

# Academic Board Regulation

## PART 1 – PRELIMINARY

### 1 Purpose

The purpose of this regulation is to make provision for:

- (a) membership, meetings and procedures of the Academic Board;
- (b) the accreditation of courses and awarding degrees and other awards;
- (c) selection, admission and assessment requirements;
- (d) academic progress;
- (e) matters relating to student conduct; and
- (f) student appeals arising from grievances and misconduct.

### 2 Authorisation

This regulation is made under Part 5 of the *University of Melbourne Act 2009 (Vic)*.

### 3 Commencement

This regulation, following Council approval, comes into operation upon publication on the University of Melbourne website.

### 4 Definitions

Unless otherwise defined, the following definitions apply:

**“accreditation”** means the process for approval by the Board of a course of study leading to a formal award qualification.

**“academic progress”** means the process by which students are able to advance in their course, having fulfilled academic and administrative requirements.

**“Academic Secretary”** is the person appointed to be the secretary to the Board.

**“accredited volume of learning”** means the identification of the notional duration of all activities required for the achievement of the learning outcomes specified for a particular AQF qualification type. It is expressed in equivalent full-time years and credit points.

**“Act”** means the *University of Melbourne Act 2009 (Vic)*.

**“area of study descriptor”** or **“generic title”** means the description given to a field, area or discipline of study.

**“AQF”** means the Australian Qualifications Framework and any successor national policy framework for regulated qualifications in Australian education and training.

**“assessment”** means assessment in accordance with these regulations and policies determined by the Board.

**“Board”** means the Academic Board established under section 10 of the University of Melbourne Statute.

**“Board officers”** mean the offices of the President, Vice-President or Deputy Vice-President of the Board.

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**“class of students”** means a cohort of students defined by one or more criteria which may include citizenship status, course, course level, course type or fee type.

**“component of assessment”** means a component of assessment for which marks for a subject are assigned or is hurdle requirement in a subject and may include:

- (a) any examination, essay, test, exercise, article, thesis or other requirement determined by the board of examiners under section 31 of these regulations; and
- (b) any additional or alternative assessment administered by a board of examiners.

**“course”** means a program of study that leads to a degree or other award.

**“coursework”** means studies undertaken for any undergraduate or graduate degree or other award but does not include studies undertaken in satisfaction of a requirement to submit a thesis for a higher degree by research.

**“degree”** means an accredited program of learning leading to a formal certification that meets the requirements for an AQF qualification.

**“faculty”** means:

- (a) an academic unit established as a faculty under section 13(1) of the Council Regulation. This includes a graduate school established as a faculty; and
- (b) for the purposes of section 28 of this regulation, an institute or other academic unit that:
  - (i) is not assigned to a faculty; and
  - (ii) delivers accredited programs.

**“hardship”** includes financial hardship.

**“higher degree by research”** means studies undertaken in satisfaction of a requirement to submit a thesis for a higher degree by research.

**“nested suite”** means two or more courses designed with specific advanced standing arrangements that allow students to easily articulate between courses at different award levels.

**“other award”** means an accredited program of learning that leads to a formal certification at the University but the program is not a degree.

**“qualification descriptor”** means the description given to a level of study.

**“senior lecturer”** means a member of academic staff appointed at classification Level C.

**“student organisations”** means those recognised by University Council under Council Regulation 19 (2).

**“supervisor”** includes academic staff or designated representatives of the University involved in supervising assessment.

**“termination”** means the cancellation of a student’s enrolment at the University.

**PART 2 – THE ACADEMIC BOARD**

**5 Membership**

- (1) The Board comprises:
  - (a) the Chancellor;
  - (b) the Vice-Chancellor;
  - (c) the deputy vice-chancellors (including any deputy vice-chancellor appointed as Provost);
  - (d) the pro vice-chancellors;
  - (e) the University Librarian;
  - (f) the Academic Registrar;
  - (g) the University Secretary;
  - (h) the professors;
  - (i) the full-time salaried professorial fellows;
  - (j) deans of faculties;
  - (k) heads of academic departments;
  - (l) heads of schools (including graduate schools);
  - (m) other academic staff who are members of Academic Board committees;
  - (n) the President of University of Melbourne Student Union, and one nominee of the President of University of Melbourne Student Union who must be an education officer, of the University of Melbourne Student Union;
  - (o) the President of the Graduate Student Association and one nominee of the President of the Graduate Student Association;
  - (p) two members elected by and from the professional staff who will hold office for a term of two years; and
  - (q) any other persons whom the Board determines by resolution.
- (2) The University Secretary is to conduct the ballot for the election in (1)(o) in accordance with policy.
- (3) Board members with a term of membership set under the former statutes and regulations continue to be members upon the commencement of this regulation until the end of the duration of the term set under the former statute and regulations.

