

18th January, 2019

The Hon Robert French AC
Suite 2, Level 13
Allendale Square
77 St George's Terrace
Perth WA 6000

Via email: freedomofspeechreview@education.gov.au

The Hon Robert French,

Many thanks for your letter of 29th November 2018 inviting Monash University to provide the Secretariat for your review with information to assist your review.

Attached, to this letter, are the following documents which, I hope, will assist with your inquiries:

1. University Statutes and Regulations
 - The Monash University Act and its objects
 - Council Regulations
 - Vice-Chancellor's Regulations
 - Academic Board Regulations
 - University Strategic Plan, Focus Monash, which includes Guiding Principles

2. Administrative Codes and Policies
 - Enterprise Bargaining Agreement clauses
 - Student Charter
 - Ethics Statement
 - Media and Public Comment Procedure
 - Monash University Standard Conditions of Hire

You requested that we include any reports of non-confidential reviews that we have undertaken in relation to our rules, policies and practices in this area, but to my knowledge there have been none. The one area where we recently did an extensive review was in response to Respect, Now, Always program but that did not touch on the subject of Freedom of Speech.

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You asked whether there are any additional observations that we would like to make. I would like to offer the following for your consideration:

- A All universities are required by Federal Law to uphold ..‘free intellectual inquiry in relation to Learning and Teaching and Research..’¹ as all universities are bound by the Higher Education Support Act. In addition our Victorian Establishment Act states Monash University will promote “...critical and free enquiry, informed intellectual discourse and public debate within the University and wider society..”²
- B Universities are not exempt from federal laws covering vilification or defamation.
- C Due to points A and B above there would seem to be no need for further government regulation in this space, especially as the University has not been legally challenged at Federal or State level under either Act.

Thank you once again for the opportunity to provide input to your review.

Yours sincerely,



Professor Margaret Gardner
President and Vice-Chancellor

¹ HES Act 2003, Division 2, 2-1 Objects (a)(iv)

² Monash University Act 2009, clause 5 ‘Objects’, (e) (iii)

Policy / Instrument	Subsection/ clause	Text	URL
Monash University Act 2009	Section 5 Objects of the University	<p>The objects of the University include—</p> <p>a) to provide and maintain a teaching and learning environment of excellent quality offering higher education at an international standard;</p> <p>b) to provide vocational education and training, further education and other forms of education determined by the University to support and complement the provision of higher education by the University;</p> <p>c) to undertake scholarship, pure and applied research, invention, innovation, education and consultancy of international standing and to apply those matters to the advancement of knowledge and to the benefit of the wellbeing of the Victorian, Australian and international communities;</p> <p>d) to equip graduates of the University to excel in their chosen careers and to contribute to the life of the community;</p> <p>e) to serve the Victorian, Australian and international communities and the public interest by—</p> <p>i. enriching cultural and community life;</p> <p>ii. elevating public awareness of educational, scientific and artistic developments;</p> <p>iii. promoting critical and free enquiry, informed intellectual discourse and public debate within the University and in the wider society;</p>	http://www.legislation.vic.gov.au/domino/Web_Notes/LDMS/LTObject_Store/ltobjst10.nsf/DDE300B846EED9C7CA257616000A3571/139AC194C01DF0A9CA2582E3001AB7CE/\$FILE/09-76aa007authorised.pdf
Enterprise Agreements Academic-Professional 2014	10. University Policies 10.2 Intellectual Freedom	<p>10.2.1 Without derogating from or limiting the employment obligations of staff, including the obligations to comply with reasonable and lawful directions and requests, the parties to the Agreement are committed to act in a manner consistent with the protection and promotion of intellectual freedom.</p> <p>10.2.2 Intellectual freedom includes:</p> <p>(a) the rights of all staff to:</p> <p>(i) participate in public debates and express opinions about issues and ideas related to their discipline area or areas of professional expertise and about the institution within which they work or higher education issues more generally;</p> <p>(ii) make other comment outside their discipline or areas of professional expertise as long as they do so on their own behalf and do not claim to represent the University;</p>	https://adm.monash.edu/enterprise-agreements/academic-professional-2014/10.html

		<p>(iii) express unpopular or controversial views, but this does not mean the right to harass, vilify or defame or intimidate;</p> <p>(b) the rights of academic staff to pursue critical and open inquiry and to freely discuss, teach, assess, develop curricula, publish and research;</p> <p>(c) the right of all staff to participate in professional and representative bodies, including unions, and engage in appropriate community service;</p> <p>(d) the rights of all staff to express opinions about the operations of the University and higher education policy more generally.</p> <p>10.2.3 The University will encourage staff to actively participate in the operation of the University and in the communities it serves.</p>	
Ethics Statement Policy	Ethics Statement	<p>All employees and students at Monash are expected to adopt the following ethical approaches in their actions, communications and work/study activity as a Monash staff member or student:</p> <p>Monash as a Learning, Teaching and Research Institution</p> <ul style="list-style-type: none"> - Act with integrity, transparency and professionalism at all times, as these are fundamental to the University's endeavours in learning, teaching and research. - Submitting outputs only when founded on honest effort and personal achievement. - Value freedom of thought and of expression. - Acknowledge our responsibility to treat both humans and animals humanely and ethically. - Promote the empowerment of individuals through learning, and the empowerment of society through research. 	https://www.monash.edu/data/assets/pdf_file/0004/1168798/Ethics-Statement.pdf
Monash University Student Charter	Monash University Student Charter	<p>The Student Charter applies to all students of Monash University at the University or using its resources (including online), and outside of the University where undertaking any official activity whether course-related or not. The University also expects students to behave respectfully and responsibly in all communications, including the use of social media.</p> <p>Academic engagement and integrity</p> <p>Students can expect that Monash will:</p> <ul style="list-style-type: none"> - include students in an academic culture of debate and inquiry [...] - address student complaints and appeals fairly and according to established processes. <p>Behaviour and wellbeing</p>	https://www.monash.edu/students/academic/policies/student-charter

	<p>As a Monash student, you are expected to:</p> <ul style="list-style-type: none"> - act with consideration and courtesy to other students, staff and visitors - behave appropriately to the context and without non-consensual sexual advances, including in professional placements, volunteering, sporting and cultural events - respect the rights of others to study and work free from discrimination and harassment - express your views respectfully and responsibly and accept the rights of others to do the same - act safely, and not endanger others - not damage or misuse University property (including library, IT, equipment and other facilities and resources) - not misuse the University's resources or name, including for personal gain - comply with reasonable and lawful directions from University staff. <p>Students can expect that Monash will:</p> <ul style="list-style-type: none"> - require that students are treated with consideration and courtesy by University staff - seek to provide a safe learning environment that is free from discrimination and harassment - [etc] 	
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Authorised Version No. 007

Monash University Act 2009

No. 76 of 2009

Authorised Version incorporating amendments as at 8 August 2018

5 Objects of the University

The objects of the University include—

- a) to provide and maintain a teaching and learning environment of excellent quality offering higher education at an international standard;
- b) to provide vocational education and training, further education and other forms of education determined by the University to support and complement the provision of higher education by the University;
- c) to undertake scholarship, pure and applied research, invention, innovation, education and consultancy of international standing and to apply those matters to the advancement of knowledge and to the benefit of the wellbeing of the Victorian, Australian and international communities;
- d) to equip graduates of the University to excel in their chosen careers and to contribute to the life of the community;
- e) to serve the Victorian, Australian and international communities and the public interest by—
 - i. enriching cultural and community life;
 - ii. elevating public awareness of educational, scientific and artistic developments;
 - iii. promoting critical and free enquiry, informed intellectual discourse and public debate within the University and in the wider society;

Division 2—Objects

2-1 Objects of this Act

The objects of this Act are:

- a) to support a higher education system that:
 - i. is characterised by quality, diversity and equity of access; and
 - ii. contributes to the development of cultural and intellectual life in Australia; and
 - iii. is appropriate to meet Australia’s social and economic needs for a highly educated and skilled population; and
 - iv. **promotes and protects free intellectual inquiry in learning, teaching and research;**
and
- b) to support the distinctive purposes of universities, which are:
 - i. the education of persons, enabling them to take a leadership role in the intellectual, cultural, economic and social development of their communities; and
 - ii. the creation and advancement of knowledge; and
 - iii. the application of knowledge and discoveries to the betterment of communities in Australia and internationally;
recognising that universities are established under laws of the Commonwealth, the States and the Territories that empower them to achieve their objectives as autonomous institutions through governing bodies that are responsible for both the university’s overall performance and its ongoing independence; and
- c) to strengthen Australia’s knowledge base, and enhance the contribution of Australia’s research capabilities to national economic development, international competitiveness and the attainment of social goals; and
- d) to support students undertaking higher education and certain vocational education and training.

Division 19—What are the quality and accountability requirements?

Subdivision 19-A—General

19-1 The quality and accountability requirements

The quality and accountability requirements are:

- a) the *financial viability requirements (see Subdivision 19-B); and
- b) the *quality requirements (see Subdivision 19-C); and
- c) the *fairness requirements (see Subdivision 19-D); and
- d) the *compliance requirements (see Subdivision 19-E); and
- e) the *contribution and fee requirements (see Subdivision 19-F); and
- f) **the *compact and academic freedom requirements (see Subdivision 19-G).**

Subdivision 19-G—The compact and academic freedom requirements

19-110 Table A providers and Table B providers must enter into mission based compacts

1. A higher education provider that is a *Table A provider or a *Table B provider must, in respect of each year for which a grant is paid to the provider under this Act, enter into a mission based compact with the Commonwealth for a period that includes that year.

2. The Minister may, on behalf of the Commonwealth, enter into a mission based compact with a *Table A provider or a *Table B provider.
 3. The mission based compact must include:
 - a. a statement of the provider's mission; and
 - b. a statement of the provider's strategies for teaching and learning; and
 - c. a statement of the provider's strategies for:
 - i. undertaking research; and
 - ii. research training; and
 - iii. innovation.
- Note: A mission based compact may include other matters.
4. The *Secretary must cause a copy of each mission based compact to be published on the Department's website within 28 days after the making of the compact.

19-115 Provider to have policy upholding free intellectual inquiry

A higher education provider that is a *Table A provider or a *Table B provider must have a policy that upholds free intellectual inquiry in relation to learning, teaching and research.



Monash University (Council) Regulations

*Made by the Monash University Council
Incorporating amendments as at 2 January 2019*

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Part 1—Preliminary

1 Short title

These regulations may be cited as the Monash University (Council) Regulations.

2 Authorising provisions

These regulations are made under Part 5 of the **Monash University Act 2009** and the Monash University Statute.

3 Commencement

These regulations come into operation on the day on which they are promulgated by being published on the University website.

4 Interpretation

- (1) The Dictionary at the end of these regulations defines expressions used in them.
- (2) Expressions used in these regulations have, unless the contrary intention appears, the same meaning as they have in the Monash University Statute as amended and in force for the time being.

Note

Under section 23 of the **Interpretation of Legislation Act 1984** expressions used in university regulations made under the **Monash University Act 2009** have, unless the contrary intention appears, the same meaning as they have in that Act as amended and in force for the time being.

- (3) For the purposes of these regulations, the faculty of which a person employed, other than on a sessional basis, in an academic position at a location within or outside Australia, is a member is to be determined in accordance with regulation 5(2) of the Monash University (Vice-Chancellor) Regulations.
- (4) A reference in these regulations, in relation to a power of delegation, to the functions, powers or duties of a person or body is a reference to the functions, powers or duties conferred or imposed on the person or body by or under these or any other University regulations or by or under the Monash University Statute.
- (5) A note at the foot of a provision of these regulations forms part of the regulations.

Part 2—The Council

5 Council meetings

- (1) An ordinary meeting of the Council must be held at least 6 times each year.
- (2) A special meeting of the Council must be held if called by the Chancellor or the Vice-Chancellor or requested in writing by 6 members of the Council.
- (3) The secretary to the Council must give at least 10 days' notice of a meeting of the Council to each member, specifying the time, place and agenda of the meeting.

Note

Under clause 13 of Schedule 1 to the **Monash University Act 2009** a resolution signed by members may be taken to have been passed at a meeting of the Council. As no meeting is held, subregulation (3) does not apply.

- (4) The period of notice referred to in subregulation (3) may be dispensed with in the case of a meeting called by the Chancellor or the Vice-Chancellor as a matter of urgency.
- (5) Subject to the Act, the Council may regulate its own meeting procedure.

Note

Schedule 1 to the **Monash University Act 2009** contains provisions about the Council's procedure.

6 Committees of Council

- (1) The Council, by resolution, may specify how many members of a committee of the Council constitute a quorum at a meeting of the committee.
- (2) Subject to any resolution of the Council, a committee of the Council may

regulate its own meeting procedure.

Part 2A —The Elected Members of Council

6A Interpretation

In this Part:

elected member has the same meaning as in the Act;

staff has the same meaning as in the Act;

staff member means an elected member elected by staff;

student has the same meaning as in the Act;

student member means an elected member elected by students.

6B Elected members

- (1) For the purposes of section 11(4A) of the Act:
 - (a) the number of persons who may be elected as a staff member is one (1); and
 - (b) the number of persons who may be elected as a student member is one (1).
- (2) Council shall by resolution determine the term of office of a staff member and the term of office of a student member.

6C Elections

- (1) For the purposes of one or more elections of the elected members, the Council may by resolution:
 - (a) appoint a returning officer and assign functions, powers and duties to him or her; and
 - (b) empower a returning officer to appoint other election officers; and
 - (c) provide for the preparation and custody of electoral rolls; and
 - (d) state the timelines for an election, including:
 - (i) the date by which notice of the election must be given by the returning officer;
 - (ii) the period within which nominations by persons as candidates may be made;

- (iii) the date of the poll;
 - (iv) the period within which voting may take place; and
 - (e) specify how candidates may be nominated and the number of nominators required; and
 - (f) provide for the manner in which ballot papers may be marked; and
 - (g) state the circumstances in which, and the procedure by which, a candidate may withdraw his or her nomination; and
 - (h) specify the form of ballot papers and how the order in which names appear on them may be determined; and
 - (i) state the system of voting to be used for the conduct of an election and the method for counting votes; and
 - (j) provide for the appointment of scrutineers and set out their functions, powers and duties; and
 - (k) provide for rules that specify the principles to govern campaigning by candidates; and
 - (l) deal with any other matter necessary for the conduct of an election.
- (2) If the returning officer is satisfied that the terms of a resolution made under subregulation (1) have not been complied with to an extent that materially compromised the proper outcome of an election, he or she may declare the election void.
- (3) A casual vacancy is to be taken to have occurred in the event of a declaration being made under subregulation (2).

Note

Regulation 6F deals with the filling of casual vacancies.

6D Election eligibility

- (1) To be eligible for election as a staff member:
- (a) a person must at all times during the period of twelve months prior to the date of commencement of the person's term of office either:
 - (i) hold a full-time appointment; or
 - (ii) hold a fractional appointment of not less than 0.5 full-time equivalent (FTE); or
 - (iii) a combination of (i) and (ii); and
 - (b) their substantive position must be located in Australia.

- (2) To be eligible for election as a student member, a person must:
- (a) at all times during the period of twelve months prior to the date of commencement of the person's term of office either:
 - (i) been enrolled at an Australian campus of the University at no less than 0.5 equivalent full-time student load (EFTSL); or
 - (ii) been granted an intermission from a course of study at an Australian campus of the University pursuant to regulation 70; or
 - (iii) a combination of (i) and (ii); and
 - (b) be either a resident of Australia or living in Australia under a student visa; and
 - (c) if also an employee of the University, have a fractional appointment not exceeding 0.5 full-time equivalent.

