

## Appendix 1

### University Legislation

The University of Ballarat Act (1993) obliges the University to enact legislation (Statutes and Regulations) relating to the organisation and management of the University. All of the legislation contained in the following index has been formally approved and is in force at time of publication. Once approved, new legislation is published and posted on the three official University noticeboards: outside on the north wall of the T Building, in the foyer of the Union Building and inside the H Building near lecture theatre H102 on the Mt Helen Campus. Any areas not covered by legislation are governed by existing policy. Legislation may be accessed via the University of Ballarat internal homepage on 'www.ballarat.edu.au/non\_academic/ovc/legal/Legislation', or hard copies may be obtained from Heads of School, Student Services or Student Association. Enquiries can be directed to (03) 5327 9506.

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## Regulation 2.2 - Appeals Committee

1. In this Regulation-
 

“the Appeals Committee” means the Higher Education Appeals Committee or the TAFE Appeals Committee, as appropriate to the appellant student;

“the Higher Education Appeals Committee” means the Academic Board Appeals Committee.

“the TAFE Appeals Committee” means the Board of Technical Studies Appeals Committee.
  2. (1) The Higher Education Appeals Committee shall be drawn from:
    - (a) two members of academic staff to be nominated by and from Academic Board, who shall be Chair and Deputy Chair of the Appeals Committee;
    - (b) eight members of academic staff selected at random by the Chair, Academic Board, none of whom shall be a Head of a School, Deputy Vice-Chancellor or Pro Vice-Chancellor; and
    - (c) one student representative nominated, as required, by the University of Ballarat Student Association Ltd.
  - (2) The TAFE Appeals Committee shall be drawn from:
    - (a) two members of teaching staff to be nominated by and from the Board of Technical Studies, who shall be Chair and Deputy Chair of the TAFE Appeals Committee;
    - (b) eight members of teaching staff selected at random by the Chair, Board of Technical Studies, none of whom shall be a Head of a School, Assistant or Deputy Director, Deputy Vice-Chancellor or Pro Vice-Chancellor; and
    - (c) one student representative nominated, as required, by the relevant student body.
  3. (1) Members of the Appeal Committee who hold office under section 2(1) (a) and 2(2) (a) shall hold office for two years and may be renominated.
  - (2) At the time of selection of staff by the Chairs of Academic Board and the Board of Technical Studies under section 2(1)(b) and 2(2)(b), the relevant Chair shall divide the names of selected staff into two equal groups, as determined by the drawing of lots; the office of the members of the first group shall become vacant on 31 December 1999, and the office of the members of the second group shall become vacant on 31 December 2000; and afterwards the selected staff members will hold office for a term of two years.
  - (3) An Appeals Committee shall comprise:
    - a Chair or Deputy;
    - two members selected under section 2(1)(b) or 2(2)(b), as appropriate; and
    - one member selected under 2(1)(c) or 2(2)(c), as appropriate.
- Provided that no issue shall be decided at any meeting unless at least three members are present.
4. (1) The Vice-Chancellor will appoint a person who shall act as Secretary to the Appeals Committee.
  - (2) An appeal must be lodged with the Secretary to the Appeals Committee within 30 days of the date of the decision appealed against and must be based on one, or both, of the following grounds:
    - (a) new evidence, not known to the student at the date of the decision being appealed, which becomes apparent since the date of that decision;
    - (b) irregularity of procedure in the recommending and/or the making of the decision appealed against; which must be stated by the appellant in the notice of appeal. The Chair of the Appeals Committee may in exceptional circumstances extend the period for lodgement of an appeal.
  - (3) The Secretary to the Appeals Committee shall call a meeting of the Appeals Committee within 21 days after the lodging of a notice of an appeal (together with the appellant's nominated postal address) under Statute 5.2, 5.3 or 5.5 or any other Statute or Regulation that provides for appeal against a decision to the Academic Board or Board of Technical Studies.
  - (4) The Secretary of the Appeals Committee shall give at least seven days notice of any meeting of the Appeals Committee, in writing, delivered to all members of the Appeals Committee and to the appellant stating the time and place of the meeting and the matters to be dealt with at the meeting.
  - (5) Notice of a meeting is deemed to have been delivered, if sent by pre-paid post, to the appellant's address shown on the appeal notice.
  - (6) In the event of an appellant being unable to attend at the meeting of the Appeals Committee for any reason acceptable to the Appeals Committee, the Appeals Committee shall direct the Secretary of the Appeals Committee to call a further meeting as provided for under sub-section (3).
5. (1) A question arising at a meeting of the Appeals Committee shall be determined by a majority of votes of members present and voting on that question.
  - (2) If voting on a question at a meeting of the Appeals Committee is equal, the person presiding has a casting vote.
  - (3) A question shall not be decided at a meeting of the Appeals Committee unless there are present at the meeting at least three members.
6. Any member of the Appeals Committee who has a prior involvement in a particular question to be considered by the Appeals Committee shall not participate in the determination of that question if in the opinion of the Appeals Committee it is not appropriate for that member to participate.

7. An appellant will normally not be entitled to any representation, including representation by a lawyer, when appearing before the Appeals Committee. However, in exceptional circumstances, the Appeals Committee may determine to allow representation on such terms as it thinks fit.
8. An appellant may be accompanied by an observer, who is not a lawyer, when appearing before the Appeals Committee however the observer may not speak unless invited to do so by the Chair of the Appeals Committee.
9. Proceedings before the Appeals Committee may not be electronically recorded.
10. If at any meeting convened at the time and place set for the hearing of an appeal the appellant does not appear, the Chair of the Appeals Committee may-
  - [a] adjourn the meeting; or
  - [b] if he or she is satisfied that the appellant had notice of the time and place of the meeting, proceed to hear and determine the appeal.
11. The Appeals Committee shall in any hearing of an appeal-
  - [a] act fairly in accordance to the substantial merits of the case without regard to technicalities and legal form;
  - [b] may inform itself in relation to any matter in such manner it thinks fit and is not bound by rules or practice as to evidence;
  - [c] have the absolute discretion to determine the procedure to be followed and shall have complete authority to keep order;
  - [d] afford the appellant the opportunity adequately to state his or her case and to correct or contradict any relevant statement which he or she believes to be prejudicial to his or her case; and
  - [e] ensure that all documents that are to be relied on by a party at the meeting have been made available to the other party.
12. After considering the material relied on in support of the appeal and any answering material, the Appeals Committee may either:
  - (a) dismiss the appeal;
  - (b) uphold the appeal and
    - (i) in an appeal against a final grade in a unit, refer the matter back to the Head of School with advice to follow certain procedures consistent with Regulation 5.3; or
    - (ii) in all other appeals, except appeals against a final grade in a unit, impose conditions or new conditions on the student's candidature or enrolment in the course in any subsequent period.
13. The Appeals Committee must report its decision in writing to the next meeting of Academic Board or the Board of Technical Studies, as appropriate.
14. The Secretary to the Appeals Committee shall report to the Academic Board and the Board of Technical Studies at least once a year as to the origins, numbers and outcomes of appeals.

## **Statute 2.4 - The Student Discipline Committee**

1. The Vice-Chancellor's nominee shall act as the secretary to the Student Discipline Committee.
2. The secretary to the Student Discipline Committee shall, within 30 days of receipt of a complaint under the Statutes and Regulations-
  - [a] form an ad hoc Student Discipline Committee consisting of three members of whom-
    - (i) one shall be a person appointed by the Vice-Chancellor from among the members of the Council who is neither staff nor student who shall be the Chair of the Committee;
    - (ii) one shall be a member of:
      - the Academic Board nominated by the Academic Board if the complaint has arisen from the Higher Education Division, or
      - the Board of Technical Studies nominated by the Board of Technical Studies if the complaint has arisen from the TAFE Division; and
    - (iii) one shall be a student nominated by the University of Ballarat Student Association Ltd if the complaint has arisen from Higher Education Division; or the student association(s) responsible to TAFE students, if the complaint has arisen from the TAFE Division;
  - [b] fix a time, date (which must be within 21 days), and place for the hearing;
  - [c] give the student charged with the breach of discipline-
    - (i) notice of the matters determined under this section;
    - (ii) particulars of the complaint made against the student; and
    - (iii) a copy of this Statute and the Regulations made under this Statute.
3. The Student Discipline Committee shall-
  - [a] hear and determine any alleged breach of discipline referred to it under the Statutes or Regulations;
  - [b] have such powers and duties as may be conferred or imposed on it by any Statute or Regulation.
4. A student may appeal to the Council against the finding or order made or penalty imposed by the Student Discipline Committee.
5. (1) A notice of appeal under section 4 shall be lodged in writing with the Vice-Chancellor within fourteen days after the day on which the decision appealed against was posted to the student.  
 (2) Notwithstanding sub-section (1) the Council may extend the time for lodging a notice of appeal whether or not the time fixed in which to appeal has expired.