**6 Election of Board officers**

- (1) The Board must elect three members of the Board to be Board officers as President, Vice-President and Deputy Vice-President.
- (2) By virtue of their office, the President and the Vice-President of the Board are appointed as pro-vice-chancellors of the University.
- (3) The term for Board officers must:
  - (a) commence from 1 January of the year following the election; and
  - (b) be for two years.
- (4) A member may be elected for a subsequent term as a Board officer.
- (5) Upon a vacancy in any of the Board offices, a member of the Board, including any member holding office, may be elected to fill the vacancy for the remaining term of the vacated office.
- (6) Board officers with a term of office set under the former statutes and regulations continue to be officers upon the commencement of this regulation until the end of the term of office set under the former statute and regulations.

**7 President of the Board**

- (1) The Board President may exercise any powers of the Board which are:
  - (a) of a routine or minor nature; or
  - (b) involve an urgent matter requiring immediate action.

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- (2) For the avoidance of doubt, the Board President alone cannot hear or decide an allowable student appeal.
- (3) The Board President must notify the next meeting of the Board of any exercise of power under this section.

### 8 Meetings

- (1) The Board must meet:
  - (a) at least twice a year; and
  - (b) when requested by the Board President, the Chancellor, the Vice-Chancellor or by ten members of the Board.
- (2) Requests under (1)(b) must be made in writing to the Academic Secretary.
- (3) The Board must conduct its meetings in accordance with its standing orders.
- (4) The Academic Secretary must publish all Board resolutions in a form approved by the Board.

### 9 Petitions from student organisations

- (1) The Board must respond to petitions from a recognised student organisation if it involves matters affecting teaching or student conduct.
- (2) The Board may refer to Council any petitions from a recognised student organisation involving matters affecting teaching or students provided the Board attaches a report.

### 10 Hardship arising from incorrect advice

Notwithstanding any regulation, the Board or the Board President may make a recommendation to the Vice-Chancellor to alleviate hardship imposed on a student provided the Board, or the Board President:

- (a) is satisfied:
  - (i) the student suffered hardship by reason of acting upon incorrect information or advice given by any academic or administrative staff of the University or appearing in any publication of the University; and
  - (ii) the student had reasonable grounds for acting upon such information or advice; and
- (b) consults with the relevant faculty.

## PART 3 – AWARDS AND QUALIFICATIONS

### Division 1 - Courses and subjects

### 11 Accreditation requirements

The Board must set policy for accreditation of courses and subjects which may include requirements for:

- (a) entry to the course of study;
- (b) content, number, timing, frequency and duration of subjects;
- (c) subjects requisites and sequences;
- (d) combinations of subjects;
- (e) level of performance to be attained in subjects for course progression;
- (f) major and minor studies;
- (g) thesis or project work including requirements as to supervision, submission and publication;
- (h) the nature and extent of any fieldwork, clinical placement or other practical work component;
- (i) allocation of credit points to a subject;
- (j) completion including the total number of credit points;

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- (k) attendance or participation;
- (l) nested suites;
- (m) grant of an alternate exit award; and
- (n) double, concurrent or combined degrees.

### 12 Course and subject accreditation

- (1) The Board may, on recommendation from a faculty, accredit courses and subjects in the manner set by the Board provided the course structures, including alternative course structures, allow students to complete the course.
- (2) Sub-section (1) does not apply if the Board establishes entry requirements that require students to have undertaken previous study for which academic credit is then granted.
- (3) Nothing in this section prevents course completion requiring:
  - (a) work placement; and/or
  - (b) applied professional research and clinical or other integrated practice.
- (4) The Board must regularly review the academic quality of accredited courses and subjects.

### 13 Course completion and conferral of awards

- (1) The Board may set a maximum time to complete a course or class of courses.
- (2) The Board, or Board President, on the recommendation of a dean may waive the maximum time to complete a course for a particular student.
- (3) The Board, or Board President, may correct errors in course completions upon recommendation of a faculty.
- (4) The Board, or the Board President, may alleviate hardship imposed on a particular student due to alterations in course completion requirements.

### 14 Course discontinuation

The Board may set requirements for the discontinuation of a course or subject by a dean.

### 15 Register of awards

The Academic Secretary must keep a register of accredited awards which may be conferred or granted by Council.

## Division 2 - Abbreviations, nomenclature and testamurs

### 16 Nomenclature for awards and recognition

The following terminology must be used in connection with the conferring or granting of degrees or other awards:

#### (a) Degrees

The correct terminology for degrees is:

Bachelor **of** xxx;

Associate Degree **of** xxx;

Master **of** xxx;

Master **of** xxx (with Distinction); and

Doctor **of** xxx.