6E Voting eligibility

- (1) All students are eligible to vote at an election of a student member, provided they are on the electoral roll prepared for that election.
- (2) All members of staff are eligible to vote at an election of a staff member, provided they are on the electoral roll prepared for that election.

6F Casual vacancies in the position of elected member

- (1) If there is a casual vacancy in the office of an elected member an election shall be held, except that in the case where the vacancy occurs within 6 months before the expiry of the term of office an election is not obligatory.
- (2) A casual vacancy is to be taken to have occurred in the office of an elected member in any of the following events:
 - (a) a declaration being made under subregulation 6C(2);
 - (b) the elected member ceasing to be eligible, as specified in regulation 6D, for election to the office for which he or she was elected;
 - (c) the elected member retires from office;
 - (d) subclause 7(1) of Schedule 1 of the Act applies.

Part 3—The Provost and Deputy Vice-Chancellors

7 Provost

- (1) The Council may establish an office of Provost and, on the recommendation of the Vice-Chancellor, may appoint a person to it.
- (2) The Provost has the functions, powers and duties conferred or imposed on him or her:
 - (a) by his or her contract of employment; or
 - (b) by or under this or any other University regulation; or
 - (c) by any instrument of delegation.
- (3) The Provost may delegate any of his or her functions, powers or duties (other than a power or function of the Council delegated to him or her by the Council) to:
 - (a) a member of staff of the University; or
 - (b) a committee or other body of persons.

8 Deputy Vice-Chancellors

- (1) The Council, on the recommendation of the Vice-Chancellor, may appoint one or more persons to the office of Deputy Vice-Chancellor.
- (2) A Deputy Vice-Chancellor has the functions, powers and duties conferred or imposed on him or her:
 - (a) by his or her contract of employment; or
 - (b) by or under this or any other University regulation; or
 - (c) by any instrument of delegation.
- (3) A Deputy Vice-Chancellor may delegate any of his or her functions, powers or duties (other than a power or function of the Council delegated to him or her by the Council) to:
 - (a) a member of staff of the University; or
 - (b) a committee or other body of persons.

Part 4—Awards

9 Degrees and other awards

- (1) The following degrees and other awards may be conferred or granted by the Council:
 - (a) undergraduate diploma;
 - (b) associate degree;
 - (c) bachelor degree;
 - (d) bachelor honours degree;
 - (e) graduate certificate;
 - (f) graduate diploma;
 - (g) post-graduate certificate;
 - (h) post-graduate diploma;
 - (i) master's degree;
 - (j) doctoral degree;
 - (k) higher doctoral degree.
- (2) The Monash University (Academic Board) Regulations provide for the requirements that a person must satisfy in order to qualify for a degree or other award.
- (3) The Council may confer a degree that is no longer offered on, or grant any other award that is no longer offered to, a person who was admitted into a course of study leading to that degree or other award when it was still offered and has satisfied the requirements of, but has not graduated with, it.

Part 5—The Academic Board

10 Powers and functions of the Academic Board

- (1) The Academic Board:
 - (a) subject to any resolution of the Council, is responsible to the Council for the maintenance of high standards in education and research;
 - (b) after having informed the Vice-Chancellor of the proposed

recommendation, may make any recommendation to the Council regarding the academic affairs of the University;

- (c) after having informed the Vice-Chancellor of the proposed report, must report to the Council on all matters referred to it by the Council for report;
 - (d) must consider and take any necessary action on any report submitted to it by a dean or the head of an academic unit or other university body;
 - (e) is responsible for accreditation and reaccreditation of units and courses of study required for a degree or other award;
 - (f) may consider any question relating to the academic requirements and standards of courses of study;
 - (g) must decide all questions of admission equivalence.
- (2) The Academic Board has such other functions, powers and duties as are conferred or imposed on it by any University statute, University regulation or resolution of the Council.

11 Committees and delegation of powers

- (1) The Academic Board, by resolution, may constitute and appoint committees as it thinks fit.
- (2) The Academic Board, by resolution, may delegate to the president of the Board or to any committee or any university body or any member of a committee or university body or any member of staff of the University all or any of its functions, powers or duties other than:
 - (a) the power to make University regulations; and
 - (b) a power or function of the Council delegated to it by the Council; and
 - (c) the power under regulation 10(1)(b) to make recommendations to the Council.
- (3) A delegation under subregulation (2) is revocable by resolution of the Academic Board.

Note

See also sections 42 (exercise of delegated powers) and 42A (construction of power to delegate) of the **Interpretation of Legislation Act 1984**.

- (4) The Academic Board, by resolution, may specify how many members of a committee constitute a quorum at a meeting of the committee.
- (5) Subject to any resolution of the Academic Board, a committee may regulate its own meeting procedure.

12 Membership of the Academic Board

- (1) The Academic Board consists of:
- (a) the ex officio members specified in subregulation (2); and
 - (b) the appointed members, that is, heads of academic units, deputy deans and associate deans from each faculty appointed by the dean of the faculty; and

Note

The number to be appointed from each faculty depends on faculty size. See subregulation (3).

- (c) the following elected members:
 - (i) academic staff from each faculty elected by the academic staff of the faculty;
 - (ii) one director of a non faculty-based research institute or centre elected by the directors of such institutes or centres;
 - (iii) 2 undergraduate students elected by the undergraduate students;
 - (iv) one coursework graduate student elected by the coursework graduate students;
 - (v) one higher degree by research student elected by the higher degree by research students.

Note

Regulation 13 and 14 provide for the election of a president and up to 2 vice-presidents.

- (2) The ex officio members are:
- (a) the Chancellor;
 - (b) the Vice-Chancellor;
 - (c) the Provost;
 - (d) each Deputy Vice-Chancellor;
 - (e) each dean;
 - (f) such members of the academic staff and the professional staff of the University in leadership roles as are nominated by the Vice-Chancellor with the agreement of the president of the Academic Board.
- (3) The number of members to be appointed under subregulation (1)(b) or elected under subregulation (1)(c)(i) for a faculty is:
- (a) 2 if the total number of EFT academic staff of the faculty is less

- than two-thirds of the university faculty average; or
- (b) 3 if the total number of EFT academic staff of the faculty is between two-thirds and four-thirds of the university faculty average; or
 - (c) 4 if the total number of EFT academic staff of the faculty is greater than four-thirds of the university faculty average.
- (4) An election of members under subregulation (1)(c) is to be conducted in accordance with any applicable resolution made by the Council under regulation 15(1).
 - (5) A member appointed or elected to the Academic Board for a faculty continues in office for the duration of the term for which he or she was appointed or elected despite the faculty being abolished or affected by a restructuring of faculties.
 - (6) In nominating members under subregulation 2(f), the Vice-Chancellor must make sure that the total number of ex officio members does not exceed one-third of the total number of members of the Academic Board.
 - (7) The Academic Board may grant a member of the Board such period of leave of absence as it determines and subject to such terms and conditions as it determines.

13 President

- (1) The members of the Academic Board must elect as president of the Board one of their number who is qualified for election to that office.
- (2) A member is qualified for election as president if he or she:
 - (a) is nominated by 2 other members of the Academic Board; and
 - (b) is a member of the academic staff; and
 - (c) holds the rank of professor.
- (3) The president:
 - (a) presides at meetings of the Academic Board; and
 - (b) is an ex officio member of any committee of the Academic Board.
- (4) The president holds office for a term of 2 years commencing on 1 January following his or her election and is eligible to be elected for one further term if he or she is still qualified for election.
- (5) The president ceases to hold the office of president if he or she:
 - (a) resigns by writing signed by him or her and addressed to the Vice-Chancellor; or

- (b) is removed from office by a resolution of the Academic Board passed by two-thirds of the members present and voting; or
 - (c) is absent from the University for a period exceeding 3 months without leave granted by the Academic Board; or
 - (d) ceases to hold a qualification required for election to the office.
- (6) The president may be referred to as the chair of the Academic Board.

14 Vice-presidents

- (1) The members of the Academic Board must elect as vice-president of the Board one of their number who is qualified for election to that office and may elect a second such person as another vice-president.
- (2) A member is qualified for election as vice-president if he or she:
- (a) is nominated by 2 other members of the Academic Board; and
 - (b) is a member of the academic staff; and
 - (c) holds the rank of associate professor or above.
- (3) The vice-president, or if there are 2, the vice-president nominated by the Vice-Chancellor for the purpose, must preside at a meeting of the Academic Board if:
- (a) the president is absent or unable to discharge the duties of his or her office; or
 - (b) the office of president is vacant.
- (4) A vice-president must assist the president in the execution of his or her powers and duties, as directed by the president.
- (5) A vice-president holds office for a term of 2 years commencing on 1 January following his or her election and is eligible to be elected for one further term if he or she is still qualified for election.
- (6) A vice-president ceases to hold the office of vice-president if he or she:
- (a) resigns by writing signed by him or her and addressed to the Vice-Chancellor; or
 - (b) is removed from office by a resolution of the Academic Board passed by two-thirds of the members present and voting; or
 - (c) is absent from the University for a period exceeding 3 months without leave granted by the Academic Board; or
 - (d) ceases to hold a qualification required for election to the office.

- (7) A vice-president may be referred to as a deputy chair of the Academic Board.

15 Elected members

- (1) For the purposes of the election of members under regulation 12(1)(c), the Council, by resolution, may:
- (a) specify eligibility requirements for candidates and voters; and
 - (b) appoint a returning officer and assign functions, powers and duties to him or her; and
 - (c) empower a returning officer to appoint other election officers; and
 - (d) provide for the preparation and custody of electoral rolls; and
 - (e) state the timelines for an election, including:
 - (i) the date by which notice of the election must be given by the returning officer; and
 - (ii) the period within which nominations may be made; and
 - (iii) the date of the poll; and
 - (iv) the period within which voting may take place; and
 - (f) specify how candidates may be nominated and the number of nominators required; and
 - (g) provide for the manner in which ballot papers may be marked; and
 - (h) state the circumstances in which, and the procedure by which, a candidate may withdraw his or her nomination; and
 - (i) specify the form of ballot papers and how the order in which names appear on them may be determined; and
 - (j) state the system of voting to be used for the conduct of an election and the method for counting votes; and
 - (k) provide for the appointment of scrutineers and set out their functions, powers and duties; and
 - (l) deal with any other matter necessary for the conduct of an election.
- (2) If the returning officer is satisfied that the terms of a resolution made under subregulation (1) have not been complied with to an extent that materially compromises the proper outcome of an election, he or she may declare the election void.
- (3) A casual vacancy is to be taken to have occurred in the event of a declaration being made under subregulation (2).

Note

Regulation 17 deals with the filling of casual vacancies.

16 Term of office of members

- (1) Subject to regulation 16A, the Academic Board shall have a continuing rotating membership with half its members being elected each year. A member other than an ex officio member or a president or a vice-president will be appointed or elected (as the case may be) for a 2 year term commencing 1 July following his or her appointment or election.
- (2) The term of office of a member of the Academic Board referred to in sub-regulation 12 (1)(c)(iii), (iv) or (v) is 2 years commencing 1 January
- (3) A member of the Academic Board is eligible for re-appointment or re-election if he or she is still qualified for appointment or election.
- (4) A member of the Academic Board, other than the president or a vice-president, ceases to hold the office of member if he or she:
 - (a) resigns by writing signed by him or her and addressed to the president; or
 - (b) is absent from 3 consecutive ordinary meetings of the Academic Board without leave granted by the Academic Board at or before the last of those 3 meetings; or
 - (c) ceases to hold a qualification required for appointment or election to the office.

16A Transitional provision

- (1) At the second meeting of the Academic Board in 2017, the Academic Board will:
 - (a) divide each of its classes of membership of elected staff and elected students and the appointed staff members, into two groups of as near as possible equal numbers; and
 - (b) designate that the term of office of the first group will:
 - (i) in the case of elected staff members, expire on 30 June 2018; and
 - (ii) in the case of elected student members, expire on 31 December 2018; and
 - (iii) in the case of appointed staff members, expire on 30 June 2018; and
 - (c) designate that the terms of office of the second group will:

- (i) in the case of elected staff members, expire on 30 June 2019; and
- (ii) in the case of elected student members, expire on 31 December 2019; and
- (iii) in the case of appointed staff members, expire on 30 June 2019.

17 Casual vacancies

- (1) A casual vacancy in the office of president or a vice-president is to be filled by the members of the Academic Board electing one of their number who is qualified for election to that office for the balance of the term.
- (2) A casual vacancy in any other office of member of the Academic Board (including one arising because of an election referred to in subregulation (1) or from a failure to appoint or elect a member) is, if occurring more than 3 months before the expiration of the term of that office, to be filled for the balance of the term as follows:
 - (a) in the case of the office of a member referred to in regulation 12(1)(b) or 12(1)(c)(i), by an appropriately qualified person nominated by the dean of the faculty;
 - (b) in the case of the office of a member referred to in regulation 12(1)(c)(ii), by an appropriately qualified person nominated by the directors referred to in that regulation;
 - (c) in the case of the office of a member referred to in regulation 12(1)(c)(iii), by an appropriately qualified person nominated by the presidents of the University student associations;
 - (d) in the case of the office of a member referred to in regulation 12(1)(c)(iv) or (v), by an appropriately qualified person nominated by the Monash Postgraduate Association Inc.

18 Meetings of the Academic Board

- (1) An ordinary meeting of the Academic Board must be held at least 4 times each year.
- (2) A special meeting of the Academic Board must be held if called by the Chancellor or the Vice-Chancellor or requested in writing by 10 members of the Academic Board.
- (3) The secretary to the Academic Board must give at least 7 days' notice of a meeting of the Academic Board to each member, specifying the time, place and agenda of the meeting.

- (4) If not less than two-thirds of the members of the Academic Board so agree, a meeting, or part of a meeting, of the Academic Board may be held by a method of communication, or by means of a combination of methods of communication, approved by the president for the purposes of that meeting.
- (5) A member of the Academic Board who participates in a meeting held in accordance with subregulation (4) is present at the meeting even if he or she is not physically present at the same place as another member participating in the meeting.
- (6) A report of the proceedings of each meeting of the Academic Board must be submitted to the next ordinary meeting of the Council.

19 Resolutions without meetings of the Academic Board

- (1) If a majority of the members for the time being of the Academic Board indicate, in the manner specified by the president, that they are in favour of a resolution in terms set out in a document circulated by, or on behalf of, the president, a resolution in those terms must be taken to have been passed at a meeting of the Academic Board held on the day on which that majority is achieved.
- (2) If a resolution is taken to have been passed at a meeting of the Academic Board under subregulation (1), each member must:
 - (a) be advised as soon as practicable; and
 - (b) be given a copy of the terms of the resolution.
- (3) In this regulation, **member**, in relation to a resolution, does not include a member who, by reason of regulation 20, is not permitted to vote on the resolution.

20 Declaration of pecuniary interests of Board members

- (1) A member of the Academic Board who has a pecuniary interest in a matter being considered or about to be considered by the Academic Board must, as soon as practicable after the relevant facts have come to his or her knowledge, declare the nature of the interest:
 - (a) at a meeting of the Academic Board; or
 - (b) in writing addressed to the president.
- (2) If the president receives a written declaration under subregulation (1), he or she must report it, or cause it to be reported, at the next meeting of the Academic Board.
- (3) The person presiding at a meeting at which a declaration is made under subregulation (1) or reported under subregulation (2) must cause a

record of the declaration to be made in the minutes of the meeting.