6. The Council shall, by Regulation, determine who shall hear any appeal lodged under section 5.
7. (1) The Council may at any time make Regulations for or with respect to the Student Discipline Committee and appeals to the Council and any other matter required or permitted to be regulated for the purposes of this Statute and by later Regulation revoke or amend any such Regulations.
- (2) Regulations made under this Statute shall be promulgated by being exhibited on the official notice boards of the University and after being so promulgated shall remain so exhibited for at least fourteen days during which time the University is operating.
- (3) If the student pleads not guilty the Committee shall proceed to hear the evidence in support of the particulars and any evidence adduced by or on behalf of the student.
- (4) If after hearing all the evidence, the Committee is not satisfied that the student is guilty of the conduct alleged in the particulars, the Committee shall order the charge disclosed by the particulars to be dismissed.
- (5) If after hearing all the evidence the Committee is satisfied that the student is guilty of the conduct alleged in the particulars the Committee shall find the student guilty.
- (6) The Committee shall in any hearing-

## Regulation 2.4 - The Student Discipline Committee

1. In these Regulations, unless the contrary intention appears-  
"Committee" means Student Discipline Committee.
2. (1) A member of the Committee shall not sit as a member of the Committee if, in the opinion of the Chair, the member has a prior involvement in or is a party to the matter being considered by that Committee.
- (2) A matter before the Committee shall be determined by a majority of the members.
3. (1) In any hearing of a complaint-
  - [a] the case for the complainant shall be presented by a member of staff;
  - [b] the student charged with a breach of discipline may be represented by another person; and
  - [c] practising lawyers will normally not be entitled to appear before the Committee however, in exceptional circumstances, the Committee may determine to allow the complainant and the student legal representation.
- (2) Breaches of discipline alleged against two or more students shall not be heard together unless the Committee determines otherwise.
4. If at any time and place set for a hearing the student charged with the breach of discipline does not appear, the Chair of the Committee may-
  - [a] adjourn the hearing; or
  - [b] if he or she is satisfied that the student had notice of the time and place of the hearing, proceed to hear and determine the complaint.
5. (1) If at any time and place set for the hearing the student charged with the breach of discipline does appear, the Chair of the Committee shall read to the student the particulars supplied to the student under section 2[c](ii) of the principal Statute and ask the student whether he or she pleads guilty or not guilty.
- (2) If the student pleads guilty the Committee shall hear a statement or evidence relating to the particulars and if satisfied that the particulars have been proven shall find the student guilty.
- (6) [a] act fairly in accordance to the substantial merits of the case without regard to technicalities and legal form;
- [b] may inform itself in relation to any matter in such manner it thinks fit and is not bound by rules or practice as to evidence; and
- [c] have the absolute discretion to determine the procedure to be followed and shall have complete authority to keep order.
6. (1) If the Committee finds a student guilty it may, after hearing any evidence or submissions by or on behalf of the student in relation to penalty-
  - [a] impose one or more of the following penalties:
    - [i] a reprimand;
    - [ii] a fine;
    - [iii] exclusion of the student from the campus or a defined part of the campus or from activities of the University for any period it thinks fit;
    - [iv] forfeiture of credit which the student might otherwise have obtained for the whole or part of the assessment in any unit or courses to which the student's misconduct relates; or
    - [v] termination of the enrolment of the student; and
  - [b] if the conduct giving rise to the finding of guilt involved or resulted in the loss or destruction of or damage to any property-
    - [i] assess the amount of money required to replace or repair the property lost, destroyed or damaged; and
    - [ii] order the student to pay by way of compensation an amount of money, not exceeding the amount assessed under sub-paragraph [i].
- (2) A Committee which has imposed a penalty or made an order under sub-section (1) may at the time of imposing the penalty or making the order suspend the operation of the penalty or order for such period and subject to such conditions (if any) as it thinks fit.
7. (1) The Council shall, on receipt of notice of an appeal instituted under section 4 of the principal Statute, establish an appeal committee comprising three members of

Council of which at least one shall be one of the student members of Council.

- (2) The Council shall appoint one of the persons appointed to a committee established under sub-section (1) to be Chair of that committee.
- (3) A member of the Council shall not hear an appeal against a decision of the Student Discipline Committee if the member was a member of the Student Discipline Committee which made the decision.
- (4) The quorum for the hearing of any appeal by a committee of the Council established under sub-division (1) shall be three members.
- (5) Any reference in sections 8 and 9 to the Council includes a reference to a committee established under this section.

- (6) Pending the hearing of an appeal-

[a] the operation of any order excluding the appellant from the campus or any part of the campus or from any activities of the University or forfeiting credit for the whole or any part of any assessment shall be stayed unless, after consideration of all the circumstances of the case and any submission made by or on behalf of the student, the Vice-Chancellor or the Council orders otherwise; and

[b] the operation of any order imposing a fine or ordering the payment of compensation shall be stayed until the appeal is determined or withdrawn.

8. At the hearing of an appeal to the Council, the Council may subject to the Act, the Statutes and the Regulations, follow any procedure it considers appropriate but shall act fairly and according to the substantial merits of the case without regard to technicalities or legal forms and shall hear any report provided by the secretary to the Committee in relation to the decision of that Committee which is appealed against.
9. (1) After hearing an appeal against a finding or order made or penalty imposed by the Committee, the Council shall confirm, vary or quash the finding order or penalty.
- (2) The Council shall not vary a penalty or order in a manner which would, in the opinion of Council, increase the severity of a penalty imposed or an order made by the Committee.

## **Statute 5.1 - Academic Awards and Courses**

### Academic Awards

1. (1) The Council may confer or grant any academic award specified in the Schedule to this Statute in accordance with the Act and these Statutes.
- (2) The details of each course or higher degree program offered by the University shall be as prescribed by the relevant Board and approved by Council from time to time.

### Completion of courses

2. (1) Unless a shorter period is prescribed in the details of courses in relation to a particular course, a student, in order to be eligible to receive an academic award, must complete the requirements of the course within ten

years from the date of first enrolling in the course.

- (2) In a particular case, the relevant Board may extend a time limit imposed by section (1) if it is satisfied that there are exceptional circumstances which justify the granting of such an extension.

### Units and students at other institutions

3. (1) On the recommendation of the relevant Board, the Vice-Chancellor may agree with any other institution that:

(a) the other institution shall teach and assess students of the University in a specified unit; and

(b) the University shall teach students enrolled in the other institution in a specified unit.

- (2) A person wishing to enrol in the University pursuant to an arrangement under subparagraph (1)(b) must first satisfy the conditions of enrolment as specified by the Vice-Chancellor.

### Award course credit

4. Subject to such conditions as the relevant Board determines a student may receive credit in a course.

### Special approval

5. Notwithstanding anything to the contrary in this or any other Statute, in special circumstances approval may be sought from the relevant Board for the alteration of the requirements of a particular course.

### Hardship

6. If a student believes he or she has suffered hardship due to-
  - (a) alteration to the detail of a course; or
  - (b) acting upon incorrect information provided by a member of staff,

the student may apply to the Head of School who may make such special provision to alleviate the hardship as the Head of School thinks fit.

### Attendance

7. The relevant Board may require students to attend any prescribed learning sessions.

### Review of Academic Awards

8. The relevant Board may require a review of academic awards, courses and units.
9. The relevant Board shall determine units to be offered in the University and shall, each year, publish the details of academic awards, courses and units.

### Prescribed programs

10. (1) The higher education courses leading to the granting or conferral of an academic award specified in the Schedule to this Statute shall be the prescribed academic programs and courses of study of higher education in the University for the purposes of paragraph 27(1)(a) and sub-section 29(a) of the Act.
- (2) The TAFE courses leading to the granting of the TAFE awards specified in the Schedule to this Statute shall be the prescribed programs and courses of study in technical and further education in the University for the purposes of paragraph 29 l of the Act.

