

## Vice-Chancellor Regulation

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### PART 1 – PRELIMINARY

#### 1. Purpose

The purpose of this Regulation is to make provision:

- (a) about the general powers, functions and duties of the Vice-Chancellor;
- (b) for the exercise of specific powers, functions and duties of the Vice-Chancellor; and
- (c) in specific circumstances, for the exercise of specific powers, functions and duties of the deans.

#### 2. Authorisation

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

#### 3. Commencement

Following Council approval, this Regulation comes into operation upon publication on the University of Melbourne website.

#### 4. Definitions

“**academic discipline**” refers to a defined branch of study or learning.

“**Academic Registrar**” refers to a staff member with that designated title.

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

“**alumni body**” includes an association or organisation recognised under Section 22 of this Regulation.

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

“**cancellation of the student’s enrolment**” means the student’s enrolment in a course or subject is cancelled and the student is no longer enrolled.

“**charter**” means a document recording requirements for the establishment of a University department under Section 7(1) of this Regulation.

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

**“expulsion”** means termination of a student’s enrolment and exclusion from the University without any right to enrol or re-enrol in any course or subject at the University, or any right to access University premises, facilities, services, activities, except with the consent of the Vice-Chancellor. Expel has a similar meaning.

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

**“faculty”** means an academic unit established as a faculty under Section 13(1) of the Council Regulation and includes a graduate school established as a faculty.

**“penalise”** includes imposing a fine, sanction on enrolment or re-enrolment, sanction on issuance of an academic transcript, termination of enrolment, expulsion from the University, and sanction on the conferral of a degree.

**“research misconduct”** means the falsification, plagiarism or deception in proposing, carrying out or reporting the results of research, including the improper appropriation of the intellectual property and contributions of others; failure to declare or manage a serious conflict of interest, and the wilful concealment or facilitation of research misconduct by others.

**“senior member of academic staff”** means an academic staff appointed at the classification level C or above.

**“senior officer”** means a person nominated as a senior officer by the Vice-Chancellor for the purpose of this Regulation and may include a person who is external to the University.

**“student”** means any person enrolled in accordance with the relevant policies and procedures at the University, including the meaning of student as defined in Part 6.

**“University activities”** includes but is not limited to:

- (a) attendance at or participation in University lectures, seminars, tutorials, laboratory work, assessments and classes;
- (b) participating in internships, placements, study tours, travelling subjects or student exchanges associated with or organised by the University; and
- (c) participating in excursions, trips, functions, events, games or competitions associated with or organised by the University.

**“University department”** means a department of the University established under Section 7 of this Regulation and includes academic and non-academic departments.

**“University handbook”** means a handbook published annually listing all the courses and subjects available for entry and enrolment at the University in the year of the handbook.

## PART 2 – GENERAL

### 5. Powers, functions and duties

- (1) The Vice-Chancellor is accountable to Council for:
  - (a) leadership, management and administration of the University; and
  - (b) providing reports and information to Council to enable Council to undertake its duties and functions.
- (2) Subject to the Act, University statutes and regulations, Council confers on the Vice-Chancellor the powers, functions and duties necessary to undertake the leadership, management and administration of the University.
- (3) For the avoidance of doubt:

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- (a) the Vice-Chancellor is expected to reasonably interpret the nature and scope of the conferral in (2) as the Vice-Chancellor sees fit;
  - (b) the Vice-Chancellor has the power to obtain information from any staff member related to any of his or her powers, functions and duties;
  - (c) the primary responsibilities of Council under Section 8(3) of the Act remain Council responsibilities; and
  - (d) the remaining parts of this Regulation clarify the scope and nature of the conferral in (2) for specific matters but do not limit its general nature in the matters mentioned or not mentioned.
- (4) Nothing in this Section takes away Council's power under the Act to confer, or to limit the conferral of, powers, functions and duties on the Vice-Chancellor.
- (5) The Vice-Chancellor may exercise any powers of Council which:
- (a) are necessary for or incidental to the proper administration of the University;
  - (b) are of a routine or minor nature; or
  - (c) which by reason of an emergency require immediate action.
- (6) The Vice-Chancellor must notify the next meeting of Council of any exercise of power under Section (5)(a)-(c).