- (4) After a declaration is made under subregulation (1) by a member of the Academic Board:
- (a) unless the Academic Board otherwise directs, the member must not be present during any deliberation with respect to the matter; and
 - (b) the member is not entitled to vote on the matter; and
 - (c) if the member does vote on the matter, the vote must be disallowed.

21 How questions are to be decided and quorum

- (1) A quorum at a meeting of the Academic Board is one-third of the members holding office for the time being excluding any member who is on leave of absence granted by the Academic Board.
- (2) Subject to any resolution of the Council requiring a specified majority of members or of members present and voting on any particular question, all questions which come before any meeting of the Academic Board must be decided by a majority of the members present.
- (3) The person presiding at a meeting of the Academic Board has a vote and, in the event of the votes on any question being equal, a casting vote.
- (4) Subject to this Part, the Academic Board may regulate its own meeting procedure.

22 Review of decisions

The Council may at any time, on its own initiative or at the request of the Vice-Chancellor, review any decision of the Academic Board.

23 Validity of acts or decisions

- (1) An act or decision of the Academic Board or a committee of the Academic Board is not invalid merely because of:
- (a) a defect or irregularity in, or in connection with, the appointment or election of a member; or
 - (b) a vacancy in membership, including a vacancy arising from the failure to appoint or elect a member.
- (2) Anything done by or in relation to a person purporting to act as the president, or as a vice-president or member, of the Academic Board or as a member of a committee of the Academic Board is not invalid merely

because:

- (a) the occasion for so acting had not arisen; or
- (b) there was a defect or irregularity in, or in connection with, the appointment or election of the person; or
- (c) the person had ceased to hold office.

24 Transitional provision

Subject to any resolution of the Council, the Academic Board in existence immediately before the commencement of these Regulations continues to exist and its members:

- (a) are taken to have been appointed or elected in accordance with this Part; and
- (b) continue in office on the same terms and conditions as those on which they were appointed or elected.

Part 6—Deans

25 Deans

- (1) The Vice-Chancellor may appoint a person to be the dean of a faculty or of a sub-faculty when there is a vacancy in that office.
- (2) A dean holds office:
 - (a) for a term not exceeding 5 years fixed by the Vice-Chancellor and specified in his or her contract of employment; and
 - (b) on the conditions determined by the Vice-Chancellor.
- (3) A dean is eligible for reappointment to that office.
- (4) The Vice-Chancellor must inform the Council as soon as practicable of the appointment of a dean.
- (5) The Vice-Chancellor may appoint an acting dean during the period of any absence of the dean from the University.

Note

The functions, duties and accountabilities of deans are set out in regulation 6 of the Monash University (Vice-Chancellor) Regulations.

26 Deputy deans, associate deans, etc.

To assist a dean in carrying out his or her functions, powers and duties, the Vice-Chancellor, on the recommendation of the dean, may appoint

one or more deputy deans or associate deans.

27 Delegation

The dean may delegate to any member, or body of members, of the faculty or sub-faculty or to a university body or to any member, or body of members, of a university body any of his or her functions, powers or duties, other than a power or function of the Council delegated to him or her by the Council.

Part 7—Student Discipline

28 Interpretation

(1) In this Part:

academic misconduct. see regulation 30(4);

bully, in relation to a person, means to engage in repeated unreasonable behaviour, whether physical, oral or written, directed to that person of a kind that creates a risk to the health or safety of that or any other person;

collusion means unauthorised collaboration with another person on assessable oral, written or practical work;

decision maker means responsible officer or panel, as the case requires;

faculty discipline panel means a faculty discipline panel established under regulation 33;

general misconduct. see regulation 30(3);

general misconduct panel means a general misconduct panel established under regulation 34A;

general misconduct appeals panel means a general misconduct appeals panel established under regulation 34B;

hearing means hearing by a panel;

misconduct means general misconduct, academic misconduct or research misconduct;

panel means faculty discipline panel, research discipline panel, general misconduct panel, general misconduct appeals panel or university discipline panel, as the case requires;

partner institution means an educational institution with which the University offers one or more joint degrees or other awards;

plagiarism means taking and using another person's ideas or manner of expressing them and passing them off as one's own;

research discipline panel means a research discipline panel established under regulation 34;

research misconduct: see regulation 30(5);

responsible area, in relation to a class of misconduct, means the entity or area of the University that is specified by the Vice-Chancellor, by notice published on the University website, as the responsible area for misconduct of that class;

Note

Entity is defined by section 38 of the **Interpretation of Legislation Act 1984** as including a person and an unincorporated body.

responsible officer, in relation to a class or classes of misconduct, means the member of staff of the University who is specified by the Vice-Chancellor, by notice published on the University website, as the responsible officer for misconduct of that class or classes;

security officer means the security manager of the University or any of the following who reports directly to him or her:

- (a) the member of staff of the University responsible for security investigations;
- (b) the member of staff of the University responsible for the University's security operations;
- (c) the members of staff of the University responsible for overseeing security operations across a campus;
- (d) a person employed or engaged by the University to perform security duties in relation to any land or other property owned or occupied by the University and who is the most senior such person then on duty;"

senior member of the academic community means a person who has experience relevant to an allegation of research misconduct, whether or not he or she is a member of staff of the University;

university discipline panel means university discipline panel established under regulation 36.

- (2) For the purposes of this Part, a reference to the University as a location or to a university precinct includes, for a student admitted at any time before 1 January 2014 to a course of study for a degree or other award being undertaken at the Gippsland campus, a reference to the Gippsland campus.
- (3) If under this Part a responsible officer is authorised or required to refer a

report of misconduct to a panel for hearing and determination by it, the responsible officer may do so by notifying the person or body empowered to appoint members of the panel.

29 Application

- (1) Subregulation (2) applies if:
 - (a) a student is undertaking a joint degree or other award between the University and a partner institution; and
 - (b) the partner institution has found that the student has committed an act of misconduct.
- (2) The responsible officer or a panel (including a panel that is to hear and determine an appeal and the chair of such a panel) may adopt the finding of the partner institution as their own decision.
- (3) Before adopting a finding of a partner institution, the responsible officer, a panel or a panel chair must be satisfied that:
 - (a) the rules of natural justice were observed in the making of the finding by the partner institution; and
 - (b) the process followed by the partner institution was in compliance with any relevant legislative requirement imposed on the University.
- (4) To avoid doubt, if a decision is made by the responsible officer, a panel or a panel chair by adopting the finding of a partner institution, the responsible officer, panel or panel chair is not required to follow the decision-making process set out in this Part.

30 Misconduct offences

- (1) In this regulation, **person** means a person at or in the vicinity of:
 - (a) a university precinct; or
 - (b) another place where a university activity is taking place, is about to take place or has just taken place.
- (2) A student who commits, or attempts to commit, or assists or encourages another student to commit, an act of general misconduct, academic misconduct or research misconduct commits a misconduct offence.
- (3) **General misconduct** is conduct that is contrary to accepted standards of behaviour. This includes, but is not limited to, conduct by which a student knowingly or recklessly:
 - (a) causes, or threatens to cause, harm of any kind, including but not limited to physical harm or psychological harm, to another person; or

- (b) attacks, harasses, intimidates, stalks, bullies, vilifies or victimises another person or threatens to attack, harass, intimidate, stalk, bully, vilify or victimise another person; or
 - (c) has non-consensual sexual contact with another person;
 - (d) causes, or threatens to cause, or behaves in a manner likely to cause, damage to, loss of, interference with or obstruction of the use of, property of the University or of another person; or
 - (e) breaches a law of a country in which the student is located for the purposes of a university activity; or
 - (f) breaches a University statute or University regulation or a published policy or procedure of the University; or
 - (g) disrupts the orderly conduct of a university activity; or
 - (h) in the course of any dealing with the University or with a member of staff of the University or a person employed at Monash South Africa or Monash University Malaysia, makes a dishonest or false statement or representation or engages in a dishonest or fraudulent activity; or
 - (i) fails to comply with a reasonable direction of a member of staff of the University or a person employed at Monash South Africa or Monash University Malaysia, including a request made by a security officer to produce identification, leave a University precinct or not to enter, access or otherwise be present on or in a University precinct; or
 - (j) possesses material in an examination venue contrary to the instructions of the chief examiner or other official working at that venue.
- (4) **Academic misconduct** is conduct by which a student seeks to gain for himself, herself or another person an unfair or unjustified academic advantage in a course of study or unit of study. This includes, but is not limited to, conduct by which a student:
- (a) knowingly cheats in an examination or in any work required to be submitted for assessment; or
 - (b) knowingly or recklessly:
 - (i) breaches the conditions or requirements set for an examination, assessment or other work; or
 - (ii) engages in an act of plagiarism or collusion or otherwise breaches the academic integrity requirements of the University; or
 - (iii) breaches a published university policy on a matter of an

academic nature.

- (5) **Research misconduct** is conduct by a student in connection with research that is dishonest, reckless or negligent and that seriously deviates from accepted standards for proposing, conducting or reporting research. This includes, but is not limited to:
- (a) plagiarism; or
 - (b) breach of copyright; or
 - (c) misleading attribution of authorship; or
 - (d) omitting references to relevant published work of another person; or
 - (e) taking without authority, or hiding or damaging, property of another person related to research; or
 - (f) failing to obtain any required ethics clearance before commencing research or performing any step in research; or
 - (g) using information in breach of a duty of confidentiality; or
 - (h) submitting false results to a supervisor, examiner or publisher; or
 - (i) making a false or misleading statement or representation or otherwise engaging in false or misleading conduct.

31 Reports to, and investigations of misconduct by, responsible officers

- (1) A member of staff of the University who has reasonable grounds to believe that a student has committed a misconduct offence must report the matter to the responsible officer, either orally or in writing.

Note

In addition the person or the responsible officer may report the matter to a security officer so that a direction may be issued under regulation 49 or to the conduct review officer under Part 13 to consider an interim decision to suspend, exclude or refuse admission or enrolment to the person.

- (2) If the manager of the examinations branch of the University receives a report alleging that a student was found in possession of unauthorised material in an examination, the manager must:
- (a) if he or she considers that the student may have been in possession of the unauthorised material for the purpose of cheating, refer the report to the associate dean of the responsible area as a prima facie case of academic misconduct; and
 - (b) in any other case, refer the report to the responsible officer as an allegation of general misconduct.

- (3) A responsible officer who receives a report of misconduct may:
 - (a) refer it to another responsible officer if satisfied that the other officer is the appropriate responsible officer; or
 - (b) dismiss the report and take no further action if satisfied that the report:
 - (i) does not constitute an allegation of a misconduct offence; or
 - (ii) is minor, trivial, vexatious or frivolous in nature; or
 - (c) deal with the report in another way if satisfied that the report should not be the subject of a formal disciplinary process; or
 - (d) investigate the matter; or
 - (e) refer the matter to an appropriate panel for hearing and determination.
- (4) A responsible officer who has reasonable grounds to believe that a student has committed a misconduct offence may investigate the matter, whether or not a report has been made under subregulation (1).
- (5) If a responsible officer who receives a report of misconduct is satisfied that the circumstances of the allegation are of a serious nature and indicate that the student poses a risk to the safety of himself or herself or of another person, he or she must:
 - (a) immediately notify the Vice-Chancellor or, if a faculty or sub-faculty is the responsible area, the dean of the responsible area, either orally or in writing; and
 - (b) investigate the matter or refer it to an appropriate panel for hearing and determination as an allegation of a misconduct offence.
- (6) The Vice-Chancellor or dean, after having been notified under subregulation (5)(a), may direct the responsible officer to cease investigating the matter and to refer it to an appropriate panel for hearing and determination.

32 Investigation by responsible officer

- (1) Where under this Part a responsible officer is required to or may conduct an investigation, the responsible officer must conduct the investigation in accordance with this regulation.
- (2) The responsible officer must notify the student concerned of the allegation and provide him or her with a reasonable opportunity to respond to it.
- (3) A student may be accompanied and assisted, but not legally

represented, by one other person at any meeting with the responsible officer.

- (4) When conducting an investigation a responsible officer may:
 - (a) make enquiries and inform himself or herself in any manner that he or she thinks fit;
 - (b) determine his or her own procedure;
 - (c) refer the report to an appropriate panel for hearing and determination;
 - (d) do anything else necessary for, or in connection with, the conduct of the investigation.
- (5) A responsible officer, in conducting an investigation, is bound by the rules of natural justice but not by the rules of evidence.
- (6) The responsible officer may suspend an investigation at any time and refer it to an appropriate panel for hearing and determination.
- (7) After conducting an investigation the responsible officer may:
 - (a) dismiss the report or allegation if satisfied that the misconduct has not been proved; or
 - (b) find that a misconduct offence has been proved and impose a penalty; or
 - (c) refer it to an appropriate panel for hearing and determination; or
 - (d) determine that it be dealt with in another way.
- (8) The responsible officer must notify the student concerned of his or her decision, the reasons for it and the penalty (if any) imposed within 7 days after the decision is made.

33 Faculty discipline panels

- (1) Each faculty must have one or more faculty discipline panels.
- (2) A faculty discipline panel consists of:
 - (a) the dean of the faculty or a member of the academic staff of the faculty appointed by the dean (or, if the panel is to be convened at Monash South Africa or Monash University Malaysia, a person employed in an academic position at that location) who is the chair; and
 - (b) a member of academic staff of the faculty appointed by the dean (or, if the panel is to be convened at Monash South Africa or

Monash University Malaysia, a person employed in an academic position at that location) or a member of staff working in the faculty who is not a member of academic staff but who has experience in dealing with student advice and student enrolment matters; and

- (c) a student from the faculty appointed by the dean.
- (3) Where reasonably practical, the dean must appoint under subregulation (2)(c):
- (a) an undergraduate student if the student concerned is one; or
 - (b) a postgraduate student if the student concerned is one.
- (4) The dean must annually cause a confidential report to be made to the Academic Board on the proceedings of each faculty discipline panel.
- (5) Despite subregulation (2), if the student concerned is admitted to a course of study for a degree or other award being undertaken at the Gippsland campus, the person appointed as a panel member under paragraph (b) of that subregulation may be a person employed by Federation University Australia in an academic position at the Gippsland campus.
- (6) A faculty discipline panel may hear and determine:
- (a) a report of an act of academic misconduct or a report of an act that involves both academic misconduct and general misconduct; and
 - (b) an appeal from a decision of a responsible officer as set out under regulation 45(7).
- (7) A faculty discipline panel convened at Monash University Malaysia or Monash South Africa may hear and determine, in addition to the matters set out in subregulation (6), a report of an act of general misconduct.