Exceptions must be considered and approved by the Board on a case by case basis.

#### (b) Diplomas and certificates

The correct terminology for diplomas and certificates is:

Diploma **in** xxx or Associate/Advanced/Graduate/Postgraduate Diploma **in** xxx;

Certificate **in** xxx; or

Associate/Advanced/Graduate/Postgraduate/Professional/Specialist Certificate **in** xxx.

Exceptions to this rule: Concert Recital Diploma, VET awards.

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- (c) Bachelor honours degrees  
Bachelor honours degrees for which an additional year of study is required are designated: Bachelor **of** xxx (Degree with Honours).  
Bachelor honours degrees for which no additional year of study is required are designated: Bachelor **of** xxx with Honours.

### 17 The University of Melbourne as the conferring institution

When the University is named as the conferring institution for a degree or other award in a person's post-nominals, it is correctly shown abbreviated and italicised as follows: *Melb*.

### 18 Degrees and awards by the Faculty of the Victorian College of the Arts and Melbourne Conservatorium of Music

When the course is conducted by the Faculty of the Victorian College of the Arts and Melbourne Conservatorium of Music, the name of the faculty is noted on the testamurs of students completing courses at the former VCA, following the notation of the degree or other award.

### 19 Compliance requirements for abbreviations and wording

- (1) The Board may set policy for University degrees or other awards in relation to the following requirements:
  - (a) the nomenclature for awards;
  - (b) the designation for discipline specialisations;
  - (c) the abbreviations of qualification descriptors;
  - (d) the abbreviations of area of study descriptors;
  - (e) the wording and features for testamurs; and
  - (f) for relevant degrees, whether it may be awarded with honours or distinction.
- (2) A setting in (1) must comply with the nomenclature specified by the applicable State or Commonwealth recognised accrediting authority.

## PART 4 – SELECTION AND ADMISSION

### 20 Minimum entry requirements for courses

- (1) The Board must set policy for minimum course entry requirements which may include:
  - (a) academic merit;
  - (b) English language proficiency;
  - (c) equivalence measures;
  - (d) prior learning;
  - (e) other experience and attainments;
  - (f) core participation requirements;
  - (g) special factors, including residency, performance at interview, folios and auditions; and
  - (h) other matters.
- (2) The Board may set minimum entry requirements for courses provided the minimum entry requirements:
  - (a) are recommended by the relevant faculty; and
  - (b) relate to the likelihood of an applicant achieving success in the course.
- (3) Minimum entry requirements set by the Board for degrees and other awards must be published in the University handbook, or as directed by the Board.

### 21 Review

- (1) The Board must regularly review:
  - (a) minimum entry requirements of courses; and
  - (b) methods used to rank applicants for entry into courses.

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(2) The Board may use the success rates of students in a review as it sees fit.

### 22 Additional selection criteria

The Board may set additional selection criteria and restrictions in respect of all courses or a class of courses to apply in addition to the minimum entry requirements under section 20, including:

- (a) higher levels of achievement;
- (b) ensuring suitability of the applicant; and
- (c) restrictions required by regulatory or administrative requirements or guidelines.

### 23 Selection committees

- (1) A dean must establish a selection committee for the faculty for determining entry into courses that are not higher degrees by research.
- (2) A dean may establish a selection committee for determining entry into courses that are higher degrees by research.
- (3) The Board may set the composition of, and procedures for, the selection committee.

### 24 Discretion

- (1) A person may be refused entry into a course based on:
  - (a) previous studies or conduct at any institution;
  - (b) information about the person which leads to a reasonable belief that the applicant should not be admitted;
  - (c) lack of ability to fulfil core participation requirements of a course including a research component of a course;
  - (d) regulatory or administrative requirements or guidelines; or
  - (e) other reasons.
- (2) The Board may:
  - (a) waive entry requirements in special cases on the recommendation of the relevant dean; and
  - (b) authorise deans to waive entry requirements in special cases.
- (3) The Board may impose additional course completion requirements for any person admitted to a course as a special case.
- (4) For the avoidance of doubt, this section applies whether or not:
  - (a) the applicant meets minimum entry requirements;
  - (b) the applicant meets the required entry score; or
  - (c) quota or other restrictions apply.

*Note: In regards to section 24(1)(d) the Autonomous Sanctions Regulations Act 2011 (Cth) requires universities to take specified non-academic considerations into account in decisions to issue offers to specified international candidates.*

## PART 5 – ACADEMIC CREDIT

### 25 Granting academic credit

- (1) The Board must set policy in regards to granting academic credit in courses on specific grounds which may include:
  - (a) prior studies; or
  - (b) prior relevant work experience.
- (2) The Board may set a maximum limit on the granting of academic credit for courses, including courses under cross-crediting arrangements.

