sports Union until April 1995.

MUSA consists of a Council of representatives of the affiliated sporting clubs (and others) and the Executive elected each year to deal with prescribe matters outlined in the MUSA constitution.

Following a recent meeting between Geoff Rees, Chair of the MUS Board, Marcus King, President of MUSA, and Director of Sport, Tim Lee it was agreed that a discussion paper be prepared to outline issues in regards to club representation and resourcing for consideration by the MUS Board.

Background

Several issues and opportunities are confronting MUS and the MUSA Executive involving structure, recognition and relevance.

Since January 2009 the MUS Board has replaced the Sports and Physical Recreation Committee (SPRC) as the peak governance body of sport at the University. The MUS Board was appointed by Council (under Statue 8.1) and reports to the Vice –Chancellor and Council (via the Provost) on issues related to sport and recreation including policy, program delivery and facility development. The Board also monitors the performance of MUS including consideration and approval of the operational plan and annual budget.

MUSA previously had significant representation on the SPRC but now has no direct representation on the MUS Board. The Terms of Reference for the MUS Board make the following reference to MUSA;

- (a) monitor communications between the Director on the one hand, and The *Melbourne University Sports Association*, the residential colleges and any other stakeholders, on the other hand.

The Director of Sport is responsible for the provision of leadership and advice to club office bearers and representatives of MUSA. Additionally other MUS staff provide secretarial and event support to MUSA and a range of operational, financial and marketing support to the clubs directly.

The University is also currently undertaking a review of the statutes in relation to student bodies to provide generic provision for the recognition of student organisations. The proposed statute 15.1 allows for MUSA to petition University Council directly but does not determine the composition or authority of MUSA.

The current structure and reporting relationships between the various organisations involved in sport governance and service provision are outline in Appendix 1. (attached)

The current MUSA constitution outlines responsibility for a mixture of club related and general sporting, recreational and fitness activities. The major policy and procedure areas outlined in the constitution are;

- Club membership and affiliation requirements.
- University and club colours.
- Discipline of clubs and individual club members.
- Eligibility to represent the University at Australian University Sport Championships.
- The awarding of Blues, Distinguish Service Awards, Sports Grants and Sports Scholarships.

The constitution also provides for Life Membership to MUSA including the provision of free access to the sports facilities at the discretion of the Director. Additionally a reference to the continuing access to the facilities for life memberships purchased under a discontinued scheme is also included.

MUSA Council meets 5 times a year and the Executive meet at least 6 times a year. Recent activities of the Executive include providing a MUSA response to both the 'Refining our Strategy' discussion paper and the 'Parkville Campus Master Plan'. Members of the Executive have also made representation to Melbourne City Council in regards to facility access for clubs in Princess and Royal Parks and recently supported the development of a multi racket sporting competition.

Issues and opportunities

- Current duplication and conflict between the duties, responsibilities and reporting lines of MUS staff and Board and the MUSA Constitution have lead to confusion and frustration amongst the clubs.
- The MUSA Executive have recently recognised the difficulty in recruiting executive members and the current time and resources taken up in the supporting some of the activities.
- The development of Sport Alumni Fundraising Strategy by the Advancement Office will require increased collaboration of club activities.
- Increased compliance and reporting requirements on clubs requiring consideration of the legal status and relationship to the University.
- Minimal support from MUS or MUSA in assisting clubs to develop strategically.
- Inequity in direct and indirect club support from MUS. Level of club support provided in 2008 and 2009 is outlined in Appendix 2. (attached)