## Regulations

11. (1) The Council may at any time make Regulations, not inconsistent with this Statute, prescribing all matters which by this Statute are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Statute and by later Regulation revoke or amend any such Regulations.
- (2) The Regulations may amend the Schedule.
- (3) Regulations made under this Statute shall be promulgated by being exhibited on the official notice boards of the University and after being so promulgated shall remain so exhibited for at least fourteen days during which time the University is operating.

### Regulation 5.1.2 - Honours and Distinction

## Honours Courses

1. Honours courses provide students who have high level results in the first three years of undergraduate study with an opportunity to undertake the equivalent of one year full time extended study and gain supervised research experience which will enhance their abilities in their chosen field.
2. To be eligible for admission to an Honours course an applicant must have completed a three year undergraduate degree with results at a level prescribed in the detail of the course and approved by Academic Board.
3. Honours courses are offered on the basis prescribed in the detail of the course and may include an Honours Thesis and Honours units.
4. Honours courses will be graded in accordance with the system of recording results of assessment contained in Statute 5.3- Assessment, The Schedule Part 2.

## Degrees with Honours

5. Degrees with Honours may be awarded to students who have completed four years of undergraduate study in recognition of their high level of academic achievement in a single course.
6. To qualify for the award of a Degree with Honours an applicant must have completed a four year undergraduate degree in the manner and with results at the level prescribed in the detail of the course and approved by Academic Board.
7. Degrees with Honours shall be graded in accordance with the system of recording results of assessment contained in Statute 5.3- Assessment, The Schedule Part 2.

## Degrees with Distinction

8. Degrees with Distinction may be awarded to students who have completed a three year undergraduate degree or joint degrees with results at a level considered by Academic Board to be of merit.
9. To qualify for the award of a Degree with Distinction an applicant must have completed an undergraduate degree with results at the level prescribed in the detail of the course and approved by Academic Board.

### Regulation 5.1.3 - Courses

1. The Vice- Chancellor may, after receiving advice in writing from the Chair of the relevant Board, from time to time determine changes to be made to the prescribed programs and courses of study of higher education and technical and further education in the University, as specified in the Schedule to Statute 5.1 – Academic Awards and Courses.
2. The Vice-Chancellor shall inform the Council of the terms of every determination made under section 1 at the next meeting of the Council after determination has been made.

### Regulation 5.2 – Entry Quotas, Admissions and Enrolment

## Interpretation

1. In this Regulation unless the contrary intention appears-

"another institution" means any institution other than the University.

"another tertiary educational institution" means any university or post-secondary educational institution other than the University.

2. (1) A decision by the Vice-Chancellor, under section 2 of Statute 5.2, may specify the number of persons who shall be enrolled as full course students in the University and the number of persons who may be admitted in a particular course.
- (2) In deciding the number of persons to be enrolled or admitted under section 2 of Statute 5.2, the Vice-Chancellor shall express the number of equivalent full time student units (EFTSU) in the Higher Education Division and Student Contact Hours (SCH) in the TAFE Division.
- (3) In special circumstances the Vice-Chancellor may vary a decision made as to quotas.

## Eligibility for admission to courses

3. Subject to the Statutes and Regulations any person shall be eligible for admission to any course for a certificate, diploma, advanced diploma or in the University if the person has-

- [a] passed in the prescribed manner-
  - [i] up to 31 March 1979 at the examinations conducted by the Victorian University and School Examinations Board;
  - [ii] after 31 March 1979 at the Higher School Certificate examinations conducted by the Victorian Institute of Secondary Education;
  - [iii] the Victorian Certificate of Education; or
  - [iv] other qualifications declared by the relevant Board to be equivalent to the examinations referred to in sub-paragraph [i], [ii] or [iii]; or
- [b] achieved a standard in any area of learning from a recognised provider or which has been acquired in an uncredentialed context such as work or life experience and which, in the opinion of the Head of School, will fit the person to undertake the course; and
- [c] satisfied the conditions for admission to the course; and

- [d] been selected for the course.
4. (1) Notwithstanding the provisions of section 3 any person-
- [a] who at the date of his or her proposed application -
- [i] to a degree course, has not been enrolled in a secondary course during the preceding three years\*\*; or
- [ii] to a diploma or advanced diploma course has completed a full year of Year 12 studies but has not been enrolled in a secondary education course during the preceding twelve months; or
- [iii] to a certificate course has experience declared by the relevant Board as being appropriate for the course; or
- [iv] is recognised as being "disadvantaged" and warranting consideration under access and equity concepts.
- [b] who has completed a full year of Year 12 studies but whose results were adversely affected by-
- [i] economic hardship;
- [ii] illness;
- [iii] family problems;
- [iv] English language learning difficulties;
- [v] geographical isolation; or
- [vi] disability; or
- [c] who is of aboriginal or Torres Strait Islander descent-
- shall be eligible for admission to any course or to be enrolled in any unit on such terms and conditions as the appropriate School may determine either generally or in relation to particular courses units or persons.
- (2) Although a person may not be eligible under sub-section (1) or section 3 for admission to a course the relevant Board may, in special circumstances-
- [a] declare the person to be eligible for admission to the course; and
- [b] impose any conditions in relation to completion of qualifications ordinarily required for admission to the course or otherwise as the relevant Board thinks fit.

#### **Granting of credits**

5. In determining if a person is admitted to a course with credit, under section 4 of Statute 5.2, the Vice-Chancellor shall have regard to whether the person-
- [a] seeks admission to a course other than a course leading to a higher degree by research and produces satisfactory evidence of-
- [i] having been an enrolled student of the University or of another tertiary, higher education or TAFE institution; or
- [ii] graduation from another tertiary, higher education or TAFE institution; or
- [iii] having achieved a standard in any area of learning from a recognised provider or which has been acquired in an uncredentialed context such as work or life experience and which, in the opinion of the Head of School, will fit the person to undertake the course; and
- is otherwise eligible for enrolment as a student at the University and for admission to the course; or
- [b] seeks admission to a course for a higher degree by research and produces satisfactory evidence-

[i] of admission in another tertiary educational institution to a degree which is appropriate to the course and recognised by the School; or

[ii] that the person has had adequate training and has the ability to pursue the course; and

is otherwise eligible for the course.

6. (1) Before a person is admitted to a course under section 5 the University shall-
- [a] specify any units and/or portion of the course for which credit is to be given; and
- [b] specify the work to be performed by the person to complete the course.
- (2) Notwithstanding sub-section (1), any person or body authorised by the Statutes to grant credit may exercise that authority during any period in which a student is enrolled.

#### **Limitation on granting credit**

7. (1) Subject to sub-section (2), no higher education student shall be exempted from passing the assessments for more than one-half of the work, as determined by the appropriate School, prescribed for the student's course.
- (2) If a student who has been admitted to a course in the University obtains permission in writing from the appropriate Head of School to enrol for any unit of a course for a course of studies at this or another tertiary educational institution with whom credit transfer arrangements exist or have been approved by the relevant Board or if the School considers there are exceptional circumstances, the School may-
- [a] allow the student credit for any work completed in any area of learning from a recognised provider or which has been acquired in an uncredentialed context such as work or life experience and which, in the opinion of the School, will fit the person to undertake the course; and
- [b] define the work to be performed by the student to complete the course to which the student has been admitted.

#### **Evidence of granting of credit**

8. (1) A person seeking admission to a course with credit from another institution or a student to whom sub-section 8(2) applies shall provide a certificate or any other evidence that may be required of work completed or results achieved.
- (2) Every applicant for admission with credit and every applicant for admission to the University after previous admission to another tertiary educational institution shall be informed that the University may obtain any information from the other tertiary educational institution it thinks fit in relation to the applicant.

#### **Admissions in a subsequent year**

9. (1) An applicant who is refused admission to the University by the Appeals Committee under Statute 5.2 may apply for admission in any semester subsequent to the semester in which the application was refused.
- (2) In determining an application under this section the Appeals Committee shall take into account any evidence considered in any previous application by the applicant and any further evidence relating to the applicant's performance in the period since the last application.

**Recognised institutions**

10. The relevant Board may recognise any other tertiary educational institution for the purposes of Statute 5.2 and this Regulation or any other Statute or Regulation of the Council governing courses or the conferring or granting of an academic award.