34 Research discipline panels

- (1) The Graduate Research Committee must appoint a research discipline panel.
- (2) A research discipline panel consists of:
- (a) a member of the Graduate Research Committee nominated by the Committee or, if the panel is to be convened at Monash South Africa or Monash University Malaysia, a person located there nominated by the Committee, who is the chair; and
 - (b) a member of the academic staff of the University, or a senior member of the academic community, appointed by the Graduate Research Committee or, if the panel is to be convened at Monash South Africa or Monash University Malaysia, a person employed in

an academic position at that location nominated by the Pro Vice-Chancellor responsible for the location or, if the location does not have a Pro Vice-Chancellor, nominated by a person employed in an academic position at the location and responsible for the academic leadership of the location; and

- (c) a higher degree by research student appointed by the Graduate Research Committee.
- (3) If the matter to be heard and determined by the panel involves an allegation of academic misconduct in a unit of study, the person to be appointed under subregulation (2)(b) must be a member of the academic staff nominated by the dean of the teaching faculty.
- (4) The chair of the Graduate Research Committee must annually cause a confidential report to be made to the Academic Board on the proceedings of each research discipline panel.
- (5) A research discipline panel may hear and determine:
 - (a) a report of an act of research misconduct or a report of an act of misconduct that involves research misconduct and any other type of misconduct; and
 - (b) an appeal from a decision of a responsible officer finding that a misconduct offence has been committed that comprises research misconduct or research misconduct and any other type of misconduct.

34A General misconduct panels

- (1) This regulation does not apply to Monash South Africa or Monash University Malaysia.
- (2) The Vice-Chancellor must appoint a pool of persons who, in the Vice-Chancellor's reasonable opinion, are suitable for appointment as members of general misconduct panels.
- (3) In appointing persons as members of the pool referred to in subregulation (2), the Vice-Chancellor must:
 - (a) appoint members, who are staff members of the University, based on their experience and qualifications; and
 - (b) seek, as nearly as possible, to have an equal gender balance in the pool.
- (4) A person may be appointed as a member of the pool in subregulation (2) for a term not exceeding 2 years and is eligible for re-appointment.
- (5) For the purposes of hearing and determining any matter that, by these regulations, is required to or may be heard and determined by a general

misconduct panel, the head of the central area of the University that is responsible for student administration and associated services must appoint a general misconduct panel from persons who are members of the pool appointed under subregulation (2).

- (6) A general misconduct panel must consist of:
 - (a) a member of staff of the University who is to be the chair; and
 - (b) a second member of staff of the University; and
 - (c) a student.
- (7) The head of the central area of the University that is responsible for student administration and associated services must annually cause a confidential report to be made to the Vice-Chancellor on the proceedings of each general misconduct panel.
- (8) A general misconduct panel may hear and determine a report of an act of general misconduct or a report of an act of misconduct that involves both general misconduct and academic misconduct.

34B General misconduct appeals panel

- (1) This regulation does not apply to Monash South Africa or Monash University Malaysia.
- (2) For the purposes of hearing and determining any matter that, by these regulations, is required to or may be heard and determined by the general misconduct appeals panel, the senior officer responsible for operational affairs of the University must appoint a general misconduct appeals panel comprising persons who, in the reasonable opinion of the senior officer, are suitable for appointment as members of a general misconduct appeals panel.
- (3) A general misconduct appeals panel must consist of:
 - (a) a person external to the University, who is to be the chair; and
 - (b) a member of staff; and
 - (c) a student.
- (4) The senior officer responsible for operational affairs of the University must annually cause a confidential report to be made to the Vice-Chancellor on the proceedings of each general misconduct appeals panel.
- (5) A general misconduct appeals panel may hear and determine:
 - (a) an appeal from a decision of a responsible officer as set out under regulation 45(7); and

- (b) an appeal from a decision of the general misconduct panel.

35 University discipline panel pool

- (1) The Academic Board must appoint a pool of persons eligible for appointment as members of a university discipline panel.
- (2) The pool must consist of:
 - (a) at least 6 members of the academic staff of the faculty of law;
 - (b) at least 2 members of the academic staff of each other faculty located at an Australian campus;
 - (c) at least 2 members of staff located at an Australian campus nominated by the senior officer responsible for administrative operations of the University;
 - (d) at least 2 persons employed in an academic position at Monash South Africa;
 - (e) at least 2 persons employed in an academic position at Monash University Malaysia;
 - (f) up to 6 undergraduate students from any recognised association undertaking a course of study at an Australian campus;
 - (g) up to 6 undergraduate students undertaking a course of study at Monash South Africa;
 - (h) up to 6 undergraduate students undertaking a course of study at Monash University Malaysia;
 - (i) up to 6 graduate or postgraduate students from any recognised association undertaking a course of study at an Australian campus;
 - (j) up to 6 graduate or postgraduate students undertaking a course of study at Monash South Africa;
 - (k) up to 6 graduate or postgraduate students undertaking a course of study at Monash University Malaysia;
 - (l) up to 5 persons who are former members of the Graduate Research Committee and who are located at an Australian campus;
 - (m) up to 5 persons who are former members, or representatives, of the Graduate Research Committee and who are located at Monash South Africa;
 - (n) up to 5 persons who are former members, or representatives, of the Graduate Research Committee and who are located at Monash

University Malaysia.

- (3) While there remains any student admitted to a course of study for a degree or other award being undertaken at the Gippsland campus, the pool may include 2 persons employed by Federation University Australia in an academic position at the Gippsland campus.
- (4) In appointing persons as members of the pool, the Academic Board must:
 - (a) appoint members, who are staff members of the University, based on their experience and qualifications; and
 - (b) seek, as nearly as possible, to have an equal gender balance in the pool; and
 - (c) seek, as nearly as possible, in appointing members who are located at Monash South Africa or Monash University Malaysia, to ensure that all equity groups there are represented.
- (5) A person may be appointed as a member of the pool for a term not exceeding 2 years and is eligible for re-appointment.
- (6) A person who is appointed as a member of the pool and who ceases to belong to his or her category of appointment ceases to be a member.

36 Appointment of university discipline panel

- (1) For the purposes of hearing and determining any matter that, by these regulations, is required to or may be heard and determined by the university discipline panel, the president of the Academic Board must appoint a university discipline panel from persons who are members of the pool appointed under regulation 35.
- (2) A university discipline panel must consist of three members, and must include:
 - (a) if the panel is to hear an appeal: a member of the academic staff of the faculty of law or, if the panel is to be convened at Monash South Africa or Monash University Malaysia, at least one person employed in an academic position at that location who is legally qualified, who is the chair; and
 - (b) if the panel is not hearing an appeal: a member of the academic staff of a faculty, who is the chair; and
 - (c) in all cases: a second member of the panel who is
 - (i) subject to subregulation (2A), a member of the academic staff of a faculty, or
 - (ii) where the report or appeal includes an allegation of general

misconduct, a member of the academic staff of the faculty or a member of staff nominated by the senior officer responsible for administrative operations of the University, or

- (iii) where the report or appeal includes an allegation of research misconduct, a former member of the Graduate Research Committee, or
 - (iv) if the panel is to be convened at Monash South Africa or Monash University Malaysia, a person employed at that location, and
- (d) in all cases: a third member of the panel who is a student.
- (2A) In all cases, there shall not be two members of staff on a university discipline panel from the faculty of law.
- (3) Where reasonably practical, the president of the Academic Board must appoint under subregulation (2)(d):
- (a) an undergraduate student if the student concerned is one; or
 - (b) a postgraduate student if the student concerned is one; or
 - (c) a higher degree by research student, if the student concerned is one; or
 - (d) a member of a recognised association related to, or connected with, the student's campus.
- (4) A member of the pool who is located at Monash South Africa or Monash University Malaysia is only eligible to be appointed as a member of a university discipline panel that is to be convened there.
- (5) The director of the central secretariat of the University must annually cause a confidential report to be made to the Academic Board on the proceedings of each university discipline panel.
- (6) Subject to subregulation (7), a university discipline panel may hear and determine an appeal from a decision of a faculty discipline panel or a research discipline panel involving any type or types of misconduct.
- (7) A university discipline panel convened at Monash University Malaysia or Monash South Africa may hear and determine:
- (a) a report of general misconduct involving two or more students from more than one faculty; and
 - (b) an appeal from a decision of a responsible officer that a misconduct offence has been committed involving an act of general misconduct involving two or more students from more than one

faculty; and

- (c) an appeal from a decision of a panel finding that a misconduct offence has been committed involving any type or types of misconduct.

37 General provisions applying to membership of all panels

- (1) None of the following is to be appointed as a member of a panel convened to hear a report of misconduct or an appeal:
 - (a) a person who reported or witnessed the alleged misconduct;
 - (b) a person who, as a responsible officer, conducted an investigation of the report or assisted a responsible officer in doing so;
 - (c) in the case of an appeal, a person who was a member of a panel that made the decision under appeal;
 - (d) a person who, in the opinion of the person or body responsible for making the appointment, is affected by a reasonable apprehension of bias.
- (2) A person who is appointed as a member of a panel and who ceases to belong to his or her category of appointment may continue as a member if he or she is still a member of staff or a student, as the case requires.
- (3) If at any time before a panel has completed the hearing and determination of a matter, a member becomes unwilling or unable to fulfil his or her duties as a member, the person or body empowered to appoint members of the panel may substitute that member with another member belonging to the same category of appointment.

38 Convening of panel and objections

- (1) On being notified that a report of misconduct is to be referred to a panel, the person or body empowered to appoint the members must convene a panel.
- (2) The chair of the panel must notify the student concerned of the allegation and that a hearing will be held.
- (3) The chair of the panel must cause a hearing notice to be given to the student as soon as possible setting out:
 - (a) the names of the panel members; and
 - (b) the names of the witnesses whose evidence is proposed to be relied on at the hearing and the nature of that evidence; and
 - (c) the date, time and place for the hearing, which must be not earlier than 10 working days after the giving of the notice unless the

student has agreed to an earlier date.

- (4) The student concerned may:
 - (a) elect to be heard by a panel comprised of an additional person appointed according to sub-regulation 33(2)(b), 34(2)(b), 34A(6)(b), 34B(3)(b) or 36(2)(c) as the case may be, in substitution for the student;
 - (b) object to a panel member on the ground of actual bias or a reasonable apprehension of bias.
- (5) An objection must:
 - (a) be in writing and provide full particulars of the allegation of actual bias or reasonable apprehension of bias; and
 - (b) be delivered to the person or body that appointed the panel within 4 working days after the date of service of the hearing notice.
- (6) A person or body, on receiving an objection under subregulation (5)(b), may:
 - (a) without making a finding, appoint a substitute panel member belonging to the same category of appointment and notify the student concerned of the name of that member; or
 - (b) require the senior officer responsible for operational affairs of the University to appoint an adjudicator who is a legally qualified person, to consider and determine the objection.
- (7) When considering an objection, the adjudicator may:
 - (a) make enquiries and inform himself or herself in any manner that he or she thinks fit; and
 - (b) determine his or her own procedure.
- (8) The adjudicator, in considering an objection, is bound by the rules of natural justice but not by the rules of evidence.
- (9) After considering an objection the adjudicator may:
 - (a) dismiss the objection if satisfied that it is not substantiated; or
 - (b) uphold the objection if satisfied that there is actual bias or a reasonable apprehension of bias and direct that a substitute panel member be appointed.
- (10) The person or body empowered to appoint members must notify the student of the outcome of the determination of the objection by the hearing officer and, if a substitute panel member is appointed, of the name of that member.

- (11) If an objection is not determined before the date specified in the hearing notice given under subregulation (3), the hearing must be delayed.

39 Appointment of advisers to panels

- (1) The chair of a panel may appoint one or more members of staff or, in the case of a research discipline panel, one or more senior members of the academic community as advisers to the panel.
- (2) If the chair of a panel convened at Monash South Africa or Monash University Malaysia is not a member of the faculty of law, the chair may appoint a person who is legally qualified in South Africa or Malaysia (as the case requires) as an adviser to the panel.
- (3) An adviser may attend a hearing of the panel and provide assistance and information to it but has no voting or decision-making rights.

40 Student response to hearing notice

- (1) The student must, not later than 4 working days before the date of the hearing or as otherwise agreed by the chair of the panel, give the chair written notice of:
- (a) the student's response to the alleged misconduct; and
 - (b) the names of any witnesses attending to give evidence for the student; and
 - (c) the names of any witnesses set out in the hearing notice given to him or her under regulation 38(3) that the student wishes to question; and
 - (d) subject to subregulation 40(2), (3) and (4), the name and qualifications of any person the student wishes to be accompanied and assisted or represented by at the hearing.
- (2) A student may be accompanied and assisted, but not legally represented, by one other person at a hearing before a panel, other than the hearing of an appeal before a general misconduct appeals panel or university discipline panel.
- (3) At the hearing of an appeal before a general misconduct appeals panel or university discipline panel a student may be accompanied and assisted or represented by one other person who may be legally qualified.
- (4) If a student is represented by a legally qualified person at a hearing, the University may also be legally represented by one other person at the hearing.

41 Panel hearings

- (1) A panel may:
 - (a) make enquiries and inform itself in any manner that it thinks fit; and
 - (b) determine its own procedure; and
 - (c) do anything else necessary for, or in connection with, the conduct of the hearing.
- (2) When conducting a hearing a panel is bound by the rules of natural justice but not by the rules of evidence.
- (3) A panel may adjourn a hearing at any time, with or without conditions.
- (4) On hearing a matter involving alleged academic misconduct a panel may consider evidence of previous advice or instruction provided to the student by the University regarding plagiarism, collusion or cheating or any other academic integrity requirement of the University.
- (5) At a hearing the student has the right to:
 - (a) question witnesses as notified under regulation 40 or otherwise allowed by the chair; or
 - (b) call witnesses to give evidence on his or her behalf as notified under regulation 40 or otherwise allowed by the chair; or
 - (c) produce documents; or
 - (d) present his or her case, give evidence or make oral or written submissions.
- (6) After the hearing is concluded the panel, by a unanimous or majority decision, may:
 - (a) dismiss the report of misconduct or allow the appeal, as the case requires, if satisfied that the misconduct has not been proved; or
 - (b) find that a misconduct offence has been proved and impose a penalty.
- (7) The chair must notify the student concerned of the decision of the panel, the reasons for it and the penalty (if any) imposed within 7 working days after the decision is made.

42 Penalties

- (1) When imposing a penalty a decision maker must have regard to the following:

- (a) the objective of punishing the student;
 - (b) the objective of deterring future misconduct;
 - (c) the objective of rehabilitating the student;
 - (d) the objective of protecting the university community or a university precinct;
 - (e) the objective of protecting any relevant public interest;
 - (f) the nature and severity of the misconduct;
 - (g) the personal circumstances of the student;
 - (h) any measures already taken in relation to the student in response to the misconduct;
 - (i) any loss, damage or harm caused by the misconduct to the University or any other person;
 - (j) any previous findings of misconduct against the student;
 - (k) any guidelines issued by the Council.
- (2) The penalties available for a misconduct offence involving an act of general misconduct are:
- (a) a recording of the fact and nature of the misconduct offence on the student's record;
 - (b) a reprimand;
 - (c) with the agreement of the student, a consent penalty;
- Note**
- See regulation 43(1) for consent penalties for an act of general misconduct.
- (d) placing a restriction on a student contacting certain staff or students or groups of staff or students;
 - (e) a fine not exceeding 5 penalty units or, in the case of Monash South Africa or Monash University Malaysia, an amount determined as equivalent, having regard to local economic conditions, by the Pro Vice-Chancellor responsible for that location or, if the location does not have a Pro Vice-Chancellor, determined by a person employed in an academic position at the location and responsible for the academic leadership of the location;
 - (f) a requirement to make good any damage caused by way of restitution;
 - (g) a prohibition from entering a specified university precinct for a

specified period;

Note

See regulation 44(1).

(h) suspension from a course of study or a unit of study;

Note

See regulation 44(2).

(i) exclusion from the University.

Note

See regulation 44(3).

(3) The penalties available for a misconduct offence involving an act of academic misconduct are:

(a) a penalty specified in subregulation (2);

Note

See regulation 43(2) for conditional penalties for an act of academic misconduct.