Recommendation

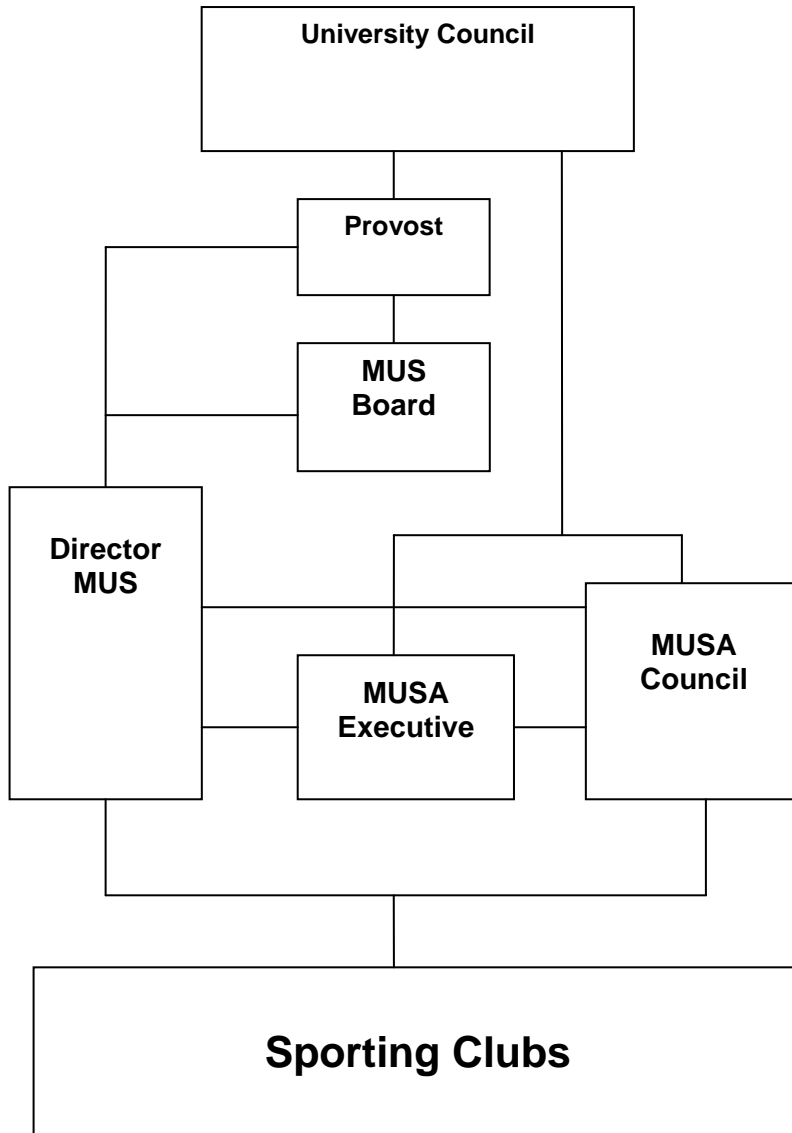
That the Director of Sport reviews the current governance, operational and marketing opportunities to determine the most appropriate and efficient system to maintain adequate representation and strategic development support for clubs. That the clubs and the MUSA Executive are consulted in the preparation of the report for presentation to the next MUS Board meeting in November.

Tim Lee
Director of Sport

Marcus King
MUSA President

SPORT ORGANISATIONAL CHART

August 2009





MEMORANDUM

To: Tim Lee, Director, Melbourne University Sport

Copy: Chris Penman, Vice-Principal & General Counsel

From: Wendy Mason
Senior Lawyer – Compliance

Date: 1 July 2010

RE: Advice on Management of Student Clubs

Purpose

The purpose of this memo is to consider the current role and governance structure of the Melbourne University Sports Association (MUSA) and how this might impact on the legal and liability issues associated with the management of student sporting and recreational clubs (Clubs).

Background

Melbourne University Sport (MUS) is a department of the University operating as a semi-autonomous body with a board (regulation 8.1.R7). MUS provides financial and operational support to Clubs and is ultimately responsible for ensuring practices and procedures are in place for Clubs to run effectively and for risks to be managed appropriately.

MUSA's role is unclear. It is not incorporated. It is currently recognised by the University's Council in Regulation 15.1.R2 and the 1995 constitution of MUSA is also recognised by Council under this Regulation. MUSA's constitution has altered considerably since 1995. The current constitution has not been submitted to or endorsed by Council. MUSA's current constitution envisages a role for MUSA in the management of clubs which is not consistent with existing practices or with the role and responsibilities conferred on MUS.

Regulation 15.1.R2 provides that Council will only continue to recognise MUSA for so long as Council, after considering MUSA's constitution, considers that MUSA "remains capable of representing the sports clubs of the University and is carrying out all of the obligations imposed on it".

Advice

Looking at the responsibilities of MUS and the fact that MUSA has no authority to manage clubs, it appears that MUSA's constitution contains a number of anomalies and is not well aligned with the obligations of MUS. MUS' objectives and the role of the MUS Board have been settled relatively recently so it is timely to consider what the continuing role of MUSA should be.

MUSA may have a role to play in the provision of a forum for Clubs to meet and for members to discuss common issues. There may also be a continuing role for MUSA as a representative body

of Clubs. If MUSA operates in accordance with its current constitution, however, there is a risk of creating confusion as to who is responsible for what, with respect to the affiliation and operation of Clubs.