**Deferred enrolment**

11. (1) Subject to sub-section (4), a person to whom an offer of admission to a course has been made may, within the specified time, apply in writing to the Head of the appropriate School for permission to defer his or her enrolment in the course for a period of up to one year.
- (2) A Head of a School may grant an application made under sub-section (1) on any conditions the Head thinks fit.
- (3) A student who has been granted a deferral under sub-section (2) shall, at the expiry of the period of deferment approved, be entitled to enrol in the course to which an offer of admission referred to in sub-section (1).
- (4) Every School reserves the right not to grant any applications for deferral of enrolment to their School in any given year.

**Re-enrolment**

12. (1) Subject to Statute 9.2-Fees and Charges, every student who is qualified to continue a course shall re-enrol annually within the time specified by the Vice-Chancellor.
- (2) A student who is not qualified to continue a course may, when qualified to continue the course, re-enrol within any other period specified by the Vice-Chancellor.
- (3) If a student fails to re-enrol under sub-sections (1) and (2) and has not obtained leave under section 7 of Statute 5.1-Academic Awards the student's enrolment in the course shall cease.

**Enrolment in more than one course**

13. (1) With the prior approval of the Head of School concerned, a higher education student admitted to a course may enrol for units in any other higher education course in the University.
- (2) A higher education student admitted to a course or courses leading to more than one award shall enrol for the units in a manner approved by the School(s) concerned.

**Withdrawal from course**

14. (1) A student who wishes to withdraw from a course shall give notice in writing to the Vice-Chancellor of his or her intention to withdraw from the course.
- (2) Upon receipt by the Vice-Chancellor of a notice under sub-section (1) the student shall be regarded as having withdrawn from the course and the student's enrolment shall cease.
- (3) Where a student withdraws from a course under sub-section (1), a withdrawal grade shall be recorded for all units in which a student was enrolled in at the time of withdrawal.

**Enrolment after cessation or withdrawal**

15. (1) A student whose enrolment has ceased under sub-section 16(2) may apply to the appropriate School for enrolment in a course.
- (2) A student who applies for enrolment under sub-section (1) may be enrolled in a course if

he or she is selected for the course by the appropriate school.

**Leave from study**

16. (1) A student who wishes to interrupt his or her course must make application to the appropriate School for leave from studies and specify the purpose and the period of time, not being in excess of twelve months, for which the leave is required.
- (2) The appropriate School may approve the application made under sub-section (1) subject to any conditions the relevant Board thinks fit.
- (3) Notwithstanding anything to the contrary in this or any other Statute, in special circumstances a student may seek approval from the Vice-Chancellor for leave from study.

**Course Restructure**

17. The University reserves the right to restructure or delete any course or studies within any course. A student whose progress through a course has been interrupted may not be able to re-enter the same course or studies within the course in which the student was originally enrolled.

**Appeals**

18. A person seeking admission to a course with credit or a student seeking exemption during the period in which the student is enrolled who believes a decision made under sections 5, 6, 7 or 8 is inconsistent with the University's credit policy may, within 30 days of being notified of the decision, appeal to the relevant Board in writing addressed to the nominated officer.

19. A person or a student shall be regarded as having received notification at the time when the notification would have been received in the ordinary course of the post.

20. The relevant Board shall appoint an Appeals Committee to consider any appeals received under section 18 and the Appeals Committee, after allowing the person or student an opportunity to be heard or to make a written submission, may-

- (a) dismiss an appeal; or
- (b) make a recommendation as to the granting of credit to the appropriate Head of School.

**Confidentiality**

21. All student information shall be treated by the University as confidential, excepting:

- (a) data required under Commonwealth or State legislation,
- (b) information required by employers of new apprentices.

**Withdrawal from a unit**

22. (1) A student who wishes to withdraw from a unit shall give notice, in writing on the prescribed form to the Head of School, of his or her intention to withdraw from the unit.
- (2) In addition to sub-section (1) the time for higher education students to give notice of withdrawal shall be:
- (a) prior to the completion of the tenth teaching week of the semester in which the unit is taught; or
  - (b) in the case of a full year unit, prior to the completion of the tenth teaching week of the second semester of the unit, or



(c) in the case of a unit taught over a period of less than ten weeks, prior to the completion of one half of the period in which the unit is taught,

and the final dates for withdrawal from a higher education unit will be published annually in the Academic Calendar.

- (3) Where a student gives notice of withdrawal from any units in accordance with sub-section (1), a withdrawal grade shall be recorded for the units.

#### **Credit for study at another institution**

23. (1) A student who has successfully completed studies at another tertiary educational institution, whilst enrolled in a course at the University, may apply to the relevant Head of School to convert the grade(s) provided on the student's transcript or statement of results from the other tertiary educational institution to a grade in accordance with this University's system of recording results.
- (2) A Head of School may convert a grade under sub-section (1) by asking the other relevant tertiary educational institution to:
- (a) grade the student according to the grading system of the University of Ballarat; or
- (b) provide sufficient information to enable the School to complete the conversion.
- (3) Where the other tertiary educational institution fails to provide the grade or information requested under sub-section (2), the student may provide sufficient information to enable the School to complete the conversion.

\*\* Regulation 5.2 under review in 2003 – proposed amendment from three to two years.

### **Statute 5.3 - Assessment**

1. Components of assessment may be administered in any form and subject to any conditions specified in the descriptions of units or courses or determined by the relevant Board.
2. Subject to section 6, in assessment of any student, no account will be taken of anything done by the student in connection with the course that is not prescribed in the descriptions of units or courses or determined by the relevant Board as being a component of assessment.
3. Unless otherwise decided by the appropriate School, assessment in a unit shall comprise assessment in all the components prescribed for the unit under section 1 including any supplementary assessment.
4. (1) Every student enrolled in a unit shall receive a unit description specifying the assessment tasks in the unit. Specification requirements and timing of receipt by students of unit descriptions shall be as prescribed in the Regulations.
- (2) Every student enrolled in a course shall be eligible for assessment unless the student has been excluded from assessment under section 5 or 6 or under the provisions of any other Statute or Regulation.
5. Subject to the Statutes, the relevant Board shall be responsible for the management and supervision of every component of assessment, which responsibility may be delegated to the appropriate Head of School.
6. (1) The Vice-Chancellor may direct that the results obtained by a student in any assessment or component of assessment be withheld, if the student-
  - (a) has not paid all fees or charges owed by him or her to the University; or
  - (b) has not paid all fines or other penalties imposed on him or her under the Statutes.
- (2) The Vice-Chancellor shall inform the Head of the appropriate School of any directions given by the Vice-Chancellor under sub-section (1).
7. (1) If a student fails to-
  - (a) meet prescribed attendance requirements; or
  - (b) submit prescribed written work; or
  - (c) perform prescribed practical, laboratory, clinical, field placement or other work required under section 1 or by any Statute or Regulation, the appropriate School may, after giving the student an opportunity to be heard, either personally or through a representative by the School or a committee appointed by the relevant Board for the purpose, resolve that the student fail.
- (2) Sub-section (1) shall apply whether or not the attendance at the class or submission or performance of the work forms a component or part of the assessment.
8. A student may appeal, in accordance with the procedure specified in the Regulations, to the Head of the appropriate School against any grade awarded to the student in a unit.
9. Subject to the Statutes and Regulations-
  - (a) the conduct of students in relation to assessment; and
  - (b) the powers of supervisors in relation to any component of assessment performed under supervision; and
  - (c) the conduct and supervision of assessment- shall be in accordance with the Rules set out in Part 1 of the Schedule to this Statute.
10. (1) Subject to these Statutes, the procedure of assessment shall be as prescribed in the Regulations.
- (2) All returns of the results of assessment whether the results are original, additional, supplementary, formal or informal must be signed by the lecturer in charge of the unit and the Head of School.
- (3) The results of assessment in each higher education unit or course shall be returned in accordance with the system of recording results contained in Part II of the Schedule.
- (4) The results of assessment in each TAFE unit or course shall be returned in accordance with the system of recording results contained in Part III of the Schedule.