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### 26 Minimum amount of study

- (1) The Board may set the amount of study required to be taken at the University for a student to complete a course and be awarded a degree or other award.
- (2) The minimum amount of study required to be taken at the University for completion of a course is 50 per cent of the accredited volume of learning for the course.
- (3) The Board may exempt courses from the minimum amount of study requirement as part of accreditation of the course.

### 27 Time limits for granting academic credit

- (1) The Board may set time limits for recognition of prior study or relevant work experience used for academic credit, provided any maximum set is less than 10 years prior to the date of completion of the course.
- (2) The Board, or Board President, on the recommendation of a faculty, may waive the credit limitation for a particular person or student.

## PART 6 – ASSESSMENT

### Division 1 - Assessment

#### 28 Assessment requirements

- (1) The Board must set policy for faculties in regards to assessment in subjects and courses which may include:
  - (a) assessment design;
  - (b) provision of details of assessment to students; and
  - (c) notification of final subject results to students.
- (2) The Board, on the recommendation of a faculty, may set the assessment for a particular subject during the accreditation of a course.
- (3) Deans may set the assessment for a particular subject in the manner set by the Board.
- (4) Students are responsible, in regards to assessment requirements, including deferred assessment requirements, for:
  - (a) ascertaining the time and place of any examination or performance;
  - (b) ensuring their availability and attendance at exams and performances; and
  - (c) providing any required equipment.
- (5) An intentional or unintentional breach by a student of one or more of the responsibilities in (4) does not entitle a student to any further examination or special consideration.
- (6) Students must complete the assessment required by the subject in which they are enrolled and not another or previous availability of the subject.

#### 29 Alternate assessment arrangements

The Board may set requirements for alternate assessment arrangements including deferred assessment, late assessment and extensions for students.

#### 30 Reassessment and additional assessment

The Board may set requirements for reassessment and additional assessment of student work.

### Division 2 - Board of examiners, results and grades

#### 31 Board of examiners

- (1) A dean must establish a board of examiners for the faculty to:
  - (a) determine assessment standards for examining each subject;
  - (b) ensure, as much as possible, examiners apply the standards;
  - (c) determine the grade and mark to be awarded to each student; and
  - (d) other requirements related to examination of subjects set by the Board.



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- (2) The dean may divide the board of examiners with each division having the responsibility for one or more subjects.
- (3) The Board may set requirements for appointment of members and proceedings of the board of examiners and any divisions of the board of examiners.

### 32 Grades and marks

- (1) The Board may set a grading scheme for final and temporary grades for each student.
- (2) The board of examiners must use the grading schema in determining the final results for each student enrolled in subjects taught by the faculty.
- (3) The Board may determine a method for calculating a grade point average.

### 33 Amendment to results after release

A board of examiners or the Board may alter a grade if the alteration is necessary to:

- (a) correct an error; or
- (b) make the grade accord with the grade which would have been awarded if relevant circumstances, which were not considered at the time of the determination of the grade, had been taken into consideration.

## Division 3 - Recognition of academic achievement

### 34 Recognition of academic achievement

The Board may allow the inclusion of notification of student academic achievements on the official student record.

## PART 7 – ACADEMIC PROGRESS

### Division 1 - Academic progress requirements

### 35 Academic progress requirements

- (1) The Board must set policy for students, or a class of students, in regards to academic progress requirements which may include:
  - (a) maintenance of satisfactory academic progress;
  - (b) identification of, and consequences for, student “at risk” of making unsatisfactory academic progress; and
  - (c) identification of, and consequences for, students making unsatisfactory academic progress.
- (2) The Board may set higher academic progress requirements for a class of students in a course on the recommendation of the relevant dean.
- (3) A dean may set requirements for identification of, and consequences for, students at risk of making unsatisfactory progress within the relevant faculty in addition to any “at risk” requirements set by the Board.

### 36 Academic progress committees

- (1) The dean of each faculty must establish one or more academic progress committees to implement academic progress requirements.
- (2) Each academic progress committee must comprise:
  - (a) the dean of the appropriate faculty or the dean’s nominee (chair) who must be at the rank of senior lecturer or above;
  - (b) two members of the continuing academic staff of the rank of Level B or above with expertise relevant to the course; and

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- (c) where deemed appropriate by the chair of the academic progress committee, a senior member of the professional staff may replace a Level B academic staff member.
- (3) A decision taken or an opinion formed by an academic progress committee is to be regarded as the decision or opinion of the appropriate faculty.
- (4) No question is to be decided at any meeting of an academic progress committee unless at least three members are present.
- (5) The Board may set requirements for proceedings of academic progress committees.