As an example, MUSA's constitution has a process for the affiliation of new clubs. In practice, new clubs must be approved by MUS. The existing governance structure of MUSA could lead to a situation where a new club meets affiliation criteria set out by MUSA and is approved as a new club without being approved by MUS.

It is MUS, and not MUSA, which should make decisions about the affiliation of clubs, use of logos, compliance with procedures and disciplinary matters.

It is now necessary to consider, in consultation with MUSA, what role MUSA should have going forward - and to ensure such role is complementary to the role and responsibilities of MUS. MUSA should then revise its constitution to ensure that it properly reflects MUSA's role and submit it to Council for endorsement. Section 15.1.2 of Statute 15.1, which regulates recognition of student organisations, provides that the recognition will be terminated where Council forms the opinion, for whatever reason, that a student organisation should no longer be recognised.

The issue of effective management of Clubs and the risks inherent in Club activities is a significant one. The University has a duty of care to Club members and compliance responsibilities as outlined in our previous memo of advice dated 20 June 2008. While there exists any confusion as to whose responsibility it is to manage clubs and the processes by which that happens, the effective management of Clubs and the risks associated with their activities will be compromised in my view.

Please do not hesitate to contact me to discuss further.

Regards

Wendy Mason

19 December 2010

Mr Alf Lazer
5 Barnato Grove
ARMADALE VIC 3143

Professor Geoffrey Vaughan
PO Box 7
UPPER BEACONSFIELD VIC 3808



THE UNIVERSITY OF
MELBOURNE

Dear Mr Lazer and Mr Vaughan,

I am writing in response to our meeting of the 16th of August to discuss the governance and management of sport at the University. The matters discussed were subsequently raised with Melbourne University Sport (MUS) Board Chair Mr Geoff Rees and Director of Sport Mr Tim Lee and the following response prepared.

The University celebrates the achievements of our sporting clubs and athletes and values the contribution that sport, fitness and recreation activities make to the *Melbourne Experience*. It is an exciting time for sport at the University with the recent establishment of the MUS Board, the appointment of the Director of Sport and the adoption of the *Strategic Plan for Sport* with the bold vision to ensure that the University of Melbourne is the leading sporting university in the country.

In pursuing the vision for sport the University and the MUS Board recognise the importance of engaging with the students and alumni from the clubs, the Melbourne University Sports Association (MUSA) and the broader sporting community in the governance of sport. A range of measures are proposed including the involvement of MUSA in the selection of the student member to the MUS Board. It also proposed to establish MUS Board sub-committees that will consider and advise on sport issues including club management and support, scholarships and the Sport Foundation. The Chair of the MUS Board has also met with the MUSA Presidents and has requested that they prepare an outline of MUSA activities and issues that are important to the clubs, for consideration by the MUS Board. The MUS Board will collaborate with MUSA, the clubs and the broader University of Melbourne sporting community to ensure the best possible candidates are identified and encouraged to participate in the governance of sport

The University is also committed to supporting the activities of MUSA as the representative body for sporting clubs. This includes continuing to recognise the role of MUSA in the awarding of 'University Blues' consistent with the vision for sport at the University.

In accordance with the sport governance and management structure the Director of Sport is the representative of the University on matters concerning sport including involvement with Australian University Sport (AUS). The Director will continue to provide relevant information to MUSA on the international and national activities of AUS and will also invite the President of MUSA to attend the AUS AGM, and in the event of the absence of the Director, be invited to represent the University.

The University looks forward to continuing to work positively with all stakeholders including our high performance athletes, sporting clubs and coaches, residential colleges, sporting alumni and MUSA for the benefit of sport at the University of Melbourne.

Please do not hesitate to raise any further issues with the Director of Sport in the first instance.

Yours sincerely

Professor Glyn Davis
Vice-Chancellor
The University of Melbourne

Cc Provost John Dewar
MUS Board Chair Geoff Rees
Director of Sport Tim Lee
MUSA President Paul Rogers



RULES COVERING THE AWARD OF BLUES AND DISTINGUISHED SERVICE AWARDS

0. Preamble

Clause 16 of the Melbourne University Sports Association Constitution confers upon Sports Association Council the right to award Blues and Distinguished Service Awards.

The Constitution indicates that Blues may be awarded to members for distinguished sporting achievement whilst representing the University and Distinguished Service Awards may be conferred for outstanding services to clubs or to the Sports Association.

The Constitution states that the award of Blues and Distinguished Service Awards should be made in accordance with procedures established by Sports Association Council. The following is the set of rules governing these Sports Association awards.