(b) prohibition of the assessment of any work that has not been assessed, or disallowance of the mark given to assessed work, with or without allowance to resubmit the work within a specified period on specified conditions;

(c) imposition of a mark of zero in the unit of study of which the work forms the whole or a part.

(4) The penalties available for an act of research misconduct are:

(a) a penalty specified in subregulation (2);

Note

See regulation 43(3) for conditional penalties for an act of research misconduct.

(b) prohibition of the assessment of any research that has not been assessed or disallowance of the mark given to assessed research, with or without allowance to resubmit the research within a specified period on specified conditions;

(c) notification of a person affected by the misconduct of the act of research misconduct.

(5) Any penalty may be imposed with conditions.

(6) A penalty must be imposed unless the decision maker is satisfied that:

(a) the misconduct offence was minor in nature; and

(b) the student is unlikely to engage in another misconduct offence.

(7) The Vice-Chancellor, by notice published on the University website, may

limit the penalties or range of penalties available for a misconduct offence in the case of a decision maker of a class specified in the notice.

- (8) Without limiting subregulation (7), a notice under that subregulation may fix the amount of the fine that may be imposed by a responsible officer for a misconduct offence involving misconduct specified in the notice.
- (9) The responsible officer or panel may disclose the penalty resulting from a misconduct offence to the person or persons who made the allegation of misconduct.

43 Provisions about consent penalties

- (1) A consent penalty for a misconduct offence involving general misconduct may include a requirement that the student:
 - (a) seek counselling; or
 - (b) assist with a university event or activity; or
 - (c) apologise to any person aggrieved by the misconduct; or
 - (d) write a reflective piece in relation to the misconduct.
- (2) A consent penalty for a misconduct offence involving an act of academic misconduct may include a requirement that the student:
 - (a) not enrol in more than a specified number of units of study; or
 - (b) enrol in a particular unit of study; or
 - (c) develop a study plan to be approved as specified by the decision maker; or
 - (d) write a reflective piece in relation to the misconduct; or
 - (e) seek academic counselling; or
 - (f) make contact with a course supervisor at specified intervals; or
 - (g) meet any conditions or requirements imposed by an academic progress committee.
- (3) A consent penalty for a misconduct offence involving research misconduct may include a requirement that the student:
 - (a) withdraw or remove the research from publication; or
 - (b) withdraw or remove any data from publication; or
 - (c) apologise to any person aggrieved or affected by the misconduct; or

- (d) write a reflective piece in relation to the misconduct; or
 - (e) seek academic counselling or research skill development.
- (4) If a student fails to comply with a consent penalty, the decision maker may:
- (a) extend the time for compliance or waive compliance; or
 - (b) annul the penalty and impose a new penalty.

44 Effect of prohibition, suspension or exclusion

- (1) A student who is prohibited from entering a university precinct for a period remains a student and is not precluded from pursuing any course of study or unit of study during that period but must not be present on or in the precinct.
- (2) A student who is suspended from a course of study or a unit of study remains a student but must not, without the written consent of the associate dean of the teaching faculty, during the period of the suspension:
- (a) attend any lecture, tutorial or other class; or
 - (b) sit any examination or submit any work or research; or
 - (c) gain any credit towards the course of study or unit of study.
- (3) A student who is excluded from the University ceases to be a student.
- (4) Subject to subregulation (5), a suspension from a course of study or unit of study or an exclusion from the University imposed by a responsible officer or a panel does not take effect until:
- (a) the time allowed for making an appeal expires; or
 - (b) if an appeal is made and the decision is affirmed, the final determination of the appeal.
- (5) A panel may order that a suspension or exclusion takes effect immediately if satisfied that exceptional circumstances exist that make doing so reasonably necessary.
- (6) Without limiting subregulation (5), exceptional circumstances include where the student:
- (a) is under 18 years of age and refuses to maintain care arrangements approved under the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007, as amended and in force for the time being; or

- (b) is missing; or
- (c) has medical concerns that endanger the student's well-being; or
- (d) has engaged, or threatens to engage, in behaviour that is reasonably believed to endanger the student or any other person; or
- (e) is at risk of committing a criminal offence.

45 Appeals

- (1) A student found to have committed a misconduct offence may appeal on a ground specified in subregulation (3) against:
 - (a) the finding and penalty; or
 - (b) the penalty alone.
- (2) A student may not appeal against the finding if he or she admitted committing the misconduct offence to the responsible officer or panel.
- (3) The grounds are:
 - (a) subject to subregulation (4), actual bias or a reasonable apprehension of bias on the part of the responsible officer or a panel member; or
 - (b) subject to subregulation (5), the penalty is excessive; or
 - (c) new evidence exists that was not reasonably available to the student during the investigation or hearing which had the potential to affect its outcome; or
 - (d) a breach of the rules of natural justice which had the potential to affect the outcome of the investigation or hearing; or
 - (e) the decision is manifestly wrong.
- (4) If the student did not lodge an objection against the panel member in accordance with regulation 38, an appeal on the ground of actual bias or a reasonable apprehension of bias on the part of a panel member may only be based on the conduct of the member during the hearing, or evidence concerning the alleged actual bias or reasonable apprehension of bias that was not reasonably available to the student prior to the commencement of the hearing.
- (5) A student may not appeal on the ground that the penalty imposed is excessive if the penalty was fixed by a notice published under regulation 42(8).
- (6) An appeal must be:

- (a) made in writing; and
 - (b) brought not later than 20 working days after the date of service of the notice of decision, or, if the appeal is against a decision of a panel, within any extended period determined by the president of the Academic Board in circumstances that the president of the Academic Board regards as exceptional; and
 - (c) delivered to the person or body empowered to appoint the relevant appeal panel.
- (7) An appeal against a decision of a responsible officer is to be heard by:
- (a) a faculty discipline panel of the relevant faculty if the responsible officer is a responsible officer of the faculty and there is a finding of a misconduct offence involving academic misconduct or both general misconduct and academic misconduct; or in the case of Monash University Malaysia or Monash South Africa, subject to subregulation (d), a finding of a misconduct offence involving general misconduct, academic misconduct or both general misconduct and academic misconduct;
 - (b) a research discipline panel, if there is a finding of a misconduct offence involving research misconduct, either solely or in combination with any other act of misconduct; or
 - (c) the general misconduct appeals panel, if the responsible officer is the central responsible officer for general misconduct of the University and there is a finding of a misconduct offence involving general misconduct or both general misconduct and academic misconduct; or
 - (d) in Monash University Malaysia or Monash South Africa, a university discipline panel if there is a finding of a misconduct offence involving general misconduct committed by multiple students from different faculties.
- (8) Within 10 working days after receiving the notice of appeal against a decision of a panel or the central responsible officer for general misconduct of the University, the person who is responsible for appointing the relevant appeal panel must appoint a chair of that panel.
- (9) The chair appointed under subregulation (8) must review the notice of appeal and may:
- (a) dismiss the appeal if satisfied that it is frivolous, vexatious, misconceived or lacking in substance; or
 - (b) advise the person responsible for appointing the relevant appeal panel to appoint the remaining members of the panel.
- (10) If the chair dismisses an appeal under subregulation (9), he or she must,

within 7 working days after the decision to dismiss it, provide the student with a written notice of his or her decision and the reasons for it.

46 Procedure for hearing appeals

- (1) A panel that is to hear an appeal must review the notice of appeal and determine whether the appeal ground has been made out. A decision in respect of whether the appeal ground has been made out may be made on the papers, without the need to hold a hearing.
- (2) The panel must dismiss the appeal if satisfied that the appeal ground has not been made out.
- (3) An appeal that is not dismissed under subregulation (2) is to proceed by way of a new hearing, unless it is solely on the ground that the penalty is excessive. Regulation 41 applies to the hearing with any necessary modifications.
- (4) An appeal solely on the ground that the penalty is excessive is to proceed as an appeal in the strict sense and not as a new hearing. Such an appeal is not an appeal from the findings of fact of the previous decision maker in relation to the act or acts of misconduct.
- (5) After the hearing of the appeal is concluded the panel, by a unanimous or majority decision, may:
 - (a) affirm the decision of the responsible officer or original panel; or
 - (b) vary the decision of the responsible officer or original panel; or
 - (c) set aside the decision of the responsible officer or original panel and substitute it with its own decision.
- (6) The chair must notify the student concerned of the decision of the panel, the reasons for it and the penalty (if any) imposed within 7 working days after the decision is made.

47 Multiple allegations or reports

- (1) If a report of misconduct involves allegations of multiple acts of misconduct arising out of the same or related circumstances, the allegations may be dealt with jointly but the student may be subject to separate findings and penalties in relation to each allegation.
- (2) If multiple reports of misconduct are made by different persons in relation to the same student arising out of the same or related circumstances, the reports must be dealt with jointly as if they were one.
- (3) If a report or reports being considered by:
 - (a) more than one responsible officer; or

- (b) more than one person or body responsible to appoint a panel

involves or involve allegations of multiple acts of misconduct arising out of the same or related circumstances, notwithstanding anything in regulation 55 the report or reports may be dealt with jointly by a single responsible officer or a single panel.

48 Joint misconduct

- (1) If a report of misconduct alleges that 2 or more students engaged jointly or in concert in an act or acts of misconduct and that report is the subject of a panel hearing, the panel must hear the allegations together unless:
 - (a) the chair is satisfied that it would be unreasonable or impractical for that to be done; or
 - (b) the chair upholds an objection made by one of the students under subregulation (2).
- (2) A student may object in writing to a joint hearing on the ground that he or she would be unfairly prejudiced by it.
- (3) An objection must be given to the chair of the panel within 4 working days after service of the hearing notice.
- (4) The chair may uphold or dismiss an objection.

49 Direction to leave university precinct

- (1) A security officer may at any time request a person in a university precinct to produce his or her identification for inspection by him or her.
- (2) If requested by the person who is the subject of a request under subregulation (1), the security officer must produce his or her identification for inspection by that person.
- (3) In the circumstances specified in subregulation (4), a security officer may direct, orally or in writing, a person:
 - (a) to leave a university precinct; or
 - (b) not to enter, access or otherwise be present on or in a specified university precinct except to produce his or her identification to a security officer.
- (4) The circumstances are that the security officer reasonably believes that the person is a student who:
 - (a) has engaged in, or may attempt to engage in, an act of general misconduct; or
 - (b) may pose a risk to the health or safety of any person, including

himself or herself; or

- (c) has failed to show that he or she has a lawful right to be on or in the university precinct.

Note

The power that a security officer may exercise under this regulation to direct a person to leave a university precinct is more limited than the power under regulation 43 of the Monash University (Vice Chancellor) Regulations to withdraw the permission of a person to be on any University property.

50 Requests for information

- (1) At any time during an investigation or panel hearing, a decision maker may request information from any person or body by providing them with a written notice setting out details of:
 - (a) the information sought; and
 - (b) the date by which it is required.
- (2) A decision maker is not required to disclose the reason for the request.
- (3) A person who is a member of the University must comply with the request, or give detailed reasons why not, on or before the required date.

51 Resumption of disciplinary process

A disciplinary process under this Part that has not been finalised before the student ceases to be enrolled at the University may be continued or concluded if the student re-enrols at any time.

52 Student discipline register

- (1) The Vice-Chancellor may require that a central university student discipline register be kept for the recording of all matters of misconduct.
- (2) The Vice-Chancellor may determine the form of the register and who may access it.

53 Special provision relating to Monash University Malaysia

- (1) In this section, **PHEIA** means the Malaysian Private Higher Educational Institutions Act 1996 (Act 555) as amended from time to time and, where the context requires, includes any other relevant Malaysian laws applicable to private higher educational institutions.
- (2) The Pro Vice-Chancellor of Monash University Malaysia may take any necessary action or step to comply with or give effect to PHEIA.
- (3) Any person or body exercising a function or power under this Part in relation to a student undertaking a course of study at Monash University

Malaysia must be taken to have all the functions and powers of the Pro Vice-Chancellor of Monash University Malaysia for that purpose.

- (4) In the event of any inconsistency between PHEIA and these regulations, PHEIA prevails.
- (5) Without limiting this regulation:
 - (a) a student may be accompanied, assisted and represented at any meeting, hearing, appeal or other stage of a disciplinary process by an employee at Monash University Malaysia or a student undertaking a course of study there; and
 - (b) a student who is dissatisfied with a decision of a responsible officer or panel may submit an appeal in writing to the Malaysian Registrar General of Private Higher Educational Institutions in accordance with PHEIA.

54 Giving of notices

- (1) A notice required to be given to a student under this Part may be given personally to the student or sent by post or email to the address or email address of the student in the records of the University.
- (2) A notice is to be taken to have been given:
 - (a) for a notice given personally, on the date on which it is given; or
 - (b) for a notice sent by email, on the date on which it is emailed; or
 - (c) for a notice sent by post, on the date at which the letter would ordinarily be delivered by ordinary post, registered post or certified mail, as the case requires.

55 Delegation

A person or body may delegate to any other person or body any of their functions, powers or duties under this Part, other than:

- (a) the function of attending a hearing or otherwise acting as a member of a panel; or
- (b) a power or function of the Council delegated to them by the Council.

56 Transitional provisions

- (1) A disciplinary process that was begun before the commencement of these regulations but which had not been completed immediately before that commencement must continue to be dealt with in accordance with the University statutes and University regulations as in force immediately

before that commencement.

- (2) A disciplinary process is not completed until all appeal rights have been exhausted and appeals finally determined.

Part 8—Revocation of Degrees or Other Awards

57 Application of this Part

This Part applies to a degree (other than an honorary one) conferred or other award granted by the Council, whether before or after the commencement of these regulations.

58 Report to Provost

- (1) A person who has reasonable grounds to believe that a ground for revocation exists in relation to the holder of a degree or other award may report the matter to the Provost.

Note

The circumstances in which a degree or other award may be revoked are specified in section 18(2) of the Monash University Statute.

- (2) On receipt of a report under subregulation (1), the Provost must review the matter and determine whether:
 - (a) there is sufficient evidence to warrant the conduct of an investigation in accordance with this Part; or
 - (b) no further action should be taken.
- (3) If the Provost makes a determination under subregulation (2)(a), he or she:
 - (a) must appoint a review committee to conduct an investigation; and
 - (b) may notify any person or body of the fact of that investigation if he or she considers it reasonably necessary to do so in the public interest.

Example

The Provost may notify the Australian Health Practitioner Regulation Agency if an investigation relates to the circumstances in which a degree was obtained by a health practitioner registered with that Agency.

- (4) The Provost may make a notification under subregulation (3)(b) at any time after making a determination under subregulation (2)(a).

59 Composition of review committee

- (1) A review committee is constituted by at least 3 persons appointed by the

Provost of whom one must be the dean of the degree faculty for the degree or other award that is the subject of the investigation.

- (2) The Provost must appoint one person to be the chair of the review committee.
- (3) A person who is a student of the University is not eligible to be a member of a review committee.
- (4) The Provost has power at any time:
 - (a) to remove a member of a review committee; or
 - (b) to appoint a new member to replace a member who has been removed; or
 - (c) to appoint an additional member.
- (5) The Provost may appoint another person in place of the dean of the degree faculty for the degree or other award where satisfied that the dean has or may have a conflict of interest.