11. The assessors in each unit shall-
- (a) define the content of each component of assessment and prepare any questions or other materials required for examinations, assignments, tests or other components of assessment;
  - (b) administer to students the prepared components of assessment and assess the performance of students in each component; and
  - (b) prepare, administer to students and assess the performance of students in any further components of assessment required as additional assessment.
12. Publication of results shall be in the form specified in the Schedule Part I.
13. (1) The Council may at any time make Regulations, not inconsistent with this Statute, prescribing all matters which by this Statute are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Statute and by later Regulation revoke or amend any such Regulations.
- (2) The Regulations may amend the Schedule.
  - (3) Regulations made under this Statute shall be promulgated by being exhibited on the official notice boards of the University and after being so promulgated shall remain so exhibited for at least fourteen days during which time the University is operating.

### **Statute 5.3**

#### **The Schedule: Part I**

Rules Governing the Conduct of Students and the Powers of Supervisors in Relation to Assessments.

1. In these Rules-

"examination" means a formal, supervised written or oral examination.

"examination room" means a room in which an examination is taking place or is about to take place.

"publication" means the placement of higher education results, identifying students by student identification numbers only, on Higher Education School notice boards on the prescribed dates.

2. (1) The final result for any unit will not be officially notified to a student before the completion of assessment in that unit and its formal publication.
- (2) Students who owe fees to the University will not have their results published or receive a written statement of academic achievements.
3. With the exception of a recorded telephonic system for the notification of results, no information regarding results will be given by telephone.
4. Supplementary assessment, oral, written or practical, may be administered by the assessors in any unit.
5. (1) Applications for special consideration may be made on any of the following grounds:
  - (a) that the student's work at any time during the academic year has to a substantial degree been hampered by illness or other cause;
  - (b) that the student has been prevented by illness or other cause from preparing or presenting for all or part of a component of assessment; or
  - (c) that the student was to a substantial degree adversely affected by illness or other cause during the performance of a component of assessment.
- (2) Subject to sub-section (3), an application for special consideration should be directed to the appropriate Head of School, not later than three days after the date of submission of the component of assessment.
- (3) Every application for special consideration must be in writing and supported by a medical certificate or other appropriate evidence, unless it has not been reasonably practical for a student to make application within the time specified.
- (4) A decision made in relation to an application under sub-section (2) and (3) shall be notified to the applicant in writing within five working days of the decision being made.
6. (1) A student shall not, by act or omission, do anything which has the purpose, or has, or is likely to have, the effect of obtaining for the student or for any other person an advantage, in or arising out of the performance of assessment, by unauthorised or unfair means.
- (2) In determining whether an advantage is intended, or is likely, to be obtained, the fact that such an advantage is not or could not be obtained due to circumstances beyond the control of the student concerned shall be disregarded.
- (3) A student shall not assist, or attempt to assist, any person, to do anything prohibited by sub-section (1).
- (4) Any student committing a breach under this section shall be guilty of a disciplinary offence under Statute 6.1-Student Discipline.

#### Examinations

7. (1) It is the duty of students to ascertain the dates and times at which they are required to attend for the performance of any component of assessment for which formal examinations are required.
- (2) Absence or lateness due to misreading a timetable or a similar error does not of itself entitle a student to any further examination or special consideration.
8. (1) If a supervisor of an examination believes a student has committed a breach under section 6 the supervisor shall-
  - (a) immediately report the breach to the officer in charge of examinations;
  - (b) at the conclusion of the examination, inform the student that he or she has been reported for an alleged breach of discipline and take a statement from the student in relation to the alleged breach, which may be used in the determination of any complaint made under Statute 6.1-Student Discipline; and
  - (c) report the alleged breach of discipline by making a written complaint, within three days of the alleged breach, to the student's Head of School or to the Vice-Chancellor.

9. (1) Only those items and information specifically authorised in writing by the Head of the appropriate School may be taken into an examination room. These items may include books, notes, calculators, computers and other electronic devices.  
(2) A supervisor may confiscate any material which the supervisor reasonably believes is not allowed in the examination room.
10. A student who leaves the examination room and wishes to be readmitted must have previously obtained the approval of a supervisor for the full period of absence and must have observed any conditions upon which the approval was given.
11. Without express permission of a supervisor no writing of any description may be done after the signal to cease writing.
12. Unless otherwise indicated on the official timetable, the following commencement times will apply-
  - (a) morning sessions 9.30 am;
  - (b) afternoon sessions 1.30 pm;
  - (c) evening sessions 5.30 pm.

Prior to the commencement time, students will have 10 minutes reading time (or such other time as has been authorised in writing by the appropriate Head of School). Examination book covers should be completed after the reading time finishes and the examination commences.
13. Students shall not be permitted to leave during the first 30 minutes and the last 15 minutes of any examination. No student shall be admitted after the first 30 minutes of any examination.
14. The Head Supervisor is responsible for issuing the following instructions to students at the appropriate times-  
"Commence reading/No writing"; "Commence writing"; "Ten minutes writing left"; and "Cease writing".
15. Student identity cards must be produced and attendance slips must be completed at the commencement of each examination undertaken.
16. No part of any examination script, book or other University property may be removed from the examination room nor may it be destroyed.

#### TAFE Assessment

17. All TAFE students shall be entitled to two attempts to achieve competency in any assessable task within any unit enrolment period.
18. TAFE assessors will ensure:
  - (a) ongoing assessments and attendance by students;
  - (b) student records are completed; and
  - (c) student under achievement is identified.
19. Assessment criteria may be added to a unit for the purpose of determining levels of achievement by a TAFE student.

## The Schedule: Part II

The following grade descriptors indicate the level of overall student performance in a unit. The criteria for each graded assessment must be included in the Unit Description. Where percentages are used to indicate the level of student performance the mechanism for undertaking any normalisation or standardisation of percentage scores must be included in the Unit Description.

The system of codes used to record results of assessment:

### A. Grades for Honours courses and Degrees with Honours:

Code	Grade	Description	Per- centages
H1	First Class Honours	The student's work demonstrated sophisticated understanding and critical synthesis of the field of knowledge and/or an originality or insight; and/or sophisticated understanding of methodology which permits the work to make a useful contribution to knowledge and discourse in its field.	80-100
H2A	Second Class Honours, Upper	The student's work demonstrated substantial understanding and critical synthesis of knowledge and/or methodology; and/or makes a useful application of knowledge in the field	70-79
H2B	Second Class Honours, Lower	The student's work demonstrated substantial understanding of knowledge and/or methodology; and/or makes a useful application of knowledge in the field.	60-69
H3	Third Class Honours	The student's work demonstrated an acceptable understanding of knowledge and/or methodology; and/or makes a useful application of knowledge in the field.	50-59
N	Fail	The student's work failed to demonstrate an acceptable understanding of knowledge and/or methodology; and/or make a useful application to knowledge in the field.	0-49

### B. Codes for units with graded assessment:

Code	Grade	Description	Per- centages
HD	High Distinction	In addition to the passing requirements, the student's work demonstrated a consistently high level of performance on all criteria for assessment.	80-100
D	Distinction	In addition to the passing requirements, the student's work demonstrated a consistently high level of performance on most criteria for assessment.	70-79
C	Credit	In addition to the passing requirements, the student's work demonstrated a sound level of performance on the criteria for assessment.	60-69
P	Pass	The student's work demonstrated a satisfactory level of performance on the criteria for assessment.	50-59
MN	Fail Level 1	The student's work marginally failed to demonstrate a satisfactory	40-49

		level of performance on the criteria for assessment, but nevertheless shows potential for improvement.	
NN	Fail Level 2	The student's work demonstrated serious failure to achieve a satisfactory performance on the criteria for assessment.	0-39
XN	Not assessed	The student did not complete any assessed work.	

### C. Codes for units with ungraded assessment:

Code	Grade	Description
S	Ungraded pass	The student has completed work that meets all the requirements and level of performance as prescribed.
U	Ungraded fail	The student has failed to complete work that meets all the requirements and/or level of performance as prescribed.

### D. Codes for incomplete assessment:

Code	Grade	Description
AD	Assessment deferred – up to 3 months	Final assessment deferred up to 3 months with the written approval of the Head of School, otherwise the assessment lapses to a fail.
TD	Assessment deferred – up to 12 months	Final assessment deferred up to 12 months with the written approval of the Head of School, otherwise the assessment lapses to a fail. <b>In exceptional circumstances the Head may approve an extension beyond 12 months.</b> In the case of higher degrees by research, the grade may be approved in writing by the Vice-Chancellor or nominee and in exceptional circumstances may be extended.
ZN	Supplementary assessment to be completed within 3 months	Final assessment deferred to enable completion of supplementary tasks within 3 months.