### 37 Notices

The Board may set requirements for notices to students identified:

- (a) “at risk” of unsatisfactory progress; or
- (b) as making unsatisfactory progress.

## Division 2 - Termination of enrolment

### 38 “Show cause” notice

A dean must issue a notice to a student not making satisfactory progress in a course to “show cause” why he or she should not have their enrolment terminated.

### 39 Consequences of unsatisfactory progress

- (1) If a student has been issued a show cause notice, an academic progress committee convened to hear the matter may as a consequence:
  - (a) impose conditions on the student’s enrolment or academic performance in the next:
    - (i) teaching period for coursework students; or
    - (ii) agreed timeframe for higher degree by research candidates;
  - (b) impose a probationary status on the student’s enrolment, which may include a requirement to undertake specified actions, including attending workshops or meetings with designated staff;
  - (c) require the student to undertake specified actions;
  - (d) revoke a scholarship that was awarded to the student;
  - (e) require the student to take leave of absence for a specified period;
  - (f) require the student to transfer to another course if the student wishes to remain enrolled at the University;
  - (g) make such changes to the candidature of the student's higher degree by research as specified in the show cause notice; and/or
  - (h) terminate the student’s enrolment in the course.
- (2) A student terminated under (1)(h) may re-enter a course at the University, including the course from which he or she was terminated, provided he or she meets the entry requirements of the course at the time of the application to re-enter.
- (3) An academic progress committee may, in determining consequences under this section, take into account the level of student engagement and compliance with the unsatisfactory academic progress proceeding requirements.

## PART 8 – STUDENT CONDUCT

### Division 1 - Student misconduct

### 40 Definitions

In this part—

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**“academic misconduct”** has the meaning given to it in section 42 of this regulation.

**“exclusion”** means, except where the context indicates otherwise, denial of access to all or specified university premises, facilities, services, activities, subjects, lectures or tutorials and “exclude” and “excluding” have a corresponding meaning.

**“facilities”** includes University computing and/or network facilities.

**“general misconduct”** has the meaning given to it in section 47 of this regulation.

**“plagiarism”** has the meaning given to it in section 43 of this regulation.

**“research misconduct”** means a failure to comply with the University code or policies set for conduct of research activities of the University.

**“senior member of the professional staff”** means a member of staff appointed at or above HEW 10 level.

**“student”** includes:

- (a) a person who is enrolled in a course, a subject or a group of subjects at or offered by the University;
- (b) a person who is enrolled in a course, subject or group of subjects at or offered by an affiliated educational establishment which is approved as an award course, subject or group of subjects by the Board;
- (c) a student of another university or higher education institution who is granted temporary or ongoing rights of access to University premises or facilities;
- (d) a person who was a student at the time of any alleged misconduct;
- (e) a person who became a student after having allegedly done so by misleading or false means;
- (f) a person who has consented in writing to be subject to the statutes, regulations and policies of the University;
- (g) a person who was at the time of any alleged misconduct a member of a class of persons designated pursuant to section 9(2)(c) of the Act or pursuant to any statute or regulation to be a student;
- (h) a person who is on leave of absence from or who has deferred enrolment in a course, subject or group of subjects at or offered by the University or by an affiliated educational establishment which is approved as an award course, subject or group of subjects by the Board; and
- (i) for the purposes of section 50 of this regulation a student includes a person who is seeking admission or enrolment at the University.

**“subject”** means a subject offered on an assessed or a non-assessed basis.

**“suspension”** means the suspension of a student’s enrolment at the University for a specified period at the end of which the student’s enrolment is reinstated unless otherwise requested by the student, and “suspend” has a corresponding meaning.

**“termination”** means the cancellation of a student’s enrolment at the University, without any right to enrol or re-enrol in any particular course or subject at the University, except with the consent of the Vice-Chancellor and “terminate” has a corresponding meaning.

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“**University**” means the University of Melbourne and any affiliated educational or residential establishment and associated premises and property or any establishment with which the University has an agreement for the purposes of a professional placement, or in which the student is participating in a University activity.

“**University community**” includes staff, students, alumni, contractors, visitors and guests of the University as defined in this part.

### Division 2 - Academic misconduct

#### 41 Objectives

The objective of this regulation is to maintain and protect academic integrity at the University.