1. Election of the Blues Advisory Board

There shall be:

- 1.1 A nine member Blues Advisory Board
 - 1.2 Membership of the Blues Advisory Board comprising:
 - 1.2.1 Seven members who shall hold a Blue, Half Blue or Distinguished Service Award
 - 1.2.2 The Sports Association President or their nominee (this person shall chair all Blues Advisory Board meetings unless absent in which case the chair shall be elected from the Blues Advisory Board members present).
- provided that of the above eight at least three shall be women and at least three shall be men.
- 1.2.3 The Director of Sport and Physical Recreation or their nominee (as a non-voting member). MU Sport will provide secretarial services to the Blues Advisory Board.

The Blues Advisory Board members corresponding to 1.2.1 above shall be elected at the first Sports Association Council meeting each year for a two-year term, with a rotation system to seek to ensure that two positions are filled by new Board members when vacancies arise.

Should a casual vacancy arise on the Blues Advisory Board such vacancy may be filled by election at any Sports Association Council meeting.

2. Blues Advisory Board Meetings

The Blues Advisory Board shall conduct meetings to consider nominations according to the following procedures:

- 2.1 Meetings will be held as required to deal with business regarding Blues and Distinguished Service Awards
- 2.2 No business shall be transacted unless at least five Blues Advisory Board members are present
- 2.3 The Blues Advisory Board has the right and duty to discuss all matters related to the award of Blues and Distinguished Service Awards and to make recommendations on these matters to the Sports Association Council.
- 2.4 Minutes of all meetings shall be recorded and retained by MU Sport.

3. Nominations for Awards

3.1 Nominators

Any Club of the Sports Association may nominate club members for Blues or Distinguished Service Awards. In addition to this, any three members of the Sports Association may nominate any past or present member of the Sports Association for a Distinguished Service Award.

The nomination should be made by completing the appropriate form available from MU Sport.

3.2 Timing of Nominations

Nominations for Blues in sports where Clubs have competed at an Inter-University sporting event should be received as soon as possible following that Event.

Nominations for Distinguished Service Awards may be received at any time during the year.

3.3 Eligibility for Nomination

A person who has acted in any manner prejudicial to the standing of the Sports Association or the University or to the detriment of the welfare of that club shall

be ineligible for nomination for the award of a Blue or a Distinguished Service Award.

3.4 Nomination for Re-award of a Blue

Where a person already holding a Blue in a particular sport from a previous year again meets the criteria for the award of a Blue in that sport, that person is eligible to be nominated for and receive a re-award of a Blue for the current year.

A Full Blue in a particular sport may be awarded a Half Blue in the same sport in subsequent years where their performance in that year is of Half Blue standard but not of Full Blue standard.

4. Criteria for the Award of Blues

These criteria are the foundations upon which the Blues Advisory Board are to make their recommendations to Sports Association Council. Consequently Clubs should use them as the basis for their nominations to the Blues Advisory Board.

There are two situations to consider when listing criteria for the award of Blues, sports and the prime criterion is outstanding performance representing the University of Melbourne.

4.1 Sports for which an AUG or AUC is held in the current year

4.1.1 The prime criterion for award of a Blue is outstanding performance representing the University at the AUG or AUC.

4.1.2 The performance of the nominee in competitions other than an AUG or AUC is of secondary importance e.g. AUS-South competition.

4.1.3 Factors such as contribution to the club administration, length of service, consistent performance at AUGs or AUCs over many years are irrelevant and have no weight whatsoever in the decision process.

4.1.4 An athlete who does not compete in the AUG or AUC is ineligible for a Blue for that year irrespective of their reasons for not competing (including injury, exams and representing Australia overseas).

4.1.5 A Blue will not be awarded where an AUG or AUC is held but the club does not attend by choice or through other circumstances.

4.2 Sports for which no AUG or AUC is held in the current year

4.2.1 The prime criterion for award of a Blue is outstanding performance representing the University.

4.2.2 Factors such as contribution to the club administration, length of service, consistent performance over many years are irrelevant and have no weight whatsoever in the decision process.

5. Criteria for Distinguished Service Awards

- 5.1 Only past and present members of Clubs within the Melbourne University Sports Association shall be eligible for a Distinguished Service Award.
- 5.2 A nominee may receive a Distinguished Service Award following exceptional and outstanding service to the Sports Association (or a Sports Association club) for a period of years.