### PART 3 – STRUCTURES AND STAFF

#### 6. Senior officers

- (1) Subject to this Regulation, the Vice-Chancellor may appoint one or more senior officers accountable to the Vice-Chancellor on terms and conditions as the Vice-Chancellor sees fit.
- (2) In accordance with the Act, the Vice-Chancellor may confer or delegate the Vice-Chancellor's powers, functions and duties on senior officers.
- (3) Nothing in (2) prevents the Vice-Chancellor delegating his or her powers to another staff member or committee in accordance with the Act.
- (4) The Vice-Chancellor may not appoint a senior officer for a term exceeding five years.
- (5) The Vice-Chancellor may re-appoint a senior officer.
- (6) Deans must:
  - (a) lead and manage the academic and administrative activities of each faculty in accordance with University statutes, regulations, policies and procedures;
  - (b) establish faculty structures and governance arrangements for:
    - (i) undertaking the teaching, research and other academic functions;
    - (ii) executive support to the dean;
    - (iii) consultation with faculty staff and students on faculty matters;
    - (iv) a body comprised of graduates of the faculty and appropriate representatives from government and industry to advise the faculty and the executive.
  - (c) provide reports as required to Council, the Vice-Chancellor and the Board;
  - (d) administer faculty courses, including those assigned to the faculty, subject to direction from the Vice-Chancellor and subject to policy set by the Board; and
  - (e) undertake any other function or duty set in terms and conditions of the dean's employment contract.

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- (7) For the avoidance of doubt, nothing in this Section prevents Council or the Vice-Chancellor conferring, imposing or delegating other functions or duties on the deans.

### 7. University departments

- (1) The Vice-Chancellor may establish or disestablish University departments, in a faculty, or as a separate unit from any faculty, including:
- (a) academic or non-academic departments;
  - (b) schools (including graduate schools within a faculty);
  - (c) institutes;
  - (d) centres; and
  - (e) any other University department, provided the name is approved by the Vice-Chancellor.
- (2) Nothing in (1) allows the Vice-Chancellor to establish a faculty or a graduate school as a faculty.
- (3) The Vice-Chancellor must appoint a head of each University department established under this Section.
- (4) Where the University department is to be established as a unit separate from any faculty, the Vice-Chancellor must be satisfied that it has:
- (a) objects that support University objects;
  - (b) appropriate structure and governance arrangements; and
  - (c) provision for required reporting.
- (5) Council must approve governance arrangements of any academic departments established under (1)(a) where the establishment impacts on governance arrangements in other existing academic departments or faculties.
- (6) Where the department is separate from any faculty, the Vice-Chancellor must set and approve the charters of University departments established under (1) including the requirements in (4)(a)-(c) and any other requirements of Council or the Vice-Chancellor.
- (7) Nothing in this Section prevents the Vice-Chancellor from setting a standard charter for any grouping of University departments.
- (8) The Vice-Chancellor must report the establishment of any University department:
- (a) at the next meeting of Council;
  - (b) where the University department is involved in teaching, learning and/or research at the next meeting of the Academic Board.
- (9) The Vice-Chancellor must report to Council the establishment of any University department in accordance with (1) at the next meeting of Council.
- (10) The Vice-Chancellor must report to Council as soon as practicable any changes impacting on University or faculty governance arrangements.
- (11) University departments established prior to the commencement of this Regulation continue to exist until disestablishment by the Vice-Chancellor.

### 8. Staff

Unless otherwise provided by the Act, the statutes, regulations, the Vice-Chancellor may:

- (a) appoint any and all staff of the University;
- (b) make honorary appointments; and

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(c) manage and administer the conduct of all, or any class of, staff or honorary appointees.