#### 42 Student academic misconduct

A person commits student academic misconduct if he, or she, is a student and:

- (a) by act or omission does anything which is intended to or is likely to have the effect of obtaining for that student or any other person an advantage in the performance of assessment, by unauthorised, unscholarly or unfair means whether or not the advantage was obtained; or
- (b) in relation to an examination or assessment, includes but is not limited to, a student who:
  - (i) engages in cheating;
  - (ii) engages in plagiarism;
  - (iii) resubmits in whole or in part one's own work for another assessment item;
  - (iv) gives or provides one's own work to someone else;
  - (v) falsifies or misrepresents data or results;
  - (vi) improperly colludes with another person or persons;
  - (vii) fails to comply with examination or assessment rules or directions;
  - (viii) engages in other conduct with a view to gaining unfair or unjustified advantage;
  - (ix) uses or possesses any unauthorised or prohibited information, books, notes, paper or other materials;
  - (x) directly or indirectly assist any other student or accept assistance from any other person;
  - (xi) copies from or otherwise uses the answer of any other person engaged in the performance of the same or comparable component of assessment or permits any other person to copy from or otherwise use his or her answer;
  - (xii) forges or falsifies documents to gain for himself or herself, or for any other person, any academic advantage or advancement to which he or she or that other person is not entitled;
  - (xiii) purchases or obtains assessment materials from commercial services or other individuals;
  - (xiv) sells assessment materials to entities or individuals; and
  - (xv) in relation to research, commits research misconduct.

#### 43 Plagiarism

- (1) For the purposes of this regulation a person engages in plagiarism if he or she uses another person's work as though it is his or her own work.
- (2) Without limiting sub-section (1), a person uses another person's work as though it is his or her own work if he or she, without appropriate attribution:
  - (a) when writing a computer program and presenting it as his or her own, incorporates the coding of a computer program written by another person;

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- (b) uses work from any source other than the person's own work, including a book, journal, newspaper article, set of lecture notes, current or past student's work or any other person's work;
  - (c) uses a musical composition, audio, visual, design, graphic or photographic work created by another person; and/or
  - (d) uses an object created by another person, including an artefact, costume or model.
- (3) Without limiting sub-section (1), it is plagiarism if a person produces and submits or presents as his or her own independent work an assessment item which has been prepared in conjunction with another person.

### 44 Proceedings for academic misconduct

- (1) The dean of each faculty must establish one or more academic misconduct committees to implement academic misconduct requirements.
- (2) The composition of any academic misconduct committee must include at least one student nominated by the recognised student organisation.
- (3) Subject to (2) the Board may set in policy the composition of academic misconduct committees.
- (4) Notwithstanding requirements set in this section or policy made under this section, the Board President may vary the composition of an academic misconduct committee.
- (5) A student appearing before an academic misconduct committee may bring a specified support person who may not be a legal practitioner.
- (6) The Board may set requirements for proceedings of the academic misconduct committee including requirements relating to:
  - (a) allegations;
  - (b) hearings; and
  - (c) notification.

### 45 Penalties for student academic misconduct

- (1) Penalties for a finding of academic misconduct are:
  - (a) issue a reprimand and caution to the student;
  - (b) agree with the student a course of corrective action;
  - (c) agree with the student on a course of counselling;
  - (d) prohibit or deny access to or use of University premises, University facilities and services or University activities for up to two weeks;
  - (e) impose conditions on the student's attendance at University premises, participation in University activities or use of University facilities and services;
  - (f) require the student to resubmit, or revise and resubmit, the whole or part of the assessment, examination or research;
  - (g) disallow or amend a mark or grade for the whole or part of the assessment, examination or research;
  - (h) fail the student;
  - (i) recommend to the Vice-Chancellor that the student's enrolment be suspended for any period and on such terms and conditions as the committee considers necessary or appropriate;
  - (j) recommend to the Vice-Chancellor that the student's enrolment be terminated; or
  - (k) recommend to Council the revocation of the award.
- (2) In the case of research misconduct concerning externally funded research under a contract requiring the misconduct to be dealt with in accordance with the Australian Code for the Responsible Conduct of Research, a course of action is to be taken in accordance with that Code.

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- (3) The faculty must allow 20 working days for the student to appeal to the Board before sending the recommendation to revoke the award to the University Secretary for Council's consideration.
- (4) The Board may set the manner of application of penalties for academic misconduct by students.
- (5) Failure by a student to comply with a penalty given under this section is general misconduct and the penalties for general misconduct may be applied.

### Division 3 - General misconduct and high risk conduct

#### 46 Objectives

The objectives of this regulation are to:

- (a) provide proceedings for the exercise of the University's duty of care for the safety and protection of the University community and property;
- (b) inform students of behaviour which the University regards as misconduct;
- (c) implement fair and just procedures for dealing with cases of possible misconduct; and
- (d) provide for the imposition of penalties for misconduct.