6. Procedures for Finalisation of Awards

6.1 Blues Advisory Board Duties

The Blues Advisory Board has the right and duty to discuss all matters related to the award of Blues and Distinguished Service Awards and to make recommendations on these matters to Sports Association Council.

In particular the Blues Advisory Board will consider all Blues and Distinguished Service Award nominations and recommend recipients to Council on the basis of these deliberations. The prime responsibility of the Blues Advisory Board is the maintenance of standards between different sports and from year to year.

The Blues Advisory Board must evaluate all competitors representing the University, not just those nominated by the Club for an award. The Blues Advisory Board has the power to recommend awards to people whether nominated by the Club or not. It may also recommend awards at a level different to that nominated by the club (e.g. Full Blue rather than Half Blue or vice versa).

Following consideration of nominations according to the criteria listed above, the Blues Advisory Board will recommend to Sports Association Council those persons believed to be worthy of receiving an award.

6.2 Sports Association Council

Sports Association Council is the body which receives Board recommendations and awards Blues and Distinguished Service Awards. The recommendations of the Blues Advisory Board are presented to an appropriately timed Sports Association Council meeting. Each recommendation may be accepted by Sports Association Council or may be challenged by any member of Sports Association Council.

6.3 Challenges to the Blues Advisory Board Recommendations

Challenges to the Blues Advisory Board recommendations may only be made at the Sports Association Council meeting at which the recommendations are presented. In particular, retrospective (i.e. after completion of that Council meeting) challenges will not be accepted. Non-attendance of a club

representative at this Council meeting shall not constitute a valid reason for variation of this policy.

Any member of the Sports Association Council may challenge the recommendation of the Blues Advisory Board in respect of any person from any Club. The challenge may be on the basis of the level of the award recommended or the non-recommendation of a person for an award.

Where a challenge is made to a Blues Advisory Board recommendation, it is referred back to the Blues Advisory Board for further consideration without discussion at that Council meeting, together with the other nominations for that particular sport. Information supporting the challenge should be forwarded to the Blues Advisory Board, who may in their own right call for further information or evidence. The Blues Advisory Board will return a recommendation on the challenge to the next Sports Association Council meeting. This subsequent recommendation may only be challenged if a simple majority of Sports Association Council members vote accordingly, otherwise the recommendation is accepted and the award is made.

6.4 Notification of Successful Nominees

Each recipient of a Blue shall be notified by MU Sport. Each Club will also be notified of its successful nominees.

7. Privileges of Blues and Distinguished Service Awards

7.1 Certificate

Each recipient of a Blue or Distinguished Service Award shall receive an appropriate certificate. This certificate may be presented at the annual Blues Presentation.

7.2 Blues Dinner

Each recipient of a Blue or Distinguished Service Award is invited to attend the annual Blues Dinner.

7.3 Tie, Scarf and Blazer

Each recipient of a Blue or Distinguished Service Award shall be entitled to purchase for his or her own wear a Blues tie, scarf and or blazer of the appropriate design.

Note to the above:

Where the term "Blue" is used it should generally be taken to mean either Blue or Half Blue, unless otherwise indicated.

UNSW Affiliation Agreement with Sporting Clubs

To affiliate with the University of NSW ("UNSW"), a sporting club must sign this Agreement and comply with the following conditions. All clubs that are affiliated with UNSW Sports Association as at 1 December 2007 will be eligible to affiliate with UNSW subject to the conditions of this agreement.

General

1. Only one club representing each recognised sport will normally be affiliated with UNSW. UNSW, in its absolute discretion, may vary this condition where there is a genuine need to separately recognise men's and women's participation in a specific sport.
2. The club will be named "UNSW [sport] Club". Where the club is entered into a competition, it must be registered with the governing body as "University of NSW" or "UNSW". UNSW may in its absolute discretion vary this requirement for any individual club.
3. Each club affiliated with the UNSW Sports Association as at 1 December 2007 must comply with all conditions of this Affiliation Agreement by 1 December 2008.
4. Any club that was not affiliated with the UNSW Sports Association as at 1 December 2007 wishing to seek affiliation to UNSW, must:
 - a) be able to demonstrate student need for the activity in a business case;
 - b) be affiliated with a national sporting organisation which is recognised by the Australian Sports Commission; and
 - c) operate for a period of 12 months prior to being affiliated with UNSW.
5. UNSW, in its absolute discretion, may approve the waiver or variation of any clause in the Affiliation Agreement for any individual club.
6. The club must comply with any policy or guideline specifically drafted for the operation of UNSW clubs ("UNSW Sport and Recreation Policy").