### E. Codes for administrative purposes which do not appear in records of results:

Code	Grade	Description
W	Withdrawn	Withdrawn without academic penalty
E	Unit exemption	Unit exemption on the basis of approved credit.
O	Ongoing	The work and/or research is ongoing.

## The Schedule: Part III

The System of recording results of Assessment in the TAFE Division:

Grades and descriptors for student grading purposes

- A. Grading Category 1
- | Grade | Definition                 |
|-------|----------------------------|
| CD    | Competent with Distinction |
| CM    | Competent with Merit       |
| CY    | Competent                  |
| CN    | Not Yet Competent          |
- B. Grading Category 2
- |    |                   |
|----|-------------------|
| CY | Competent         |
| CN | Not Yet Competent |
- C. Grading Category 3 (VCE Assessment Only)
- |   |                  |
|---|------------------|
| S | Satisfactory     |
| N | Not Satisfactory |
| J | Did Not Complete |
- D. Grading Category 4
- Percentage Grades:
- |   |          |
|---|----------|
| A | (80-100) |
| B | (70-79)  |
| C | (60-69)  |
| D | (50-59)  |
| E | (40-49)  |
| F | (0-39)   |

### Other Assessment Codes and Descriptors

CR	Credit Transfer
EX	Exemption granted through RPL or RCC (appears on Statement of Results as CY)

Other Codes used for reporting and administrative purposes

CS	Continuing Studies
WD	Withdrawn
UP	Ungraded Participation

System Administration use only

NA	Module / Unit awaiting result (appears on Statements of Results as **)
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## Regulation 5.3- Assessment

### Grounds of Appeal

- An appeal against a final grade in a unit may only be based on one, or any, of the following grounds-
  - failure of the unit description to be explicit in the indication of:
    - \* the learning tasks the students are required to complete in a unit;
    - \* how students will be assessed; and
    - \* any other requirement of Academic Board.
  - failure by assessors to observe the assessment procedures set out in the unit description;
  - failure to apply fairly and appropriately the criteria specified in the unit description.

### Discussion

- A student who believes he or she has grounds to appeal against a final grade in a unit has the option to discuss the assessable tasks on which the final grade is based with the academic or teaching staff in charge of the unit or in the absence of the relevant academic or teaching staff in charge the Head of School may appoint a nominee academic or teaching staff in charge of the unit.

### Appeal

- A student may appeal against a final grade in a unit by forwarding a written notice of appeal to the Head of School within 14 days of publication of the final grade.
  - The notice of appeal must state the grounds on which the student relies in seeking the appeal.
  - The academic or teaching staff in charge of the unit shall, on request from the Head of School, give written reasons for the final grade.
- The Head of School may require-
    - the student to submit all assessed material in the unit;
    - the whole or part of the assessment of the unit to be assessed independently by one or more appropriately qualified assessors.
  - The Head of School shall-
    - make such enquiries relating to the assessment of the grade as he or she thinks fit;
    - give the student the opportunity to be heard by oral and written submission;
    - consider the appeal; and
    - report to the student in writing the result of the appeal within 30 days of receipt of the notification of appeal or such further time as may be reasonably necessary to complete his or her determination.
  - The Head of School may confirm the original grade or change the grade.
  - A student may be accompanied by an observer, who is not a lawyer, when appearing before the Head of School. However the observer may not speak unless invited to do so by the Head of School.
- In the event of a student being unable to lodge the notice of appeal within the specified time for any reason acceptable to the Head of School, the Head of School may consider the appeal out-of-time.
- Where the Head of School has been responsible for assessment in the unit which is the subject of appeal the Vice-Chancellor, or his or her nominee, shall hear the appeal and the provisions of sections 3-5 shall apply to the Vice-Chancellor, or his or her nominee, the necessary changes being made.
- A student may appeal against a decision by a Head of School under section 4 to the relevant Appeals Committee ("Appeals Committee"). An appeal must be in writing specifying the grounds of appeal in accordance with regulation 2.2 sub-section 4 (2).

## Regulation 5.3.2- Assessment

### Definitions

1. In this Regulation-

“disability” means a disability as defined by the *Disability Discrimination Act 1992 (Cth)*.

### Unit Description

2. Every student enrolled in a unit shall receive a unit description within two weeks of the commencement of the unit.
3. The unit description should indicate the learning tasks students are required to complete in a unit, how students will be assessed in the unit and any other requirement of Academic Board.

### Alternative learning tasks and assessment

4. Where a student is able to demonstrate that the learning tasks and assessment specified in the unit description would unreasonably disadvantage the student due to a disability or special need of the student, the student may apply to the Head of School responsible for the unit within one week from the date of distribution of the unit description for approval of alternative learning tasks and assessment in the unit.
5. The Head of School must consider and respond in writing to the student’s application within 10 working days of receipt of the application.
6. If the Head of School approves a student’s application for alternative learning tasks and assessment in a unit, the details of the alternative learning tasks and assessment shall be forwarded to the relevant Course Committee.
7. A Head of School may amend the learning tasks and assessment of a student at any time if the student is able to demonstrate that he or she has acquired a disability or special need through the duration of the unit to an extent that the student would be unreasonably disadvantaged if the specified learning tasks and assessment were applied.

## Statute 5.4-Exclusion for Reasons of Unfitness

1. (1) Any person authorised by this Statute to make a recommendation to the Vice-Chancellor must be satisfied that such recommendation is not unlawful under any legislation as may be applicable from time to time including, but not limited to, the Equal Opportunity Act and the Disability Discrimination Act.
- (2) A person shall not be excluded or otherwise restricted under this Statute unless the Vice-Chancellor is satisfied in the circumstances that such exclusion or restriction is not unlawful under any legislation as may be applicable from time to time including, but not limited to, the Equal Opportunity Act and the Disability Discrimination Act.
2. Subject to sub-section 1(1), if a Head of School is of the opinion that an applicant for enrolment or re-enrolment in a course or unit in that School may:
  - [a] require services or facilities that are not required by other students and the provision

of which would impose unjustifiable hardship on the University; and/or

- [b] engage in behaviour by reason of which there would be an unreasonable risk to the health and/or welfare of other persons; and/or

- [c] be unable to complete a course because the student cannot be placed for required external field work due to an unsatisfactory police record,

the Head of School may, after consultation with the applicant and obtaining evidence in accordance with the process specified in the Regulations, recommend to the Vice-Chancellor that the applicant’s enrolment or re-enrolment be refused until such time as the Vice-Chancellor determines otherwise.

3. Subject to sub-section 1(1), if a Head of School is of the opinion that a student within that School may:
  - [a] require services or facilities that are not required by other students and the provision of which would impose unjustifiable hardship on the University; and/or

- [b] engage in behaviour by reason of which there would be an unreasonable risk to the health and/or welfare of other persons; and/or

- [c] be unable to complete a course because the student cannot be placed for required external field work due to an unsatisfactory police record, the Head of School may, after consultation with the student and obtaining evidence in accordance with the process specified in the Regulations, recommend to the Vice-Chancellor that the student be permitted to continue the course subject to any conditions that the Head of School may suggest, or that the student’s enrolment be suspended or terminated.

4. Subject to sub-section 1(1), if the Manager, Accommodation Services of the University is of the opinion that a resident of the University Residences may engage in behaviour by reason of which there would be an unreasonable risk to the health and/or welfare of other residents, the Manager may, after consultation with the resident and obtaining evidence in accordance with the process specified in the Regulations, recommend to the Vice-Chancellor the exclusion of that resident from residency or the requirement that the resident move to another room in the Residences.

5. (1) Subject to sub-section 1(2), on receipt of a recommendation from the Head of School under section 2 or 3 the Vice-Chancellor may:
  - [a] refuse an applicant’s enrolment or re-enrolment;
  - [b] permit a student to continue in the course subject to any conditions the Vice-Chancellor thinks fit, or suspend a student’s enrolment until the Vice-Chancellor determines otherwise, or terminates a student’s enrolment;

if the Vice-Chancellor considers, in the circumstances of the case, that such a decision is necessary.