#### 47 Student general misconduct

A person commits student general misconduct if he or she is a student and:

- (a) while on University premises, using University facilities and services or engaging in University activities:
  - (i) commits a crime;
  - (ii) intentionally or recklessly causes injury to any person or endangers the safety of any person;
  - (iii) engages in conduct which causes the University to be guilty of a crime;
  - (iv) causes risk or damage to the reputation of the University;
- (b) intentionally or recklessly causes damage to, or commits theft of:
  - (i) University property; or
  - (ii) property on University premises;
- (c) interferes with or improperly or unsafely uses University property, facilities or services;
- (d) during or in connection with the performance of any component of assessment:
  - (i) causes a disturbance, annoyance to or interferes with, any other student;
  - (ii) disobeys any instructions or directions given for the performance of a component of assessment;
  - (iii) disobeys any reasonable instructions of a supervisor;
  - (iv) refuses or fails to answer any reasonable question put by a supervisor;
- (e) while on University premises, using University facilities or services or engaging in University activities engages in improper behaviour, including:
  - (i) harassment;
  - (ii) threatening or intimidating behaviour;
  - (iii) use of abusive or offensive language;
  - (iv) disorderly behaviour;
  - (v) breach of the peace;
  - (vi) accessing, displaying, downloading, uploading or broadcasting offensive material;
  - (vii) acting in breach of laws or rules of conduct relating to smoking, alcohol consumption, use of drugs, gambling, occupational health and safety or discrimination;
- (f) fails to comply with any reasonable direction or request of a senior officer or a security officer employed or contracted by the University;
- (g) interferes with University teaching or learning activities;

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- (h) engages in a pattern or sequence of conduct which places substantial demand on University resources, vexatiously or without proper justification;
- (i) submits forged University or other documents to the University;
- (j) offers a bribe or other improper inducement in relation to the provision of University services or the discharge of the functions or duties of University staff;
- (k) engages in misrepresentation in relation to the provision of University services or the discharge of the functions or duties of University staff;
- (l) falsely claims an identity, qualification, prior learning or professional experience;
- (m) falsely uses a title;
- (n) acts in breach of a provision of a University statute, regulation or policy relating to conduct;
- (o) while on University premises or using University facilities and services, engages in a breach of copyright;
- (p) incites another person to commit academic or general misconduct; or
- (q) fails to comply with a penalty set under section 45 of this regulation.

### 48 Suspected general misconduct

- (1) The Vice-Chancellor may set requirements for the treatment of students suspected of general misconduct including requirements relating to:
  - (a) allegations;
  - (b) hearings; and
  - (c) notification.
- (2) The composition of any general misconduct committee must include at least one student nominated by the recognised student organisation.
- (3) Notwithstanding requirements set in this section or policy made under this section, the Vice-Chancellor may vary the composition of a general misconduct committee.
- (4) A student appearing before a general misconduct committee may bring a specified support person who may not be a legal practitioner.

### 49 Penalties for general misconduct

- (1) Penalties for a finding of general misconduct by a student include, but are not limited to:
  - (a) issue a reprimand and caution to the student;
  - (b) fine the student an amount not exceeding the sum of \$1,000;
  - (c) if the misconduct of the student caused damage to property or facilities, a fine of up to \$1,000 and the cost of making good that damage;
  - (d) exclude the student from all or any part of University premises for such period and on any terms and conditions;
  - (e) prohibit the student from bringing any motorised vehicle or non-motorised vehicle, as those expressions are defined in any regulation or policy of the University dealing with traffic and parking rules, onto all or any part of University premises either permanently or for any period and on any terms and conditions;
  - (f) exclude the student from using any of the University's library and computing and network facilities for a period not exceeding 28 days either absolutely or on any terms and conditions;
  - (g) impose a requirement that the student refrain from having any or such specified contact with particular students, members of staff, or other members of the University community;
  - (h) impose a requirement that the student undertake work, activities, service and apologies;
  - (i) recommend to the Vice-Chancellor that the student's enrolment be suspended for any period and on any terms and conditions; or

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- (j) recommend to the Vice-Chancellor that the student's enrolment be terminated.
- (2) The Vice-Chancellor may set the manner of application of penalties for general misconduct by students.

### 50 High risk misconduct

- (1) Notwithstanding any other provision in regulation, the Vice-Chancellor may:
  - (a) determine that a student is immediately subject to suspension and exclusion; or
  - (b) refuse to enrol an applicant as a student of the University.
- (2) The Vice-Chancellor, before any determination under (1), must be satisfied the:
  - (a) decision is reasonably necessary to protect against further high risk misconduct; and
  - (b) student has acted or behaved or is acting or behaving in a way which involves or might involve an immediate risk of:
    - (i) injury to the student or to any other person;
    - (ii) serious damage to property; or
    - (iii) serious disruption of any activity sanctioned by the University or affiliated educational establishment;
- (3) For the avoidance of doubt, the Vice-Chancellor:
  - (a) is not required to accord a hearing to the student before making the decision;
  - (b) may inform him or herself in any way in relation to any matter; and
  - (c) may impose terms and conditions on the suspension and exclusion.
- (4) The Vice-Chancellor's decision is final and continues to operate until revoked, varied or expired.
- (5) The Vice-Chancellor must within 24 hours of the decision to suspend the student provide written notice to the student:
  - (a) of the decision, any terms and conditions of the decision, and a summary of the reasons for the decision;
  - (b) a copy of this regulation; and
  - (c) of the student's right of appeal against the suspension and exclusion.
- (6) A decision to suspend and exclude a student takes effect immediately.