Constitution

7. The club must adopt a Constitution which must be approved by UNSW. The form of the Constitution is to be determined by the club, and may be in a form as provided by UNSW.
8. The Purposes of the club must recognise the mission of UNSW Sport and Recreation which will be contained in the UNSW Sport and Recreation Policy, as amended from time to time.
9. The following shall be part of and are deemed incorporated into each affiliated club's constitution notwithstanding anything to the contrary contained in such constitution:
 - a) The General Manager and Manager Sport and Recreation Services of UNSW or their equivalent positions shall be ex-officio members of the committee of the club, but they shall have no right to vote at any meeting of any such committee solely by virtue of these offices.
 - b) That if on the dissolution of the club there remains after the satisfaction of all its debts and liabilities, any monies or properties whatsoever, the same shall not be paid to or distributed among members of the club, but shall be paid to or transferred to UNSW to be used within the University for the support of sport at the University.

Membership

10. The club must have a minimum of 12 members.
11. At least 30% of total members must be UNSW students or alumni, except in the case of clubs with less than 40 members where there must be at least 12 student or alumni members.
12. All club members must also be members of UNSW Sport and Recreation, if such a membership is established.
13. Non playing Club Coaches and Instructors are not required to be members of UNSW Sport and Recreation.
14. The club must not unlawfully discriminate in its membership on the basis of age, race, gender, marital status, disability, carer's responsibility, sexuality, or discrimination based upon a person having HIV/AIDs, as such discrimination is contrary to anti-discrimination legislation.
15. The club must maintain a current database of members and provide UNSW access to that database, by forwarding membership lists to UNSW when requested and in the required form.

Governance

16. Either the club's President or Vice-President must be an enrolled UNSW student or UNSW alumni.
17. At least 51% of the Club Committee must be UNSW student or UNSW alumni members.
18. Office bearer positions must be filled at all times. If a vacancy occurs between meetings it must be filled at next General Meeting.
19. The club must each year nominate 2 representatives to the UNSW Clubs Consultative Committee and those representatives, or their proxy, must attend at least 75% of meetings of that Committee.

Finance

20. The club must remain solvent at all times.
21. The club must comply with any provision relating to finance in the UNSW Sport and Recreation Policy.
22. The club must maintain proper accounts in the form prescribed by UNSW at all times and must not establish or maintain bank accounts other than those provided by UNSW.
23. The club must at all times ensure that any assets of UNSW, including real property, are protected from damage through misuse or negligence.

Venue Use

24. The club must comply with any venue use guidelines as contained in the UNSW Sport and Recreation Policy and pay any hiring charge for UNSW facilities as applied and notified by UNSW from time to time.

Branding

25. The club will only compete in a UNSW approved uniform which displays the appropriate logo as determined by UNSW. This requirement is exempt for those sports that normally compete in unbranded uniforms approved by the sports governing body.
26. All marketing material, signage and use of the UNSW name (including the acronym "UNSW"), logo and arms must first be approved by UNSW.
27. The club will only use a UNSW approved web site, and must comply with UNSW policy in relation to web content.

Sponsorship

28. The club may seek external sponsorship with appropriate individuals or bodies to support its activities as long as the involvement of those external parties is in keeping with the mission of UNSW Sport and Recreation and does not compromise the reputation of UNSW.

Compliance

29. The club must comply with all UNSW policies, guidelines or procedures.
30. The club must at all times comply with the Rules and Regulations of the sport's controlling or accreditation body.
31. The club must comply with the Australian University Sport's (AUS) Code of Behaviour when representing UNSW at AUS events.
32. The club must at all times comply with any legislation, guideline or policy in relation to the affiliation of junior clubs, including the requirements of the "Working with Children Check".

Behaviour

33. The club must at all times foster an environment that encourages the positive values of Fairness, Respect, Responsibility and Safety.
34. Club members must at all times, when representing the club and UNSW, behave in a responsible manner that honours the mission of UNSW Sport and Recreation.
35. Club office bearers, including coaches must comply with the UNSW Codes of Conduct for staff.
36. The club must ensure that its members abide by a policy of zero tolerance towards alcohol in relation to playing and training and zero tolerance to drugs at any time. If members consume alcohol at club sponsored events while not playing or training they are expected to abide by the principles of the Responsible Service of Alcohol and prevent drunkenness and the service of alcohol to minors.
37. UNSW students may be subject to student disciplinary processes for any individual breach of this section, or other behaviour contrary to UNSW policies or guidelines.