60 Powers of review committee

- (1) A review committee must investigate a matter referred to it by the Provost and for that purpose may:
 - (a) conduct the investigation by interviewing or hearing any person or receiving a written submission from any person or body or by any combination of those methods; or
 - (b) obtain information in any manner it thinks fit; or
 - (c) require a member of staff or student of the University to provide information about the matter; or
 - (d) subject to subregulation (2), determine its own procedure.
- (2) A review committee is bound by the rules of natural justice but is not bound by the rules of evidence.
- (3) The review committee must provide the degree or other award holder under investigation with:
 - (a) notice of the alleged ground for revocation; and
 - (b) reasonable notice of any meeting or hearing at which his or her attendance is requested; and
 - (c) a reasonable opportunity to respond to the allegation.
- (4) The holder may be accompanied and assisted, but (except with the

permission of the chair of the review committee) not legally represented, by one other person at any meeting or hearing.

- (5) If the holder is legally represented at a meeting or hearing, the committee may be assisted by a legally qualified person at the meeting or hearing.

61 Report of review committee

- (1) The review committee must, at the conclusion of its investigation and within the period specified by the Provost, give a written report to the Provost.
- (2) The report must include:
- (a) a statement of the alleged ground for revocation; and
 - (b) a description of the procedure adopted by the committee in the investigation; and
 - (c) a list of persons interviewed or heard by the committee and documents examined by it; and
 - (d) a summary of the evidence before the committee; and
 - (e) a statement of the committee's findings and reasons; and
 - (f) a recommendation as to whether the degree or other award should or should not be revoked and the reasons for making that recommendation; and
 - (g) any additional recommendation of the committee and the reasons for making it; and
 - (h) any other matter the committee determines to include in the report.

62 Provost to consider matter and report to the Council

- (1) This section applies in relation to the Provost after he or she has been given the report of a review committee under regulation 61(1).
- (2) The Provost may conduct further enquiries.
- (3) The Provost must:
- (a) determine that no further action should be taken; or
 - (b) submit a report to the Council, including a recommendation that the degree or other award be revoked.
- (4) The Provost is not bound by any recommendation in the report of the review committee.

63 Council to make determination

- (1) On receipt of a report and recommendation under regulation 62(3)(b), the Council must determine whether the degree or other award is to be revoked.
- (2) A revocation decision takes effect from the date determined by the Council, which must be after the date the holder is notified under subregulation (4).
- (3) The effect of a revocation decision is that the conferral or granting of the degree or other award is rescinded and the person on whom the degree was conferred or to whom the other award was granted no longer has or holds it.
- (4) If the Council decides to revoke a degree or other award, it must send notice of that decision to the holder within 14 days after making it.
- (5) A notice under subsection (4) must:
 - (a) state the date on which the revocation takes effect; and
 - (b) inform the person that he or she:
 - (i) must return the original testamur, together with any transcript or other record of the degree or other award, to the University within the period specified in the notice; and
 - (ii) is no longer entitled to represent to any person or body, whether by the use of post-nominals or otherwise, that he or she is a recipient of the revoked degree or other award; and
 - (c) give the reasons for the decision to revoke the degree or other award.
- (6) At any time after making a revocation decision, the Council may notify any person or body of that decision if it considers it reasonably necessary to do so in the public interest.
- (7) All papers submitted to the Council under this Part must be treated as confidential.
- (8) To avoid doubt, a resolution of the Council under this regulation is not confidential.

64 Other person may undertake role of Provost

- (1) The Vice-Chancellor may appoint another person to undertake the role of the Provost under this Part if the office of Provost is vacant or the Provost has or may have a conflict of interest.
- (2) A person appointed under subregulation (1) has all the functions and powers of the Provost under this Part.

65 Delegation

The Provost may delegate to any other member of the University any of his or her functions, powers or duties under this Part, other than a power or function of the Council delegated to him or her by the Council.

Part 8A—Revocation of Honorary Degrees

65A. Application of this Part

This Part applies to a degree conferred by the Council honoris causa, whether before or after the commencement of these regulations.

65B. Recommendation to Council

On the recommendation of the President and Vice-Chancellor or a member of the Council, the Council shall decide whether a prima facie case exists for revocation in relation to the holder of an honorary degree.

65C. Convening of Committee

- (1) If the Council decides that a prima facie case exists for revocation the Council shall establish a committee to review the case.
- (2) Where practicable the committee is to provide the recipient of the honorary degree an opportunity to make a submission to the committee.
- (3) In all other matters of review process and procedure, the committee may determine its method of review and operation.

65D Report of Committee

The committee must give a written report of its review to the Council, including its recommendation on whether or not the honorary degree be revoked.

65E. Council to make determination

- (1) On receipt of the report and recommendation under regulation 65D, the Council must determine whether the honorary degree is to be revoked.
- (2) A revocation decision takes effect from the date determined by the Council, which must be after the date the holder is notified under subregulation (4).
- (3) The effect of a revocation decision is that the conferral of the honorary degree is rescinded and the person on whom the degree was conferred no longer has or holds it.
- (4) If the Council decides to revoke an honorary degree, it must send notice

of that decision to the holder within 14 days after making it.

- (5) A notice under subsection (4) must:
 - (a) state the date on which the revocation takes effect; and
 - (b) inform the person that he or she:
 - (i) must return the original testamur, together with any transcript or other record of the degree, to the University within the period specified in the notice; and
 - (ii) is no longer entitled to represent to any person or body, whether by the use of post-nominals or otherwise, that he or she is a recipient of the revoked degree; and
 - (c) give the reason or reasons for the decision to revoke the degree.
- (6) At any time after making a revocation decision, the Council may notify any person or body of that decision if it considers it reasonably necessary to do so in the public interest.
- (7) All papers submitted to the Council under this Part must be treated as confidential.
- (8) To avoid doubt, a resolution of the Council under this regulation is not confidential.

Part 9—Recognised Associations

66 Recognition of associations

- (1) The Council may recognise as an association under this Part an incorporated body that the Council is satisfied:
 - (a) represents students; and
 - (b) is capable of carrying out obligations that may be imposed on it under University regulations or an agreement with the University.
- (2) Recognised associations are specified in Schedule 1.
- (3) If the Council ceases to be satisfied as specified in subregulation (1) with respect to a recognised association or for any other reason is of the opinion that a recognised association should cease to be recognised under this Part, it may:
 - (a) cancel the recognition of the association; or
 - (b) suspend the recognition of the association for a specified period or until the happening of a specified event.

67 Funds

- (1) The University may pay to a recognised association:
 - (a) a proportion of any money paid to the University by way of student services and amenities fees; or
 - (b) a proportion of any profit made in the course of providing facilities, services or activities funded wholly or partly by student services and amenities fees; or
 - (c) any other funds that the University decides it is appropriate to pay to the association.
- (2) A payment under subregulation (1) may be made subject to any conditions specified by the University when making the payment.
- (3) Without limiting subregulation (2), funds paid to a recognised association under subregulation (1) must be spent by the recognised association solely on providing facilities, services or activities that are of direct benefit to students of the University.
- (4) A recognised association is responsible for the proper application of funds paid to it under this regulation.

68 Audited reports

- (1) A recognised association must send an audited report of its accounts annually to the Vice-Chancellor.
- (2) The audited report must deal separately with any funds paid to it under regulation 67.

69 Power of Vice-Chancellor with respect to payment of funds

- (1) If at any time the Vice-Chancellor has grounds to believe that funds paid to a recognised association are being spent otherwise than in accordance with regulation 67(2) or (3), he or she may:
 - (a) direct that the University cease paying funds to the association until otherwise determined by him or her; and
 - (b) direct that the association produce, within the period specified by the Vice-Chancellor, a reconciliation of its financial records as specified by him or her.
- (2) Without limiting subregulation (1), if after receipt of an audited report or at any other time the Vice-Chancellor is not satisfied that the accounts of a recognised association are in order, he or she may direct that the University cease paying funds to the association until otherwise determined by him or her.

- (3) If after receipt of an audited report or at any other time the Vice-Chancellor is satisfied that funds paid to a recognised association under regulation 67 have been spent otherwise than in accordance with regulation 67(2) or (3), he or she must require the association to repay the amount so spent to the University.
- (4) An amount required to be repaid to the University under subregulation (3) is a debt due and owing to the University and the University may commence a proceeding to recover it in any court of competent jurisdiction.

70 Intermission from study

- (1) An office bearer of a recognised association may apply in writing to the dean of his or her degree faculty for an intermission from a course of study in which the office bearer is enrolled so as to enable him or her to better undertake the duties of the office.
- (2) The dean may grant an intermission on an application under subregulation (1).
- (3) A person who is granted an intermission under this regulation is designated as a student during the period of that intermission for all purposes but is not liable to pay any tuition fee that would otherwise be payable by that person as a student.

Part 10—Campus Service Councils

71 Establishment of campus service councils

- (1) The Vice-Chancellor may establish a campus service council for an Australian campus.
- (2) A campus service council is to be comprised of representatives of the management, staff and students of the campus.
- (3) Subject to subregulation (2), the form and membership of a campus service council is to be determined by the Vice-Chancellor after consulting with the campus management and the relevant recognised association or, if there is none, an association that the Vice-Chancellor is satisfied represents students at the campus.
- (4) The Vice-Chancellor must appoint one of the members as chair of the campus service council for the term, and on any other terms or conditions, determined by the Vice-Chancellor.

72 Role of campus service councils

The role of a campus service council is to:

- (a) work towards developing the campus community; and
- (b) provide a forum for the discussion of financial and other matters affecting the campus; and
- (c) enable the campus community to have input into a broad range of university activities.

Part 10A—University Parking Rules

72A. Interpretation

In this Part:

MRS means Monash Residential Services, and includes where applicable Monash Accommodation Services Pty Ltd;

Parking Area means an area marked by signs as a parking area and includes a Restricted Parking Area;

Parking Officer means a person appointed by the Executive Director, Buildings & Property Division of the University (or successor position or title) as delegate of the University Council, as an officer for the purposes of each of sections 87(1) and 77(4) of the Road Safety Act 1986 (Vic);

Permit means a valid and current permit to park a Vehicle issued by the University pursuant to these Rules;

Permit Holder means the person to whom the University has issued a Permit;

Prescribed Fee means the fee, if any, payable for the issue of a Permit pursuant to these Rules and specified annually by the Chief Operating Officer & Senior Vice-President or nominee;

Refund End Date means a date specified annually by the Chief Operating Officer & Senior Vice-President or nominee;

Replacement Fee means the fee, if any, payable by a Permit Holder for a replacement permit pursuant to the Rules and specified by the Chief Operating Officer & Senior Vice-President, or nominee, from time to time

Resident means any person who is currently residing in MRS accommodation;

Restricted Parking Area means a parking area limited in respect of days, periods of the day, classes of persons, classes of Vehicles or Permit types and indicated by signs to that effect;

Rules means these University Parking Rules;

University means Monash University a body corporate constituted in accordance with the *Monash University Act 2009* (Vic).

72B Parking

- (1) For the purpose of authorising parking in a Restricted Parking Area, Permits shall be issued in accordance with these Rules.
- (2) A Permit Holder must ensure that the Permit is clearly displayed at all times in or on any Vehicle whilst parked within a Restricted Parking Area.
- (3) Permits for a Vehicle, being a motor car or motor truck, must be either affixed to the passenger side of the Vehicle on the lower part of the windscreen or displayed on the passenger side of the dashboard of such Vehicle so as to be clearly visible to a Parking Officer, from the front of the Vehicle.
- (4) Permits for Vehicles that do not have a windscreen or dashboard must be displayed in a manner that is both easily and clearly visible to a Parking Officer.
- (5) Expired Permits must be removed from a Vehicle.
- (6) Motor cycles or motor scooters must only be parked in areas designated as 'Motor Cycle Parking'.
- (7) Vehicles must not be parked on University campus roadways or reservations or in Restricted Parking Areas (unless displaying an appropriate valid Permit). In addition, Vehicles must be parked so as not to cause an obstruction or hindrance to others, damage to landscaped surfaces, or reduce the access or egress to University campus facilities or essential campus service infrastructure.
- (8) Vehicles must not be driven on or across campus pedestrian footpaths, grassed or landscaped areas, unless prior written consent has been granted in writing by the Chief Operating Officer & Senior Vice-President or nominee.
- (9) These Rules will not apply to a University Vehicle, if, in the circumstances the driver of the University Vehicle is taking reasonable care and it is reasonable that the provision should not apply (for example where the driver is responding to an emergency, security or enforcement situation).
- (10) University Vehicles are permitted to park in Yellow and Blue Restricted Parking Areas without a Permit.

72C Parking Permits and Restricted Parking Areas

- (1) The types of Permits and the classes of persons to whom each such Permit type may be issued, and the details of the Restricted Parking Area for the type of Permit are:

Chancellery Permit – Available to authorised visitors of Chancellery. Approved for parking in Chancellery Permit Restricted Parking Areas at Clayton Campus.

Green Permit – Available to approved University senior executive management only. Approved for parking in Green Permit, Red Permit and Blue Permit Restricted Parking Areas at all University campuses.

Red Permit – Available to employees of the University. Approved for parking in Red Permit Restricted Parking Areas on the campus of Permit issue only (as specified on the Permit) and in Blue Permit Restricted Parking Areas at any University campus.

Blue Permit – Available to employees and students of the University. Approved for parking in Blue Permit Restricted Parking Areas on the campus of Permit issue only (as specified on the Permit).

Blue Cross Campus Permit – Available to students officially required by University course curriculum to travel between campuses of the University. Approved parking in Blue Permit Restricted Parking Areas at all University campuses.

Yellow Permit – Available to University faculties and departments only, for official faculty/department business use only. Approved for parking in Yellow Permit and Blue Permit Restricted Parking Areas.

MRS Permit - Available to MRS Residents only. Approved parking in specified MRS Permit Restricted Parking Areas.

MRS Visitor Permit – Available to persons visiting Residents. Approved parking for no more than two (2) hours at a time in specified MRS Permit Restricted Parking Areas.

Contractor Permit - Available to University approved contractors. Approved parking in Blue Permit Restricted Parking Areas at the relevant University campus or for no more than two (2) hours parking at a time in Yellow Permit Restricted Parking Areas.

Monash Sports Permit – Available to approved Monash Sports and Recreation members who are not employees or students of the University. Approved for parking in specified Monash Sports Permit Restricted Parking Areas.

Childcare Drop Off Zone Permit – Available to parents of children who are currently enrolled at a childcare centre where vehicle parking for the childcare centre is managed by the University. Approved for parking in specified Childcare drop off zones.

Childcare Permit – Available to persons currently working at a childcare centre where vehicle parking for the childcare centre is managed by the University. Approved for parking in specified Childcare Restricted Parking Areas.

Car Pool Permit – Available to students and staff. Requires two or more Car Pool Permit Holders to travel and arrive at the Car Pool Permit area together with all valid Car Pool Permits clearly displayed for the duration. Approved parking in specified Car Pool Permit Restricted Parking Areas.

VIP Permit – Available only upon determination and approval of the Chief Operating Officer & Senior Vice-President or nominee to persons, including University Council Members. Approved for parking in any Green Permit, Red Permit and Blue Permit Restricted Parking Areas.

VIP Blue Permit – Available to persons, designated Honorary or Adjunct by the University, who are not employees or students of the University but who regularly visit the University. Approved for parking in Blue Permit Restricted Parking Areas at any University campus.