### 9. Research conduct

- (1) The Vice-Chancellor must, in consultation with the Board, set a University code for research conduct applicable to staff, students, honorary appointees and visitors guided by the Australian Code for the Responsible Conduct of Research.
- (2) The Vice-Chancellor may institute disciplinary action against staff for breaches of the University code or policies for conduct of research.
- (3) The Vice-Chancellor must refer findings of student breaches of the University code for conduct of research in the manner prescribed by regulations, policies or procedures for student misconduct.
- (4) Proceedings into allegations of breaches of the University code for conduct of research 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.
- (5) For the avoidance of doubt, any proceedings under (4) are not completed until appeal rights have been exhausted and appeals finally determined.

### 10. University holidays

- (1) The Vice-Chancellor may set the days to be observed as standard University holidays.
- (2) The Vice-Chancellor may set additional days to be observed as University holidays.

### 11. Academic year

The Vice-Chancellor, in consultation with the Academic Registrar and Board President, may set or amend the academic year or any periods of the academic year for the University or any faculty including:

- (a) admission periods;
- (b) teaching or non-teaching periods;
- (c) examination periods; and
- (d) dates for the final release of results.

### 12. Colours of academic dress

The Vice-Chancellor may set by publication on the University website, the academic colours of academic dress for faculties, disciplines, and degrees.

## PART 4 – PROPERTY AND ACCESS

### 13. Intellectual property

- (1) The Vice-Chancellor may exercise a power of attorney to execute any document and do any act required of a creator or creators of intellectual property to enable the University to:
  - (a) meet legal obligations including those under University legislation; and
  - (b) protect rights to intellectual property generally.
- (2) The Vice-Chancellor must set principles for management and administration of intellectual property including:
  - (a) its ownership, protection, enforcement, defence, licensing, assignment and use;
  - (b) its disclosure, development, security and commercial exploitation;
  - (c) the apportionment of proceeds of commercialisation; and

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- (d) obligations and rights of creators and other relevant persons or bodies.

### 14. Trusts and gifts held long term

The Vice-Chancellor must report to Council, at least annually, on the performance of each trust and gift held long term against its obligations.

### 15. University activities, premises and facilities

- (1) The Vice-Chancellor may set terms and conditions for:
  - (a) using University premises and facilities; or
  - (b) participating in University activities.
- (2) The terms and conditions in (1) may apply to all or any class of persons or students.
- (3) The Vice-Chancellor may exclude or otherwise penalise all or any class of persons from using University premises or facilities or participating in University activities who breach the terms and conditions.

## PART 5 – ENROLMENT, COURSES AND SUBJECTS

### 16. Handbook

The Vice-Chancellor must ensure the University handbook is published on the University website annually.

### 17. Quotas

- (1) The Vice-Chancellor may set a quota on entry of persons or any class of persons to any course.
- (2) Nothing in (1) allows a person to be admitted to, or enrol in, a course without meeting the University minimum entry requirements or the course minimum entry requirements set by the Board.
- (3) If a quota is set, the dean of the relevant faculty must allow entry to a course based on academic merit.

### 18. Enrolment and re-enrolment

- (1) In accordance with the statute and regulations, the Vice-Chancellor may set for all, or any class of, students:
  - (a) the manner, including dates, terms and conditions, for enrolment and re-enrolment in a course or subject;
  - (b) circumstances for, and duration of, leave from study for all or any class of students;
  - (c) rights for all or any class of students whilst on leave from study for:
    - (i) using University premises and facilities; and
    - (ii) participating in University activities;
  - (d) the circumstances for, and duration of, deferral of commencement of a course.
- (2) The Vice-Chancellor may cancel a student's enrolment for failure to enrol or re-enrol in a prescribed time-frame.

### 19. Disestablishment of courses and subjects

- (1) The Vice-Chancellor, as the Vice-Chancellor sees fit or on the recommendation of the Board, may disestablish a course or subject.
- (2) The Board's recommendation in (1) must be based on the standard of academic quality of the course or subject.
- (3) The Vice-Chancellor must not disestablish a course or subject unless the Vice-Chancellor is satisfied that students in the course have an opportunity to complete the course as accredited by the Board.