Disciplinary Action - Clubs

38. UNSW may suspend the affiliation of the club without notice for any of the following, if on reasonable grounds it considers:
 - a) the club is engaged in activities that bring UNSW into disrepute

- b) the club is engaged in activities that are illegal
 - c) the club is unable to pay its debts
 - d) the club is engaged in activities that compromise the safety of members
 - e) the club has intentionally misused UNSW assets
 - f) the club has misappropriated funds.
39. UNSW may give notice of its intention to suspend the affiliation of the club if any specific breach of the Affiliation Agreement is not corrected within 14 days.
40. UNSW may cancel the affiliation of the club after suspension if the club cannot adequately defend itself against the reason for suspension or has not taken the corrective action specified by UNSW. In so doing, UNSW will provide, in writing, the reasons for the suspension and provide the club 7 days within which to respond. If no response is provided by the club, or the response is not adequate, UNSW will then cancel the club's affiliation.
41. The club may appeal to the appropriate UNSW appellate body against its suspension or cancellation. The Club will have the right to be heard at the appeal hearing. The decision of the appropriate UNSW appellate body will be final.

Disciplinary Action – Club Members

42. UNSW may suspend a person from membership of any club of which that person is a member without notice for any of the following, if on reasonable grounds it considers:
- a) the person is engaged in activities that bring UNSW or the club into disrepute
 - b) the person is engaged in activities that are illegal
 - c) the person is engaged in activities that compromise the safety of other members
 - d) the person has intentionally misused UNSW assets
 - e) the person has misappropriated funds.
43. UNSW may cancel the membership of a person after suspension if the person cannot adequately defend him/herself against the reason for suspension or has not taken the corrective action specified by UNSW. In so doing, UNSW will provide, in writing, the reasons for the suspension and provide the person 7 days within which to respond. If no response is provided by the person, or the response is not adequate, UNSW will then cancel the person's membership of the club.
44. The person may appeal to the appropriate UNSW appellate body against their suspension or cancellation. The Club will have the right to be heard at the appeal hearing. The decision of the appropriate UNSW appellate body will be final.

Term of Agreement

45. The term of this Agreement is five (5) years, commencing on the date of signing.
46. At the completion of the term, the parties will negotiate in good faith with a view to entering into a new Affiliation Agreement.

On behalf of the Club, we confirm we have read this agreement, have the authority to sign the Agreement for the club and confirm that the club agrees to the terms of this Agreement.

Signed

Signed

Date

Date

Print Name

Print Name

Print Position

Print Position



MELBOURNE UNIVERSITY
SPORTS ASSOCIATION

Paul Rogers
President
Melbourne University Sports Association
Sports Centre, Tin Alley
The University of Melbourne VIC 3010
musapres@gmail.com
Ph: 0409 180 052

Thursday 7th June 2012

Jim Corbett
Joint Managing Director
Sport and Leisure Solutions
1-1 Lansbury Crescent
Highton VIC 3216
jim@sportandleisure.net.au

Dear Jim,

Thank you for your invitation to contribute to the Sports and Clubs Select project at the University of Melbourne.

Since the foundation of the University's sporting program in 1904, the Melbourne University Sports Association (MUSA) has been central to its success. Presently, MUSA is the representative body for the 39 sporting clubs of the University. In this role, MUSA engages with these clubs and endeavours to advocate for their needs and otherwise advise the University of their interests. MUSA works within a well-established governance system that puts clubs first and is transparent in its actions.

MUSA provides the following comments with a view to improving, not only the general university sports program, but also the standing of and support for the sporting clubs of the University. In particular, MUSA feels that sports clubs need to have greater involvement in and influence on strategic and policy decisions that impact upon them. MUSA believes that it must be recognised fully as it is the only structure within which clubs and in turn their members have a say. Currently, clubs are virtually excluded from any activities of the Melbourne University Sport Board. This has coincided with a lowering recognition of clubs in recent years.

In particular, we feel that it is important that competitive clubs are not unduly favoured at the expense of our recreational and instructional clubs. The activities of our recreational and instructional clubs are at least as valuable as elite activities when considering their influence on students' university experience. In fact, such activities tend to attract a greater number of students than elite activities and provide fitness and social opportunities for these students. We need to continue to maximise participation in sport through the provision of support, funding, facilities and infrastructure and the focus on elite activities should not occur at the expense of the provision of what can be seen as the less traditional recreational and instructional activities.

Below are MUSA's specific comments in relation to each of the three proposed objectives for the sporting program mentioned in your email on Thursday, May 31st 2012.