- (2) The type, number and Prescribed Fee for each type of Permit offered in any year shall be determined by the Chief Operating Officer & Senior Vice-President or nominee.
- (3) The number and type of Permits may be varied from time to time by the Chief Operating Officer & Senior Vice-President or nominee during any year.
- (4) The University gives no undertaking that parking space shall be available in any particular Parking Area.
- (5) All Permits shall be valid (unless expired, revoked, cancelled, returned or invalidated in accordance with these Rules) for the period stated in the relevant permit application and on the Permit.
- (6) A Permit may be issued by the University subject to the Rules and where an applicant has accepted the terms and conditions relevant to the Permit and paid the Prescribed Fee.
- (7) Permits are subject to availability and the University has absolute discretion in evaluating each application.
- (8) Where an application for a Permit is received after the 30th June in any year, one half of the Prescribed Fee shall be payable.
- (9) Where the holder of a Permit for which there is a Prescribed Fee surrenders the Permit before the Refund End Date in any year, one half of the Prescribed Fee shall be refunded.

- (10) Permit Holders are not authorised to sell, trade or dispose of a Permit for use by another person.
- (11) Applications for a Permit shall be completed by the applicant in the form and manner approved by the Chief Operating Officer & Senior Vice-President or nominee from time to time and may include (without limitation):
 - a. The type of Permit applied for;
 - b. The name, university identification reference, and the private address and, where relevant, the MRS address of the applicant;
 - c. An undertaking by the applicant that they have read, understood and accepted the Rules and the terms and conditions of an application;
 - d. Where applicable, the status, department or faculty of the applicant;
 - e. The make, colour and registered number of the Vehicle or Vehicles in respect of which the Permit is sought, and
 - f. The Prescribed Fee (if any) and method of payment.
- (12) Except with the consent of the Chief Operating Officer & Senior Vice-President or nominee, a Permit shall not be issued unless the application has been made in the manner prescribed in these Rules.
- (13) Where a Permit has been lost, destroyed or stolen, the University may, in its absolute discretion, issue a replacement permit, subject to the Permit Holder providing the University with sufficient and satisfactory information and evidence regarding the lost, destroyed or stolen permit together with the Replacement Fee in the form and manner required by the University
- (14) Replacement Fees for each type of Permit shall be determined by the Chief Operating Officer & Senior Vice-President or nominee from time to time.
- (15) Where a Vehicle in respect of which a Permit has been issued is stolen or involved in a major car accident or for other extenuating circumstances, the University may, in its absolute discretion, issue a replacement permit at no cost to the Permit Holder upon production of satisfactory evidence of the theft or accident or other circumstances (e.g. the relevant police and/or insurance report).
- (16) A Permit shall cease to be valid and will be cancelled by the University if:
 - a. The Permit Holder's authority or status to use the Permit is withdrawn by the University.
 - b. The Permit was issued to the Permit Holder because of certain eligibility requirements being met, for example, as an employee, Resident or student of the University, and the Permit Holder ceases to meet the eligibility requirement, for example, by ceasing to be an employee, Resident or student.

- c. The period for which the Permit was issued has expired.
 - d. The Permit is used by a person other than the Permit Holder.
- (17) Permit Holders who breach these Rules may have their Permit cancelled by the University and their right to park in the relevant Restricted Parking Area revoked.
- (18) If a Permit Holder:
- a. is advised that their Permit has been cancelled or their Permit ceases to be valid; or
 - b. the Permit Holder is no longer entitled or eligible to use the Permit (e.g. they are no longer an employee, Resident or student at the University),
- then the Permit Holder must immediately return their Permit to the University as directed by the University.

72D Scope and effect of Rules

- (1) The President and Vice-Chancellor of the University or, in his/her absence, the Chief Operating Officer & Senior Vice-President or nominee, may suspend the operation of these Rules in whole or part to such extent, for such period or periods, and for such area or areas within the boundaries of the University as they may from time to time determine, by reasonable notice.
- (2) Notwithstanding these Rules, the Chief Operating Officer & Senior Vice-President or nominee may at their discretion and on such conditions as they may specify, issue any type of Permit to any person and may set aside designated parking places for designated vehicles.
- (3) Permit Holders are only entitled to park in a Restricted Parking Area specific to the Permit they have been issued.
- (4) All drivers, Permit Holders or other persons park Vehicles at their own risk. The University shall not in any way be liable for any personal injury or damage to property, nor will the University be responsible for the safekeeping or safe-custody of any Vehicle or its contents while the Vehicle is parked or left standing within the boundaries of the University.

Part 11—The Common Seal

73 Custody of the seal

The common seal of the University must be kept in the custody of the secretary to the Council or his or her nominee.

74 Affixing of the seal

- (1) The seal must be affixed to:
 - (a) a certificate to be issued in respect of any degree conferred, or other award granted, by the Council, unless otherwise directed by the Council; or
 - (b) a University statute; or
 - (c) a verified copy of a University statute or University regulation required for production in any court or before any person acting judicially; or
 - (d) any document in respect of which the Council directs that the seal is to be affixed; or
 - (e) any document in respect of which the Chancellor, a Deputy Chancellor or the Vice-Chancellor directs that the seal is to be affixed.
- (2) The person by whom the seal may be affixed is:
 - (a) for a certificate referred to in subregulation (1)(a), a senior officer of the University responsible for graduations or his or her nominee; and
 - (b) for any other document, the university solicitor or his or her nominee.
- (3) A person may only give a direction under subsection (1)(e) if he or she is of the opinion that:
 - (a) the document is of a formal nature or needs to be issued without delay; and
 - (b) approval of the Council is not required for the signing of the document.
- (4) If a seal is affixed to a document under subregulation (1)(e), the Vice-Chancellor must report that fact to the Council as soon as practicable after the affixing is attested.

75 Attestation of the seal

The affixing of the seal to any document must be:

- (a) attested by an authorised officer; and
- (b) counter-attested by another authorised officer, the secretary to Council or a person approved by resolution of the Council for the purpose.

76 Execution of deeds not under seal

The University may execute a document (other than one referred to in regulation 74(1)(a), (b) or (c)) as a deed without affixing the seal if the document is expressed to be executed as a deed and is signed as follows:

- (a) for a deed in the form of a lease, licence or other document relating to an interest in land, by the senior officer of the University responsible for administrative operations, buildings and property, or services, or his or her respective nominee; or
- (b) for a deed giving effect to or otherwise confirming an assignment to the University of intellectual property from a member of staff or student of the University:
 - (i) by the Provost; or
 - (ii) by the senior officer of the University responsible for research; or
 - (iii) by the senior officer of the University responsible for graduate education; or
 - (iv) by the person responsible for the research office; or
- (c) for a deed of novation or variation of an agreement relating to research, by the person responsible for the research office or by the senior officer of the University responsible for research; or
- (d) for any other deed of novation or variation, by a person who would have been authorised to sign an agreement of the kind being novated or varied; or
- (e) for any deed or any other document required to be executed as a deed, by an authorised officer or a person approved by resolution of the Council for the purpose.

77 Form

- (1) The Council, by resolution, may specify the form of wording to be used in affixing the seal to any class of document.
- (2) The Council, by resolution, may specify the form of wording to be used when executing any class of deed.

Part 12—Trust Funds

78 Administration of trust funds

- (1) Any trust fund created by the University is to be administered and applied as the Council:

- (a) by resolution may determine; or
 - (b) by regulation may prescribe.
- (2) The university treasurer, however designated, must maintain a register of trust funds of the University.

79 Regulations continued

- (1) The following regulations continue in operation and have effect as if they were made by the Council for the purposes of regulation 78(1)(b):
- (a) the DK & G Anderson Prize Fund Regulations;
 - (b) the Harold Armstrong Memorial Fund Regulations;
 - (c) the Graham John Beard Memorial Fund Regulations;
 - (d) the Max Buxton Scholarship Fund Regulations;
 - (e) the Garnet H Carroll Prize Regulations;
 - (f) the JW Dodds Memorial Scholarship Fund Regulations;
 - (g) the Econometrics Memorial Scholarship Fund Regulations;
 - (h) the Elizabeth Eggleston Memorial Fund Regulations;
 - (i) the Ernest Fields Scholarship Regulations;
 - (j) the Wilfred Fullagar Memorial Lecture Regulations;
 - (k) the Vallejo Gantner Memorial Travel Fund Regulations;
 - (l) the Paul Grange Visiting Fellowship Fund Regulations;
 - (m) the Jack and Marie Healy Memorial Fund Regulations;
 - (n) the George Hicks Visiting Fellowship in Southeast Asian Studies Regulations;
 - (o) the Phyllis Hillgrove Scholarship Fund Regulations;
 - (p) the Ian Little Scholarship Fund Regulations;
 - (q) the Oscar Mendelsohn Lecture Fund Regulations;
 - (r) the Monash-Hicks Postgraduate Research Scholarship in Indonesian History Regulations;
 - (s) the Monash University Postgraduate Medical Education Fund Regulations;

- (t) the Monash APPI Foundation Regulations;
 - (u) the Monash University Victorian College of Pharmacy Foundation Regulations;
 - (v) the Vera Moore Fund Regulations;
 - (w) the Morgen Assistance Fund Regulations;
 - (x) the R G Myers Memorial Lecture Regulations;
 - (y) the Professor R C Nairn Trust Fund Regulations;
 - (z) the Helen M Schutt Trust Scholarship Regulations;
 - (aa) the Special Education Fund Regulations;
 - (bb) the Student Assistance Fund Regulations;
- (2) A reference in any regulation continued by this regulation to a faculty board is to be taken to be a reference to the dean of the faculty.

Part 13 - Exclusion for Safety Reasons

80 Report to dean

- (1) If a member of staff of the University or a person who provides medical, psychological or counselling services on the premises of the University or on premises connected with the University forms an opinion of a kind referred to in subregulation (2) in relation to a student, he or she must, as soon as practicable, report the opinion and the grounds for it, to the dean of the student's faculty.
- (2) The opinion is that:
- (a) in the case of a person subject to obligations of confidence, the student presents a serious risk to the health or safety of any person, including the student concerned; or
 - (b) in any other case, the student presents a serious risk to the health or safety of any person, including the student concerned, or to the property of the University.

81 Power of dean to impose conditions

- (1) The dean may decide that the student's admission to a course of study or enrolment or re-enrolment in a unit of study or a course of study is conditional on the dean receiving evidence to his or her satisfaction as required by a notice given by him or her under subregulation (3).
- (2) Subregulation (1) applies if the dean of the degree faculty is satisfied that

a student may present a serious risk to:

- (a) the health or safety of any person, including the student himself or herself; or
 - (b) the property of the University.
- (3) Within 7 days after making a decision under subregulation (1), the dean must cause written notice of it to be given personally to the student or sent by post or email to the address or email address of the student in the records of the University.
- (4) A notice under subregulation (3) must include:
- (a) a description of the form of evidence required and the type of person from whom it must be obtained; and
Example
Evidence may be required from a doctor (including a doctor specialising in a particular area) or a psychologist or provider of a behaviour change program.
 - (b) any requirement as to how recent the evidence must be; and
 - (c) a statement of the issues to be addressed in the evidence; and
 - (d) the date or dates by which the evidence must be provided to the dean.
- (5) After the deadline set to receive the evidence, the dean, if reasonably satisfied that the student does not present a serious risk of a kind referred to in subregulation (2), may decide that the student may remain admitted to the course of study or enrolled or re-enrol in the unit of study or course of study with or without conditions.
- (6) The imposition of a condition by the dean under this regulation does not prevent the dean from exercising any other power that he or she has with respect to admission, enrolment or re-enrolment.
- (7) The dean may vary or revoke a condition imposed under subregulation (1) or (5).
- (8) A condition imposed under subregulation (1) or (5) may have effect with respect to all courses of study and units of study at the University.
- (9) Without limiting his or her powers under this regulation, the dean may refer a matter arising or which the dean considers may arise under this regulation to the conduct review officer specified under regulation 82.
- (10) If a student has failed to comply with a condition imposed under subregulation (1) or (5), the dean must refer the matter to the conduct review officer specified under regulation 82.

82 Powers to make an interim decision to suspend, exclude or refuse admission or enrolment

- (1) The Vice-Chancellor must specify by notice published on the University website a conduct review officer, who is a senior officer of the University empowered to make an interim decision to suspend, exclude or refuse admission or enrolment under this Part.
- (2) Subject to subregulation (5), if the conduct review officer is of the opinion that it is reasonably necessary to make an interim decision of a kind referred to in subregulation (4) about a person to protect the health or safety of any person (including the person concerned) or the property of the University, he or she may make that decision.
- (3) Subject to subregulation (5), the conduct review officer may also make an interim decision of a kind referred to in subregulation (4) about a student who has failed to comply with a condition imposed by the dean under subregulation 81(1) or (5).
- (4) The interim decision that may be made is any of the following:
 - (a) in the case of a student:
 - (i) suspend him or her, for a specified period, from pursuing any course of study or unit of study in the University; or
 - (ii) suspend him or her from the University; or
 - (iii) exclude him or her from the University,
 - (b) in the case of any other person, refuse to admit or re-admit a person to a course of study or to enrol to or re-enrol a person in a unit of study or course of study in the University for a specified period or until the conduct review officer otherwise determines; and
 - (c) in the case of a student or any other person, suspend or exclude the student or person from any university precincts.
- (5) Before making an interim decision under this regulation, the conduct review officer:
 - (a) must obtain a report on the person concerned from a doctor, a psychologist, and/or the University counselling, security or campus safety branch, as the case requires; and
 - (b) must consult with at least 2 members of the academic staff of the faculty; and
 - (c) may make enquiries and inform himself or herself in any manner that he or she thinks fit; and
 - (d) may invite the person concerned to attend a meeting with him or her or with his or her nominee.

- (6) The conduct review officer may at any time, at his or her own initiative or on the application of the person, reconsider the interim decision and may:
 - (a) vary or remove any term or condition of the interim decision or impose a new condition on the interim decision;
 - (b) affirm the interim decision; or
 - (c) revoke the interim decision.
- (7) In reconsidering an interim decision under subregulation (6), the conduct review officer:
 - (a) must consider whether the interim decision continues to be reasonably necessary to protect the health or safety of any person (including the person concerned) or the property of the University;
 - (b) must consider any submission made by the person on the matter; and
 - (c) may make enquiries and inform himself or herself in any manner that he or she thinks fit.
- (8) An interim decision by the conduct review officer under this regulation (including a reconsidered interim decision) remains in force until it expires, is revoked or is replaced by a final decision of the Vice-Chancellor under regulation 86.
- (9) An interim decision under this regulation may have effect with respect to all courses of study and units of study in the University.

83 Notice

- (1) Within 48 hours after making a decision under regulation 82, and subject to regulation 89, the conduct review officer must:
 - (a) cause written notice of the decision made to be served on the person concerned personally, or by pre-paid post to his or her last known address or by email to an email address in the records of the University;
 - (b) ensure the notice includes:
 - (i) a statement of the decision and the reasons for it; and
 - (ii) a referral to the senior officer responsible for operational affairs of the University to convene a conduct review panel to expeditiously finally determine the person's case; or
 - (iii) in the case of a decision arising from alleged misconduct which the conduct review officer considers would be more appropriately dealt with under Part 7, a referral to a decision maker specified under Part 7.