- [a] require services or facilities that are not required by other students and the provision

of which would impose unjustifiable hardship on the University; and/or

- (2) Subject to sub-section 1(2), on receipt of a recommendation from the Manager, Accommodation Services under section 4 the Vice-Chancellor may exclude a resident from residency or require the resident to move to another room in the Residences, if the Vice-Chancellor considers, in the circumstances of the case, that such a decision is necessary.
6. Within seven days of the date on which a decision is made under section 5, written notice of the decision shall be posted to the student or resident at their last address officially recorded with the University. Such notice shall:
- [a] include a statement informing the student of his or her rights of appeal under section 7; and
- [b] include a statement of the reasons on which the decision was based,
- provided that, if the Vice-Chancellor is advised by a medical practitioner that it would be preferable, the notice shall be posted to the next of kin of the student or resident, or to their medical practitioner.
7. A person who has received written notice pursuant to section 6 may, within fourteen days of the date of the written notice, appeal to the Appeals Committee.
8. (1) Any student who breaches a condition of enrolment or re-enrolment imposed by the Vice-Chancellor or Appeals Committee under this Statute may, after being given an opportunity to make a submission to the Vice-Chancellor in relation to the breach, be excluded by the Vice-Chancellor.
- (2) A student excluded under sub-section (1) may, within fourteen days of the date of the exclusion, appeal to the Appeals Committee.
9. The Council will nominate three of its members, one of whom shall be a student, to form an Appeals Committee to hear any appeals under sections 7 or 8.
10. The Appeals Committee:
- [a] shall where practicable consult persons with special knowledge of the condition of the appellant and may otherwise make such inquiries as it deems relevant;
- [b] shall consider any relevant medical certificate or other documentation which may be submitted by the appellant and shall hear evidence from the appellant and the person responsible for the original recommendation;
- [c] may request the appellant to undergo a medical examination and/or professional assessment at the expense of the University by a person or persons nominated by the Appeals Committee;
- [d] may confirm, vary or reverse a decision appealed against or may decide the enrolment, re-enrolment or residence at the University by the appellant be permitted subject to such conditions as the Appeal Committee thinks fit.
11. Exclusion of a student under this Statute shall not constitute or be regarded as a punishment under the Statute and Regulations governing student discipline.
12. (1) The Council or the Vice-Chancellor may at any time make Regulations, not inconsistent with this Statute, prescribing all matters which by this Statute are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Statute and by later Regulation revoke or amend any such Regulations.
- (2) Regulations made under this Statute shall be promulgated by being exhibited on the official notice boards of the University and after being so promulgated shall remain so exhibited for at least fourteen days during which time the University is operating.

## Statute 5.5 - Unsatisfactory Progress

1. (1) When a student who is enrolled in a course does not meet the academic progression rules as prescribed in the course regulations, the Head of School may, prior to or on the date of publication of the final results of assessment under Statute 5.3-Assessment, notify the student in writing-
- (a) that he or she has made unsatisfactory progress; and
- (b) that after giving the student an opportunity to be heard the School will do one of the things referred to in sub-section (2).
- (2) After a Head of School has given a student notified under sub-section (1) an opportunity to make a submission either in writing or in person the Head of School shall advise the student that the student is-
- (a) excluded from the course; or
- (b) suspended from the course for a specified period; or
- (c) restricted as to enrolment-
- (i) in a particular unit or units in any subsequent teaching period; or
- (ii) in the course subject to specified conditions; or
- (c) permitted to continue in the course without conditions.
- (3) A Head of School must advise the Academic Board, at the subsequent meeting held by Academic Board, of any decision made under paragraph (2)(a).
- (4) A student affected by a decision made under sub-section (2) shall be notified by the appropriate School in writing within 7 days of making the decision and, if applicable, any right of appeal under sub-section (5).
- (5) A student may appeal against a decision by a Head of School under sub-section 2. An appeal must be in writing addressed to the Secretary to Academic Board and must be lodged within 14 days of the student being notified of the decision. Academic Board may in exceptional circumstances extend the period for lodgement of an appeal.
- (6) A student shall be regarded as having received notification at the time when the notification would have been received in the ordinary course of the post.

2. The Academic Board shall appoint a Course Appeals Committee to consider any appeals received under sub-section 1(5), and the Course Appeals Committee after allowing the student an opportunity to be heard or to make a written submission may-
  - (a) dismiss an appeal; or
    - impose conditions or new conditions on the student's candidature or enrolment in the course in any subsequent period.
3. (1) The Council may at any time make Regulations, not inconsistent with this Statute, prescribing all matters which by this Statute are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Statute and by later Regulation revoke or amend any such Regulations.
  - (2) Regulations made under this Statute shall be promulgated by being exhibited on the official notice boards of the University and after being so promulgated shall remain so exhibited for at least fourteen days during which time the University is operating.

### **Regulation 5.5 - Unsatisfactory Progress**

1. "Principal Statute" means Statute 5.5- Unsatisfactory Progress.
2. A Head of School shall consider a student's unsatisfactory progress, under sub-section 1(2) of the Principal Statute, within 7 days of publication of the final results of assessment.
3. On receipt of a notice of appeal by a student under sub-section 1(5) of the Principal Statute the Academic Board shall, by its nominated officer, give the student 7 days prior notice in writing of the place, date and time of the hearing by the Course Appeals Committee.
4. A student will normally not be entitled to any representation, including representation by a lawyer, when appearing before the Head of School or the Course Appeals Committee under sections 1 and 2 of the Principal Statute however, in exceptional circumstances, the Head of School or Course Appeals Committee may determine to allow representation on such terms as it thinks fit.
5. (1) A student will not be entitled to have an observer present when appearing before the Head of School under sub-section 1(2) of the Principal Statute.
  - (2) A student may be accompanied by an observer, who is not a lawyer, when appearing before the Course Appeals Committee under section 2 of the Principal Statute however the observer may not speak on behalf of the student unless invited to do so by the Chair of the Course Appeals Committee.

### **Statute 6.1- Student Discipline**

1. A student commits a breach of discipline if the student engages in actions prejudicial to the good order and discipline of the University including, but not limited to, any other action prescribed as a breach of discipline in the Regulations.
2. Any member of the University may report a student for an alleged breach of discipline by making a written complaint, within twelve months of the alleged breach, to the student's Head of School or to the Vice-Chancellor.
3. (1) The Head of School or the Vice-Chancellor may determine complaints made under section 2 by making such enquiries as they think fit.
  - (2) The Head of School or the Vice-Chancellor shall not determine a complaint unless he or she is satisfied-
    - [a] that the student has been given seven days prior notice in writing of the place, date and time of the hearing which notice shall include a brief statement of the complaint;
    - [b] that the student has been given the opportunity to present a submission in answer to the complaint.
  - (3) If the complaint relates to sex-based, racial or disability harassment, the matter shall be referred to an Harassment Adviser in accordance with the University's Statement of Policy for dealing with cases of alleged sex-based, racial and disability harassment.
  - (3) The Head of School may refer a complaint to the Vice-Chancellor for determination at any time.
3. On determining the outcome of a complaint the Head of School or the Vice-Chancellor may make such order as is prescribed in the Regulations and which in his or her opinion is appropriate.
5. Notwithstanding any provision of the Statutes or Regulations, if the Vice-Chancellor has a reasonable expectation that a student may cause any person on campus physical harm, the Vice-Chancellor may exclude the student from the campus or a defined part of the campus or from activities of the University for any period the Vice-Chancellor thinks fit.
6. (1) The Council may at any time make Regulations, not inconsistent with this Statute, prescribing all matters which by this Statute are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Statute and by later Regulation revoke or amend any such Regulations.
  - (2) Regulations made under this Statute shall be promulgated by being exhibited on the official notice boards of the University and after being promulgated shall remain exhibited for at least fourteen days during which time the University is operating.