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- (4) If the Vice-Chancellor disestablishes a course or subject the dean of the relevant faculty must:
- (a) stop persons entering or enrolling into the course or subject; and
  - (b) make the necessary transitional arrangements.
- (5) Nothing in this Section:
- (a) prevents a dean cancelling a course in the manner set by the Board; or
  - (b) permits the Vice-Chancellor to disestablish an academic discipline as a result of disestablishing one or more courses or subjects.

### 20. Scholarships and prizes

The Vice-Chancellor is responsible for the administration and management of scholarships and prizes.

### 21. Alumni Bodies

The Vice-Chancellor may set requirements for the recognition of, and recognise bodies as, University alumni bodies.

## PART 6 – STUDENT CONDUCT

### 22. Definitions

In this part –

“**disability**” has the same meaning as in Section 4 of the Equal Opportunity Act 2010 (*Vic*)

“**general misconduct**” has the meaning given to it Section 25 of this Regulation.

“**health**” includes, but is not limited to, having a disease notifiable under the Public Health and Wellbeing Regulations 2009.

“**relevant course or subject**” means a course or subject of the faculty of which a dean is the head.

“**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 suspended or on leave of absence from the University 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 Sections 29, 30, 31 and 32 of this Regulation a student includes a person who is seeking admission or enrolment at the University.

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“**student academic misconduct**” has the meaning given to it in the Academic Board Regulation.

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

“**suspension**” means, except in relation to a Suspension Order under Section 29, 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. “Suspend” and “suspended” have a corresponding meaning.

“**termination of enrolment**” means the termination of a student’s enrolment at the University and cancellation of the student’s enrolment. “Terminate” and “terminated” have a corresponding meaning.

“**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 or vocational placement, or in which the student is participating in a University activity.

“**University community**” means the people involved in or connected with the University, including, but is not limited to, staff, students, alumni, contractors, visitors and guests of the University as defined in this part.

### 23. Objectives

The objectives of this part 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;
- (d) provide for the imposition of penalties for misconduct;
- (e) provide for Suspension Orders and exclusion from the University for health reasons

### 24. Suspension, termination, expulsion, and exclusion of students for general or academic misconduct

- (1) In accordance with the statute and this Regulation the Vice-Chancellor may suspend, terminate the enrolment of, expel, and/or exclude, a student from the University who commits general misconduct or academic misconduct (save where that breach is a manifestation of a Disability, such that Section 32 of this Regulation is engaged).
- (2) In making a decision to made to suspend, terminate the enrolment of, expel, and/or exclude, a student under (1), the Vice-Chancellor must:
  - (a) be satisfied that, in accordance with the relevant University regulation and policies, that the student has had an opportunity to be heard; and
  - (b) allow 20 business days for the student to appeal in accordance with the Academic Board Regulation before the suspension, termination, expulsion, and/or exclusion takes effect.
- (3) The Vice-Chancellor may not delegate any Vice-Chancellor’s powers, functions and duties conferred or imposed under this Section to suspend, terminate the enrolment of, expel, and/or exclude, a student from the University.

### 25. Student general misconduct

A person commits student general misconduct if the person is a student and:

- (a) while on University premises, using University facilities and services or engaging in University activities:
  - (i) intentionally or recklessly causes injury to any person or endangers the safety of any person;
  - (ii) engages in conduct which causes the University to be guilty of a crime;
  - (iii) causes risk of serious damage to the reputation of the University;

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- (iv) fails to comply with any reasonable direction or request of a senior officer or a security officer employed or contracted by the University;
  - (v) interferes with University teaching or learning activities;
  - (vi) acts in breach of a provision of a University statute, regulation or policy relating to conduct;
  - (vii) incites another person to commit academic or general misconduct;
  - (viii) falsely claims an identity, qualification, prior learning or professional experience;
  - (ix) engages in an infringement of intellectual property.
- (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 student card use, smoking, alcohol consumption, use of drugs, gambling, occupational health and safety or discrimination;
- (f) engages in a pattern or sequence of conduct which places substantial demand on University resources, vexatiously or without proper justification;
- (g) submits fraudulent or forged documents to the University or any organisation involved in a University activity;
- (h) 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;
- (i) engages in misrepresentation in relation to the provision of University services or the discharge of the functions or duties of University staff;
- (j) falsely uses a title;
- (k) fails to comply with a penalty set under this Regulation or under Section 45 of the Academic Board Regulation.