Affiliation arrangements for sporting clubs, individual club members and sport participants

MUSA Comments:

- MUSA supports a university affiliation with clubs and recognises that this will help minimise risks associated with club activities and administration.
- MUSA suggests that any affiliation between clubs and the University should be compatible with existing club membership of MUSA. Our external advice supports this position.
- MUSA is willing to help promote the affiliation of sporting clubs with the University (e.g. making such affiliation a requirement of continued MUSA membership).

Recognition by the University of sporting performance and service including the awarding of Blues.

MUSA Comments:

- MUSA notes that scholarships are a very important means of attracting and retaining elite athletes. MUSA understands that other leading universities offer greater scholarship programs and the University of Melbourne must endeavour to match (and, if possible, exceed) such contributions.
- The present system of awarding Blues (i.e. involvement of the Blues Advisory Board (the BAB)) is well established and has operated democratically, robustly and transparently for many years. MUSA notes that the BAB is governed by the Blues Advisory Board rules which have recently been updated and which continue to provide appropriate governance of this body. The members of the BAB must be past Blues award recipients and so are well placed to determine such awards.

- MUSA and the BAB should be consulted in relation to any changes to the current awards recognition system. In our opinion MUSA and the BAB must remain central in any amended awards recognition system.
- MUSA recommends that all awards and scholarships be determined by a single committee serviced by the Director of Melbourne University Sport. At present, it is our understanding that some awards are determined solely by the Sports Development Manager, a process which lacks transparency.
- Accordingly, MUSA recommends that the BAB is best placed to determine all awards and recognitions (including scholarships, Blues and individual and club awards) given:
 - clubs determine the make up of the BAB via election;
 - the BAB is well established and subject to appropriate governance; and
 - the members of the BAB have a strong understanding of, and relationship with, sport at the University.

Policies and procedures for sporting clubs, members and participants, including those dealing with selection, dispute resolution, discipline, member protection, risk management, branding and the authorities, responsibilities and organisation of club structures

MUSA Comments:

- MUSA recommends that to deal with the matters related to those outlined above, a ‘governance and administrative sub-committee’ of MUSA be established with membership from MUSA and the board of sport to be serviced by the Director. Such a structure provides transparency and good governance by enabling consideration by peers from other MUSA clubs in conjunction with input from the board of sport.
- MUSA recommends that sporting clubs be given a greater opportunity to be involved in policy decision making, where such policies will have a significant impact on clubs. Examples of such policies include those in relation to the allocation of funding and venue hire. This is particularly relevant in light of the new services and amenities fee. In paying this fee, students arguably have a greater right to be involved in the decision-making process that determines how such monies are to be spent.
- MUSA is concerned that sporting clubs are suffering from policy decision-making that is influenced by commercial objectives rather than club needs. MUSA is concerned that it has not been consulted on such policies itself and that clubs do not have an avenue through which they can voice concerns. For example, there has been a policy shift in relation to allocation of venue hire towards commercially-driven (i.e. non-club) recreational and instructional activities. This

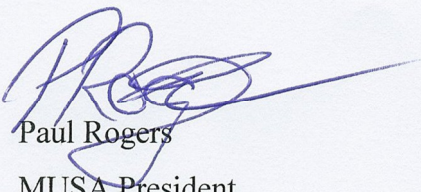
has had a significant impact on a number of clubs. Such decisions need to be considered and discussed with MUSA and/or the sporting clubs before they are implemented.

- MUSA suggests that it is best placed to engage with clubs on particular policies and represent them in consultation around relevant policies. Accordingly, MUSA recommends that formal communication structures be established so that there are recognised and agreed opportunities for MUSA and clubs to have input into policy decision-making and strategic decision-making. MUSA notes that presently there is no clarity around when and how communications between MUSA, MUS, the board of sport and the Provost shall occur. MUSA recommends that such communication channels be defined and implemented.

On a more disheartening note, MUSA and the many clubs it represents are concerned that they are being contacted and asked for a reply to these major issues within such a short timeframe. One week is an inappropriate time period to consolidate many clubs opinions on pertinent sporting issues. While we are pleased to see that we are involved we would prefer a longer timeframe to provide consolidated responses. We would also appreciate a meeting with you as it would allow us to tailor our responses in the most meaningful way possible.

All of this aside, we appreciate this opportunity to have input into the future direction of sport at the University. Please let us know how we can further assist.

Yours sincerely



Paul Rogers
MUSA President