### 51 Other considerations relating to misconduct

- (1) Where both general and academic misconduct are alleged to have occurred by a student arising from one incident or closely related incidents, the allegation or allegations of general misconduct are to be investigated first.
- (2) A member of staff who reports misconduct, provides evidence of misconduct or refers an allegation of misconduct for investigation, may not be a member of any committee formed to investigate or decide an allegation of misconduct.
- (3) Proceedings into allegations of general and academic misconduct begun and not completed before the commencement of this regulation must continue to be dealt with in accordance with the University statutes and University regulations as in force immediately before the commencement of this regulation.
- (4) For the avoidance of doubt, any proceedings under (3) are not completed until appeal rights have been exhausted and appeals finally determined.

## PART 9 – APPEALS TO ACADEMIC BOARD

### 52 Appeal of decision

Except as otherwise provided by University statutes or regulations:

- (1) the Board may establish a committee of the Board to hear appeals arising from student grievances or student misconduct;
- (2) the Board may set the circumstances and manner for student appeals; and



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- (3) student grievances arising from failure to read and act upon a notice or correspondence sent to their University email account are not grounds for an appeal.

### 53 Reference to an appeal committee

- (1) The Academic Secretary may accept appeals lodged with the Board.
- (2) Upon receipt of an application, the Academic Secretary, must, either allow the application or disallow the application and notify the student within 10 days of the allowance or otherwise of the application.
- (3) The Academic Secretary must, within 10 working days after allowing an application, refer the application to an appeal committee.
- (4) An appeal committee must comprise three members of the Board.
- (5) Notwithstanding (4) the Academic Secretary may invite an undergraduate or graduate student to sit on a student misconduct appeal committee.
- (6) A member appointed to an appeal committee must not be:
  - (a) a person who works in the academic subject or administrative area in which the decision under appeal was made; or
  - (b) a person who was involved in, associated with, or alleged to have been involved in or associated with the decision being appealed.
- (7) The Academic Secretary must nominate one of the appeal committee members to be the chair of the committee.
- (8) The Academic Secretary must nominate a secretary to the appeal committee.

### 54 Hearing

- (1) The chair of an appeal committee, in consultation with the Academic Secretary, must decide how the appeal is to be conducted.
- (2) At an appeal in relation to penalty, the appeal committee must consider only the question of penalty.

### 55 Decision

- (1) Following consideration of an appeal, the appeal committee must decide, by majority, to:
  - (a) dismiss the appeal, for reasons stated in writing; or
  - (b) to allow the appeal in whole or in part and:
    - (i) if the appeal is in relation to penalty, substitute a different penalty; or
    - (ii) in any other case, substitute its decision for the original decision.
- (2) The appeal committee must dismiss the appeal unless a majority of the members of the appeal committee is satisfied that a ground of appeal has been established.
- (3) The appeal committee may not:
  - (a) increase the period of any suspension imposed; or
  - (b) impose any penalty which it considers more onerous than the original penalty imposed on the student.
- (4) When making a decision the appeal committee may include recommendations arising from the consideration of the appeal.
- (5) The appeal committee may make a recommendation to the Vice-Chancellor to alleviate hardship of students due to:
  - (a) alterations to the requirements for courses; or
  - (b) due to incorrect information or advice provided by any University staff or publication.
- (6) The chair of an appeal committee must, as soon as is practicable after a decision is made, advise the applicant and the relevant dean of:
  - (a) the decision and the reasons for it; and
  - (b) in the case of the notification to the applicant, the applicant's right to apply for external review of the decision.

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### 56 External appeals not excluded

Nothing in this regulation excludes or is intended to exclude:

- (a) the operation of any law giving a person a right to apply to a court for review of a decision or determination made under any of the statutes or regulations; or
- (b) the right of any person to lodge complaints and grievances with an appropriate body external to the University, including the relevant ombudsman or equivalent agency.

### VERSION HISTORY

Version	Council Approval	Commencement	Note / amendment
1	14 Dec 2015 23 June 2016 (amendments)	21 July 2016	New Regulation
2	30 May 2018	4 June 2018	Am. Section 5 Membership – extend membership to those listed at (m)
3	5 December 2018	5 December 2018	Am. Section 36(2) & (4)