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### 26. Suspected general misconduct

- (1) The Vice-Chancellor (or delegate) must establish one or more student general misconduct committees to implement general misconduct requirements.
- (2) The composition of any general misconduct committee must include at least one student:
  - (a) nominated by a recognised student organisation; and
  - (b) studying at a level (*undergraduate or graduate*) that matches the level of the student suspected of general misconduct.
- (3) Notwithstanding requirements set in this Section or policy made under this Section, the Vice-Chancellor may approve in policy the manner for variation of the composition of a student general misconduct committee.
- (4) A student appearing before a student general misconduct committee may, no later than 24 hours before the commencement of a meeting of the committee, request permission from the chair to bring a specified support person to the meeting, provided the support person is not:
  - (a) a legal practitioner; or
  - (b) a person who was involved, or associated with, or alleged to have been involved in or associated with the misconduct alleged in the allegation notice.
- (5) The Vice-Chancellor may set in policy requirements for the treatment of students suspected of student general misconduct including requirements relating to:
  - (a) allegations;
  - (b) hearings; and
  - (c) notification of allegations and hearings.

### 27. Penalties for general misconduct

- (1) Penalties for a finding of student general misconduct include, but are not limited to the student general misconduct committee deciding to:
  - (a) issue a reprimand and/or a 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, fine the student up to \$1,000 and/or 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 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, groups of students, or other members of the University community in order to prevent, or prevent a recurrence, of misconduct;
  - (h) impose a requirement that the student undertake work, activities, and/or service and/or apologise to one or more specified persons;
  - (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 be expelled from the University.
- (2) Nothing in (1) prevents the Vice-Chancellor setting additional principles in policy to assist in the determination of penalties for general misconduct by students.

### 28. Other considerations relating to misconduct

- (1) Where both academic misconduct and general misconduct are alleged to have been committed by a student arising from one incident or closely related incidents, the Academic Secretary will decide whether the matter is to be heard as academic or general misconduct, or both.
- (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 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. For the avoidance of doubt, any proceedings under (3) are not completed until appeal rights have been exhausted and appeals finally determined.

### 29. Suspension Orders

- (1) Notwithstanding any other provision in regulation, the Vice-Chancellor may make and implement a Suspension Order if the Vice-Chancellor is satisfied that is reasonably necessary to do so to minimise or prevent one or more of the following risks:
  - (a) risk to the health, welfare and safety of the student or to any other person who is on University premises, using University facilities or services, or engaging in University activities;
  - (b) risk of damage to University property;
  - (c) risk of disruption of any activity sanctioned by the University, or an activity of an affiliated educational establishment where the activity is related to an award course, subject or group of subjects approved by the Board;
  - (d) risk that student general misconduct will occur or will continue.
- (2) A Suspension Order may withdraw, restrict or limit any right, entitlement or privilege applicable to a student of the University, including but not limited to:
  - (a) attendance at classes, field work, placements or other activities related to enrolment;
  - (b) exclusion from enrolment or re-enrolment in courses or subjects;
  - (c) access to, or use of, University property or facilities; and/or
  - (d) access to, or contact with, another student or students, any member of staff while the student, other student, other students or any member of staff is on University premises, using University facilities or services or engaging in University activities.
  - (e) risk of disruption of any activity sanctioned by the University or an activity of an affiliated educational establishment where the activity is related to an award course, subject or group of subjects approved by the Board;
  - (f) risk that student general misconduct will occur or continue.
- (3) A Suspension Order for an allegation of student general misconduct involving an offence punishable by 12 months' imprisonment or more applies automatically unless the Vice-Chancellor is reasonably satisfied:
  - (a) that the student is unlikely to pose any risk specified in 29(1); or