## Regulation 6.1 - Student Discipline

1. (1) A student shall commit a breach of discipline if the student within or outside the campus:
    - [a] fails to comply with a requirement or direction prescribed or given in relation to the conduct of assessment;
    - [b] wilfully or recklessly engages in conduct which involves interference with the property of the University;
    - [c] obstructs or interferes with the use of any premises, facilities or equipment of the University;
    - [d] gains access to, or enters, a computer system or part of a computer system of the University without lawful authority to do so;
    - [e] engages in cheating or plagiarism or displays an intention to gain an unfair advantage in the assessment of or entry to a unit or course.
    - [f] engages in illegal or offensive use of the University internet, email or network.
  - (2) A student shall commit a breach of discipline if the student within the campus or on premises used by the University:
    - [a] interferes with the orderly conduct of any teaching group, assessment, examination or ceremony of the University or any meeting of the Council or a board, committee or any other body convened on University business, or any other activity, function or program held at the University;
    - [b] engages in conduct which involves unauthorised or unjustified interference with the property of any person;
    - [c] wilfully, recklessly or negligently engages in conduct which causes or is calculated to cause bodily injury to any person;
    - [d] attacks, bullies, harasses, unlawfully vilifies, threatens or intimidates any person or attempts to attack, bully, harass, unlawfully vilifies, threaten or intimidate any person;
  - (3) [a] In the instance of a complaint under paragraph (2)[a] and where the interference is seriously disrupting the orderly conduct of the activity, the Vice-Chancellor or nominee(s) may require a student to leave or be removed from the premises for such period as the Vice-Chancellor or nominee(s) thinks appropriate.
  - [b] Where a student is required to leave or be removed from the premises a written report by the person, who under paragraph [a] required the student to leave or be removed, will be delivered to the relevant Head of School within one working day from the time of the interference.
  - [c] The Head of School may make such enquiries and such determinations in relation to the report as the Head of School deems necessary.
2. On determining the outcome of a complaint made under Statute 6.1 the Head of School or Vice-Chancellor may-

- [a] dismiss the complaint;
- [b] reprimand the student;
- [c] refer the complaint to the Student Discipline Committee under Statute 2.4-The Student Discipline Committee; and/or
- [d] in the instance of a complaint under section 1[e] proven to the satisfaction of the Head of School or Vice-Chancellor-
  - (i) recommend to the relevant Board the forfeiture of any credit that the student might have obtained in the unit or course to which the student's breach of discipline relates; and/or
  - (ii) require the student to be re-assessed in the relevant unit or course.

## Statute 9.1- Fees and Charges

### Definitions

1. In this Statute-
  - "academic transcript" means a record of every year of a student's enrolment and includes all results of assessment;
  - "full time student" means a student enrolled for three quarters or more of the work of a course normally undertaken by students enrolled full time in that course;
  - "Fund" means the General Service Fee fund and includes the capital and income of the Fund;
  - "limited time student" means a student enrolled for less than one quarter of a course normally undertaken by students enrolled full time in that course;
  - "overseas student" means an international student who does not hold Permanent Resident status in Australia;
  - "part time student" means a student enrolled for less than three quarters but greater than one quarter of a course normally undertaken by students enrolled full time in that course;
  - "Vice-Chancellor" means the Vice-Chancellor or his or her delegate.

### General Service Fee

2. Subject to section 8 all persons enrolled as students of the University shall pay to the University for each year in which they are enrolled a general service fee, the amount which shall be determined by the Council.

### The Fund

4. The money received under section 2 constitutes the Fund and must be invested as the Council directs from time to time.

### Expenditure from the Fund

4. After deduction from the Fund of an amount annually determined by the Council for the cost of administering the Fund, the Fund shall be applied by the Council to the provision of facilities, services or activities of a non academic nature of a direct benefit to the University or the students.

**Annual Financial Statement**

5. The Council, annually, shall cause to be prepared, published and made freely available to students an audited statement specifying-
- the amount of general service fees collected in the preceding year;
  - the purposes for which expenditure was made from the Fund;
  - the organisations to which money was made available and the amount of money made available to each organisation;
  - the purposes for which money was expended by organisations to whom they were made available; and
  - the names of any organisations to which the organisations in paragraph c) made available moneys from the Fund and the amount of money made available to each.

**Non-award fees**

6. The Council may prescribe the fee to be charged to a person for enrolment for a unit that is not being undertaken for the purposes of obtaining a higher education award.

**Tuition fees and other charges**

7. Every enrolled student who is a member of a class of students in respect of whom the University is required to charge fees or impose other charges as a consequence of an Act of the Commonwealth or State of Victoria or a determination of the University shall pay to the University, for each year the student is enrolled, an amount prescribed as being payable for the fees and other charges.

**Exemption from fees**

8. (1) Subject to any Act and this Statute, the Council may exempt any class of persons from liability to pay any fee or charge payable under this Statute.
- (2) The Council may delegate to an officer prescribed under Statute 2.1, the Schedule of Prescribed Officers its power to exempt a student from the liability to pay the whole or part of any fee or charge payable under this Statute.

**Payment of fees**

9. (1) All fees and charges payable under this Statute shall be paid in full at the time of enrolment or re-enrolment, or as otherwise specified on the student's invoice or on acceptance of an offer of a place.
- (2) The Vice-Chancellor may grant to any person an extension of time for payment of fees, which extension of time may be subject to the payment of an additional fee determined by the Vice-Chancellor under paragraph 12(1)(d).
- (3) The Vice-Chancellor may suspend or terminate a student's enrolment if all fees due have not been paid by the specified date.

**Recovery of amounts owed as fees**

10. Any amount owed to the University as fees or charges by a person whose enrolment is suspended or terminated, including a person whose enrolment is suspended or terminated under sub-section 9(3), shall be payable as a debt and may be recovered by the University.

**Refund of fees**

11. (1) A student, upon payment of the charges (if any) determined under paragraph 12(1)(f), may apply to the Vice-Chancellor for the refund of all or any part of the fees and other charges paid by the student if he or she has-
- withdrawn from a course;
  - approved leave from studies;
  - changed student status from being a full time student to a part time student or limited time student or, from being a part time student to a limited time student-
- and shall be entitled to a refund calculated on a pro-rata basis if the application is received before the applicable HECS census date.
- (2) Notwithstanding the provisions of sub-section (1) if, in the opinion of the Vice-Chancellor, special circumstances have caused a student to cancel his or her enrolment during the year, the Vice-Chancellor may refund all or part of any fee owed or paid by the student for that year.

**Charges for amenities, services and facilities**

12. (1) The Vice-Chancellor may, by an instrument in writing, from time to time determine the charges to be made-
- to any organisation or person in respect of any goods, equipment, facilities, services or activities provided by the University for the use by the organisation or person;
  - in respect of any re-assessment, further or supplementary assessment other than where special consideration has been applied for and granted;
  - for providing a copy of his or her academic transcript;
  - in respect of an extension of time for enrolment, re-enrolment, or payment of fees under sub-section 9(2)
  - for providing replacement identity cards;
  - in respect of an application for a refund of fees and charges;
  - in respect of a cancellation, variation or addition of units before the applicable HECS census date;
  - in respect of an extension of time for any administrative service provided by the University.
- (2) The Vice-Chancellor shall inform the Council of the terms of every determination made under sub-section (1) at the next meeting of the Council after the determination has been made.

**Non-payment of amounts owing**

13. (1) Unless the Vice-Chancellor in a particular case decides otherwise, a person who has not paid all fees or charges owing by the person to the University will not be entitled to the rights and privileges of a student of the University and/or the use of the University services and facilities as prescribed in the regulations.

- (2) Any money owed in respect of-
- (a) any fee or charge payable under this Statute;
  - (b) a loan provided from the University Student Loan Fund;
  - (c) accommodation provided by the University Halls of Residence;
  - (d) library fines and charges for book replacements from the E.J.Barker Library;
  - (e) a fine or order of compensation made by the Student Discipline Committee under section 6 of Regulation 2.4-The Student Discipline Committee which remains unpaid beyond the due date for payment shall be regarded as a charge for purposes of this section.

14. Notwithstanding the provisions of this Statute, the Vice-Chancellor may specify by Regulation the fees or charges payable by an overseas student and prescribe a payment and refund policy for overseas students.

#### **Regulations**

15. (1) The Council and the Vice-Chancellor may at any time make Regulations, not inconsistent with this Statute, prescribing all matters which by this Statute are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Statute and by later Regulation revoke or amend any such Regulations.
- (2) Regulations made under this Statute shall be promulgated by being exhibited on the official notice boards of the University and after being so promulgated shall remain so exhibited for at least fourteen days during which time the University is operating.

University legislation applies to all members of the University, including students studying University of Ballarat courses or units off-shore. Where Statutes and Regulations impose time limits as part of the stated procedure, off-shore students may apply for an extension to the time limits to allow for distance.