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- (b) the risk can be managed without the need for the Suspension Order on the condition that the student complies with any reasonable request that aims to reduce the risk as specified by the Vice-Chancellor.
- (4) A Suspension Order:
- (a) must be proportionate to the circumstances;
  - (b) may be imposed for a specified period of time or an indefinite period; and
  - (c) may be extended, vary or renewed.
- (5) Before making a Suspension Order under Section 29(1), the Vice-Chancellor must by a written notice:
- (a) specify the type of Suspension Order under consideration and any terms and conditions of the proposed Suspension Order;
  - (b) summarise the alleged conduct to which the proposed Suspension Order relates,
  - (c) invite the student to have an opportunity to be heard on the proposed Suspension Order only by:
    - (i) attending an interview at a specified time which is to be no earlier than three business days after the notice has been sent; and
    - (ii) providing a written response by a specified date which is to be no earlier than two business days after the notice has been sent; and
  - (d) include statements to the effect that:
    - (i) if the student does not attend the interview or respond in writing by the specified deadline, then the proposed Suspension Order will be made and shall take effect immediately on expiry of the deadline without further notice; or
    - (ii) if the student does attend the interview and/or respond in writing, then a final decision will be made after considering the respondent student's response; and
  - (e) include a copy of this Regulation.
- (6) A student may bring a specified support person to a hearing on a Suspension Order who may not be a legal practitioner.
- (7) The Vice-Chancellor must consider a written report of any response provided by the student before making a Suspension Order.
- (8) A Suspension Order must be in writing and must:
- (a) specify the alleged conduct to which the Suspension Order relates;
  - (b) specify the nature and length of the Suspension Order and from when it takes effect;
  - (c) include a short statement of reasons for imposing the Suspension Order; and
  - (d) include a statement that the student may request the Vice-Chancellor to review a Suspension Order within 20 business days from the commencement of the Suspension Order on one or more of the following grounds:
    - (i) there was a procedural irregularity in the original imposition of the Suspension Order;
    - (ii) there is new information that could not reasonably have been provided during the opportunity to be heard under (5)(c) and that the new information would probably have affected the Suspension Order;
    - (iii) the Suspension Order was manifestly wrong; and/or
    - (iv) the Suspension Order imposed was manifestly excessive, inappropriate or not available in the circumstances.

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- (9) A Suspension Order ends on the earliest of:
- (a) 5:00 p.m. on the expiry date specified in the Suspension Order; or
  - (b) if and when it is revoked.
- (10) Where a Suspension Order withdraws, restricts or limits any right, or entitlement of a student:
- (a) if the withdrawal, restriction or limitation concerns access to University premises or buildings, then the Suspension Order will operate to withdraw any licence (express or implied) to be lawfully present on the property or in the building;
  - (b) if the withdrawal, restriction or limitation concerns access to Information Technology (IT) systems of the University, then the Suspension Order may be provided to any IT service provider (including within the University itself) to authorise the withdrawal, restriction or limitation in question.
- (11) Student appeals under Part 10 of the Academic Board Regulation against a Suspension Order are not allowed.
- (12) Where a Suspension Order suspends or excludes a student from the University for more than 10 days, the Vice-Chancellor must provide a report to the next meeting of Council setting out in summary form the terms of and the reason or reasons for the decision.
- (13) Nothing in this Section derogates from the power of authorised University security officers to revoke a person's right to remain on University premises in accordance with any policy and/or procedures of the University.

### **30. Review, extend, vary or renew Suspension Orders**

- (1) Upon receipt of a notice, under Section 29(8)(d), for a review of a Suspension Order, the Vice-Chancellor may:
- (a) dismiss the review for lack of merit without a hearing; or
  - (b) hear the review by following the relevant procedures in Section 29(3) – (5); and
  - (c) confirm, extend, vary or revoke the Suspension Order.
- (2) In addition to (1), the Vice-Chancellor may confirm, extend, vary or revoke a Suspension Order at any time to take account of any changes in circumstances, including the continued likelihood of any risks.
- (3) Before confirming, extending, or varying a Suspension Order, the Vice-Chancellor must provide the student subject of the suspension order a written notice that:
- (a) specifies the proposed confirmation, extension, or variation to the Suspension Order under consideration;
  - (b) invites the student to have an opportunity to be heard on the proposed confirmation, extension, or variation to the Suspension Order by:
    - (i) attending an interview at a specified time which is to be no earlier than three business days after the notice has been sent; and
    - (ii) providing a written response by a specified date which is to be no earlier than two business days after the notice has been sent; and
  - (c) includes statements to the effect that:
    - (i) if the student does not attend the interview or respond in writing by the specified deadline, then the proposed confirmation, extension, or variation to the Suspension Order will be made and shall take effect immediately on expiry of the deadline without further notice; or
    - (ii) if the student does attend the interview and/or respond in writing, then a final decision will be made after considering the respondent student's response; and

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- (d) includes a copy of this Regulation.
- (4) A student may bring a specified support person to a hearing on a Suspension Order who may not be a legal practitioner.
- (5) The Vice-Chancellor must consider any response provided by the student before proposed confirmation, extension, or variation to the Suspension Order is made.
- (6) Student appeals against a Suspension Order are available in accordance with Part 7 of this Regulation.
- (7) Student appeals under Part 10 of the Academic Board Regulation against confirmation, extension, or variation of a Suspension Order, or the outcome of a request for a review of a Suspension Order, are not allowed.

### 31. Exclusion for a notifiable disease

- (1) The Vice-Chancellor may exclude from any part of the University or from participation in any University activity a student suffering from a disease notifiable under the Public Health and Wellbeing Regulations 2009.
- (2) An order by the Vice-Chancellor under (1) excluding a student from the University remains effective until the Vice-Chancellor is satisfied that the student has complied with all conditions prescribed by law in relation to the notifiable disease.
- (3) Student appeals against an exclusion made under this Section are available in accordance with Part 7 of this Regulation.
- (4) Student appeals under Part 10 of the Academic Board Regulation against an exclusion under this Section, are not allowed.

### 32. Student fitness to study

- (1) Subject to 32(2), a relevant dean may put a student on leave from enrolment or prohibit a student from enrolment or re-enrolment in a relevant course or subject, after considering the recommendation of the Academic Registrar.
- (2) A dean may make a decision under 32(1) only if the dean is satisfied that:
  - (a) based on the student's disability:
    - (i) the student requires adjustments in order to participate in or continue to participate in or derive any substantial benefit from the subject or course; and
    - (ii) the University has complied with Section 40 of the Equal Opportunity Act 2010; and
    - (iii) the adjustments are not reasonable, having regard to the relevant facts and circumstances, including those under Section 40(3) of the Equal Opportunity Act 2010; or
    - (iv) the student could not or cannot participate in or continue to participate in or derive any substantial benefit from the subject or course even after the adjustments are made; or
  - (b) based on the health, behaviour or actions of a student there would, if the student participated in the course or subject, be an unreasonable risk to their own health, safety and / or wellbeing and / or that of others.
- (3) The Vice-Chancellor may make policies and procedures for the management and administration of activities related to this Section.
- (4) Leave imposed by a decision in 32(1) is additional to, and does not count towards, the course maximum leave for that student.
- (5) Student appeals against a decision made under this Section, or any policy or procedure made under this Section, are available in accordance with Part 7 of this Regulation.

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- (6) Student appeals under Part 10 of the Academic Board Regulation against a decision made under this Section, or any policy made under this Section, are not allowed.

### 33. Procedural irregularity

Save as set out in these Regulations, any procedural irregularity in any notice or procedure does not invalidate the step taken by the notice or procedure.

### 34. Student Appeals under the Academic Board Regulation

Student appeals arising from student academic misconduct or student general misconduct are available in accordance with Part 9 of the Academic Board Regulation.

## PART 7 – STUDENT APPEALS UNDER THE VICE-CHANCELLOR REGULATION

### 35. Definition

In this part “**student**” includes a person who is seeking admission or enrolment at the University.

### 36. Appeal of decision

- (1) The Academic Secretary may establish a University committee to hear student appeals arising from matters under following Sections, or policies made under the following Sections, of this Regulation:
  - (a) Section 29 Suspension Orders;
  - (b) Section 30 Review, extend, renew or vary Suspension Orders;
  - (c) Section 31 Exclusion for a notifiable disease;
  - (d) Section 32 Student fitness to study.
- (2) Failure to read and act upon a notice or correspondence sent to the student University email account are not grounds for an appeal.
- (3) The circumstances and manner for student appeals follow those set in policy by the Academic Board, including:
  - (a) a time limit for appeals which permits students at least 20 days to lodge an appeal; and
  - (b) provision for consideration of the appeal panel of any relevant information provided by the student (such information to be provided in the manner directed by the Board).

### 37. Reference to an appeal committee

- (1) The Academic Secretary may accept appeals provided the notice of appeal contains:
  - (a) a description of the decision being appealed; and
  - (b) a statement of the grounds of the appeal.
- (2) Upon receipt of the notice of appeal, the Academic Secretary, must, consider the merits of the notice of appeal and either allow, or disallow, the appeal to be heard by an appeal committee and notify the student within 15 business days of the decision to allow, or disallow, the appeal to be heard by an appeal committee.
- (3) The Academic Secretary must, within 15 business days after allowing an appeal to be heard, refer the appeal to an appeal committee.
- (4) An appeal committee must comprise three senior members of University staff.
- (5) 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

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- (b) a person who was involved in, associated with, or alleged to have been involved in or associated with the decision being appealed.
- (6) The Academic Secretary must nominate one of the appeal committee members to be the chair of the committee.
- (7) The Academic Secretary must nominate a secretary to the appeal committee.

### 38. Hearing

The chair of an appeal committee, in consultation with the Academic Secretary, must decide how the appeal is to be conducted which must allow the student an opportunity to be heard in regard to the matter.

### 39. Decision

- (1) Following consideration of an appeal, the appeal committee must decide, by majority, to:
  - (i) dismiss the appeal, for reasons stated in writing; or
  - (ii) allow the appeal in whole, or in part and substitute a different outcome.
- (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 impose any outcome which it considers more onerous than the original outcome imposed on the student.
- (4) When making a decision the appeal committee may include directions, arising from the consideration of the appeal, for action by the student and relevant University staff.
- (5) 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.

### 40. 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.

## PART 8 – FEES AND PENALTIES

### 41. Fees and penalties

- (1) The Vice-Chancellor may set fees for any matter relating to the University, including fees for the use of premises, facilities and services; fees for participating in University activities; application fees, enrolment or re-enrolment fees; tuition fees; student services and amenities fees; and administration fees.
- (2) The Vice-Chancellor may set penalties in relation to:
  - (a) any unpaid fees;
  - (b) unpaid student loans;
  - (c) breach of terms and conditions set in Section 15(1);
  - (d) failure to enrol or re-enrol in the manner set under Section 18.

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- (3) Fees and fines set under (1) or (2) must be published on the University website.
- (4) The Vice-Chancellor may waive part or all of a fee or fine for any person or student or a specified class of persons or students.
- (5) Fees and penalties imposed under this Part cannot be appealed under Part 9 of the Academic Board Regulation.

### PART 9 – POLICIES AND PROCEDURES

#### 42. Policies and procedures

The Vice-Chancellor may make policies and procedures for, or with respect to, any of the Vice-Chancellor's powers, functions and duties.

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#### VERSION HISTORY

Version	Council Approval	Commencement	Note / amendment
1	14 Dec 2015 23 June 2016 (amendments)	21 July 2016	New Regulation
2	12 October 2018	11 December 2018	Am. Section 7
3	9 December 2020	11 December 2020	Am. Sections 4, 6, 14, 18, 41, 42 Ins. Part 6 Sections 22 – 34 Ins. Part 7 Section 35 – 40