84 Conduct review panel

- (1) The senior officer responsible for operational affairs of the University must, within 10 days after the receipt of a notice under regulation 83, constitute a conduct review panel to make a recommendation to the Vice-Chancellor to finally determine the person's case.
- (2) A conduct review panel must consist of:
 - (a) a member of staff who is not a member of academic staff;
 - (b) a member of academic staff of the faculty concerned, or, for a conduct review panel that is constituted at an international campus, a person employed at that campus in an academic position; and
 - (c) a third member who is a member of staff of the University.
- (3) In any particular case a conduct review panel may include one additional member co-opted by the panel. The panel may at any time remove a co-opted member from office.
- (4) The member referred to in subregulation (2)(a) is the chair of the panel.
- (5) A conduct review panel must not include a member who, in the opinion of the senior officer responsible for operational affairs of the University, is affected by actual bias or a reasonable apprehension of bias.

85 Provision of an opportunity to respond

- (1) Before a conduct review panel makes a recommendation to the Vice-Chancellor in respect of a person:
 - (a) it must provide the person with a reasonable opportunity to submit written evidence for consideration by the panel; and
 - (b) it may request the person to attend before it.
- (2) If the person attends before the conduct review panel under subregulation (1)(b), the person may be accompanied and assisted by a member of staff or student of the University or by any other person approved by the panel.

86 Powers and duties of conduct review panel and the Vice-Chancellor

- (1) A conduct review panel may:
 - (a) make such inquiries and consult such persons as it thinks fit; and
 - (b) require persons with special knowledge of the conduct or health of the person to report to, or consult with, it; and
 - (c) where it is considered relevant, request the person to undergo one

or more medical examinations or psychological assessments at the expense of the University by a person or persons nominated by the chair.

- (2) The refusal of the person to agree with a request under subregulation (1)(c) may be taken into account by the conduct review panel in considering the case.
- (3) Subject to subregulation (4), a member of staff of the University or a person who provides medical, psychological or counselling services on the premises of the University or on premises connected with the University must answer questions and provide information as required by the conduct review panel.
- (4) If a person referred to in subregulation (3) is subject to obligations of confidence, that subregulation applies only:
 - (a) if the person had formed the opinion that the person concerned presents a serious risk to the health or safety of a person; and
 - (b) to questions and information concerning the person and that risk.
- (5) A conduct review panel may recommend that the Vice-Chancellor:
 - (a) vary or remove any condition of a decision made under regulation 82;
 - (b) affirm a decision made under regulation 82, with or without varying the conditions;
 - (c) revoke a decision made under regulation 82 with or without conditions; or
 - (d) in the case of a student, exclude him or her from the University.
- (6) After considering the recommendations of the conduct review panel, the Vice-Chancellor must finally determine the person's case.
- (7) The Vice-Chancellor may inform any member of staff of the University of his or her decision and of relevant information in support of the decision if he or she considers it necessary to do so for the protection of the health or safety of any person or the property of the University.
- (8) If conditions are imposed or maintained under this regulation, the Vice-Chancellor may:
 - (a) require the person concerned to report to the chair of the conduct review panel at specified intervals on his or her compliance with the conditions; and
 - (b) if professional assistance is a condition, require the person concerned to cause the person providing the professional

assistance to make a report to the chair of the conduct review panel at specified intervals.

- (9) If the chair of the conduct review panel is satisfied that conditions imposed or maintained under this regulation have not been complied with or any report provided does not comply with the requirements set by the Vice-Chancellor, the chair may refer the matter to the Vice-Chancellor for determination.
- (10) After receiving a referral under subregulation (9), the Vice-Chancellor may:
- (a) allow admission or enrolment to continue subject to existing, new or varied conditions;
 - (b) confirm the interim decision; or
 - (c) in the case of a student, exclude him or her from the University.
- (11) Within 7 days after the making of a decision by the Vice-Chancellor under this regulation, and subject to regulation 89, the head of the central secretariat of the University must:
- (a) cause written notice of the decision to be served on the person concerned personally, or by prepaid post to his or her last known address or email address on the records of the University;
 - (b) ensure the notice includes a statement of the decision and the reasons for it; and
 - (c) provide a copy of that notice to the dean of any relevant faculty and the chair of the conduct review panel.
- (12) For the purposes of subregulations (8) and (9), if the chair of the conduct review panel is absent or otherwise unavailable, any other member of the conduct review panel may act in the place of the chair and, in such cases, a reference in those subregulations to the chair is to be taken to be a reference to the member so acting.

87 Annual report

The head of the central secretariat of the University must annually cause a report to be made to the Vice-Chancellor on decisions made under this Part.

88 Effect of decision

- (1) A student who is suspended, excluded or refused enrolment or re-enrolment under this Part remains a student of the University until a final decision of the Vice-Chancellor and:

- (a) is precluded from pursuing any course of study or unit of study;
 - (b) where so directed, must not be present in the University or the whole or the part of the university precinct, as the case requires; and
 - (c) must not, without the written consent of the dean of the relevant faculty, do any one or more of the following:
 - (i) attend any lecture, tutorial or other class;
 - (ii) sit any examination or submit any work or research;
 - (iii) gain any credit towards a course of study or unit of study.
- (2) In the event that a decision is made by a decision maker appointed under Part 7 that is inconsistent with a decision made under Part 13, the decision under Part 13 prevails to the extent of the inconsistency.

89 Service of notices

- (1) Service of a notice under this Part is to be taken to have been effected:
- (a) for a notice served personally, on the date on which it is delivered;
 - (b) for a notice served by email, on the date on which it is sent;
 - (c) for a notice served by pre-paid post within the country from where it was sent, 2 working days after the date on which it is posted; or
 - (d) for a notice served by pre-paid post outside the country from where it was sent, 7 working days after the date on which it is posted.
- (2) If authorised by Health Privacy Principle 2 of the Health Records Act 2001, notice of any decision under this Part and grounds for the decision may be forwarded to an immediate family member of the person concerned within the meaning of that Act or to a registered medical practitioner advising or treating the person.

90 Officers that may act for dean or conduct review officer

- (1) The Provost may exercise all the functions, powers and duties of a dean or the conduct review officer under this Part.
- (2) The person holding the position of the academic president at Monash University Malaysia or Monash South Africa, may exercise all the functions, powers and duties of a dean or the conduct review officer under this Part in respect of the teaching location for which they hold office.

Part 14—Transitional Provision

91 Saving of Council resolutions made under revoked legislation

Insofar as a resolution made by the Council before the commencement of these regulations under a University statute or University regulation revoked by section 31(1) of the Monash University Statute could have been made on or after that commencement under the Monash University Statute or these or any other University regulations, it has effect as if it had been made under that Statute or these or those regulations, as the case requires.

SCHEDULE 1

Monash Postgraduate Association Inc.

Monash Student Association (Clayton) Inc.

MONSU Caulfield Inc.

Monash University Student Union Peninsula Inc.

Monash Parkville Students' Association Inc.

Monash Union of Berwick Students Inc.

DICTIONARY

Academic Board means the Academic Board established by the Council under section 20 of the Act;

academic progress committee means a committee by that name constituted under regulation 29 of the Monash University (Academic Board) Regulations;

academic staff means members of staff holding teaching or research appointments or appointments involving both teaching and research, whether on a full-time, part-time or sessional basis;

academic unit means any of the following established by the Vice-Chancellor under regulation 7 of the Monash University (Vice-Chancellor) Regulations:

- (a) a sub-faculty, school, department, centre, institute or other unit into which a faculty is divided;
- (b) a school, department, centre or institute established as a separate entity from a faculty;

Act means the **Monash University Act 2009**;

associate dean means the associate dean of the faculty who is responsible for coursework teaching programs or the person nominated by the dean as holding the closest equivalent position;

Australian campus means a location within Australia declared to be a campus of the University under section 20 of the Monash University Statute;

authorised officer means the Chancellor, a Deputy Chancellor, the Vice-Chancellor, the Provost, a Deputy Vice-Chancellor or a Vice-President;

award means a degree, diploma, certificate or other award of the University;

campus means a location declared to be a campus of the University under section 20 of the Monash University Statute;

centre means a centre established under the Monash University (Vice-Chancellor) Regulations;

course of study means a number of units of study extending over a period of time leading to a degree or other award;

coursework graduate student means a student enrolled in a postgraduate degree of the University that is not a higher degree by research;

dean means dean of a faculty or sub-faculty appointed by the Vice-Chancellor under these Regulations;

degree means an undergraduate, master's or doctoral degree of the University;

degree faculty, in relation to a degree or other award, means the faculty specified in a University handbook as being responsible for the degree or other award for the year for which the handbook is published;

department means a department established under the Monash University (Vice-Chancellor) Regulations;

Deputy Chancellor means a person appointed to the office of Deputy Chancellor of the University under section 25 of the Act;

Deputy Vice-Chancellor means a person appointed under Part 3 to the office of Deputy Vice-Chancellor;

double degree means a course of study specified in a University handbook as leading to 2 degrees;

double degree student means a student who is undertaking a double degree;

EFT means equivalent full-time;

faculty means a faculty of the University established under the Monash University (Vice-Chancellor) Regulations and, in relation to a student, means:

- (a) the degree faculty; or
- (b) for a double degree student, the managing faculty; or
- (c) for a student enrolled in a unit of study or a non-award study, the teaching faculty;

Gippsland campus means the location at Northways Road, Churchill, Victoria and transferred to Federation University Australia (formerly called the University of Ballarat) on 1 January 2014;

Graduate Research Committee means the committee (however designated) established in accordance with Part 4 of the Monash University (Vice-Chancellor) Regulations;

head, in relation to an academic unit or other university body, means the person appointed to lead and manage the unit or other body;

higher degree by research means a master's by research or doctoral degree of the University;

institute means an institute established under the Monash University (Vice-Chancellor) Regulations;

international campus means a location outside Australia declared to be a campus of the University under section 20 of the Monash University Statute;

international student means a student holding a student visa for the purpose of undertaking a course of study in Australia;

managing faculty, in relation to a student undertaking a double degree, means the faculty specified in a University handbook as being responsible for the administration of that double degree for the year for which the handbook is published;”;

members of the University includes the Visitor of the University, the members of the Council, the members of staff of the University including the holders of honorary appointments such as emeritus professors, the students of the University and the graduates of the University;

Monash South Africa means the location or locations in South Africa from which courses of study are delivered;

Monash University Malaysia means the location or locations in Malaysia from which courses of study are delivered;

non-award study means a unit of study that is not undertaken as part of a course of study;

Open Universities Australia means Open Universities Australia Pty Ltd or any successor of that body;

penalty unit is to be construed in accordance with section 110 of the **Sentencing Act 1991**;

president, in relation to the Academic Board, means the person elected to the office of president (however designated) of the Academic Board;

professor means a member of the academic staff of the University appointed as a professor but does not include an associate professor;

Provost means the person, if any, appointed to the office of Provost under Part 3;

recognised association means an association recognised under Part 9;

research includes a thesis, research paper or research report, or work towards a thesis, research paper or research report;

school means a school established under the Monash University (Vice-Chancellor) Regulations;

seal means common seal of the University;

student means a person who:

- (a) is admitted to a course of study at the University; or
- (b) is enrolled at the University in a non-award study or one or more units of study on an assessed or non-assessed basis and without admission to a course of study; or
- (c) is pursuing a course of study or unit of study at the University through an exchange or study program or other arrangement between the University and another educational institution; or
- (d) is engaged in a student mobility program involving the University, whether or not the program is credited towards a course of study or unit of study; or
- (e) has completed a course of study but on or to whom the relevant degree or award has not been conferred or awarded; or
- (f) is on an intermission or has been suspended from, or has deferred enrolment in, a course of study; or
- (g) is enrolled in a course of study or one or more units of study offered by the University through Open Universities Australia or another educational institution; or
- (h) has consented in writing to be bound as a student by the University statutes and University regulations;

sub-faculty means sub-faculty of a faculty established under the Monash University (Vice-Chancellor) Regulations;

teaching faculty, in relation to a unit of study, means the faculty specified in a University handbook as being responsible for the teaching of that unit for the year for which the handbook is published;

undergraduate student means a student enrolled in a bachelor's degree of the University;

unit of study means a component of a course of study that is taught and examined as a discrete entity but does not include a thesis or alternative research component for a higher degree by research;

university activity means an activity carried out on a university precinct or other place in or outside Australia that is arranged, or conducted, by or on behalf of the University, whether alone or in connection with any other entity;

Examples

A lecture, tutorial, examination, practical exercise, ceremony, meeting of a university body, sporting or musical event, game, competition, activity, field trip or excursion;

university body means a body established by or under any University statute or University regulation;

university faculty average means the total number of EFT academic staff of the University divided by the total number of faculties;

university precinct means the whole or part of any land, building or facility owned or occupied by the University or used by it, or by one or more students for the purpose of conducting a university activity;

vice-president, in relation to the Academic Board, means the person elected to the office of vice-president (however designated) of the Academic Board;

work means any piece of oral, written or practical work or assessment undertaken for the purposes of a course of study or unit of study;

working day means a day other than:

- (a) a day that is a university holiday under Part 9 of the Monash University (Vice-Chancellor) Regulations; or
- (b) in relation to an Australian campus, a Saturday or a Sunday or a day appointed as a public holiday in the whole of Victoria under the **Public Holidays Act 1993**; or
- (c) in relation to an international campus, a day that is a public holiday in the place where that campus is located;

year means calendar year.

End Notes

Table of amendments from 28 May 2014 (as incorporated into this version):

Amendment	Sections Amended	Commencement Date
Monash University (Council) Amendment (No.1) Regulations	Regulations 4, 11, 12, 27, 28, 30, 33, 34, 35, 36, 38, 41, 49, 71, 76, Dictionary	28 May 2014
Monash University (Council) Amendment (No.2) Regulations	Regulations 33, 34, 35, 36, 38, 40, 47, 55, Dictionary	2 July 2014

Monash University (Council) Regulations

Monash University (Council) Amendment No.1 of 2015 Regulations	Regulations 31, 40, 41, 42, 45, 46, 50 New part 13	20 July 2015
Monash University (Council) Amendment No.2 of 2015 Regulations	Regulations 41(7).	19 October 2015
Monash University (Council) Amendment No.1 of 2016 Regulations	Part 2A (Regulations 6A-6F)	29 July 2016
Monash University (Council) Amendment No.2 of 2016 Regulations	Schedule 1	18 November 2016
Monash University (Council) Amendment No.3 of 2016 Regulations	New Part 10A (Regulations 72A to 72D)	19 December 2016
Monash University (Council) Amendment No.1 of 2017 Regulations	Regulations 16, new 16A, 31, 38, 47, 55, 59, 76, 82, 83, 88, 90	30 January 2017
Monash University (Council) Amendment No.2 of 2017 Regulations	Regulation 45(6)	4 April 2017
Monash University	Regulations 72A, 72(C)(1)	28 July 2017

Monash University (Council) Regulations

(Council) Amendment No.3 of 2017 Regulations		
Monash University (Council) Amendment No.4 of 2017 Regulations	Regulation 72(C)(1)	15 December 2017
Monash University (Council) Amendment No.5 of 2017 Regulations	Regulations 28, 30, 31, 32, 33, 34, new 34A, new 34B, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 48, 81, 82, 83, 84, 85, 87, 88, 90	26 February 2018
Monash University (Council) Amendment No.1 of 2018 Regulations	Regulations 33, 38, 40, 86	26 February 2018
Monash University (Council) Amendment No.2 of 2018 Regulations	Regulation 79	4 September 2018
Monash University (Council) Amendment No.3 of 2018 Regulations	New Part 8A (Regulations 65A to 65E)	4 September 2018
Monash University (Council) Amendment No.5 of 2018 Regulations	Regulations 6C, 6D, 6F, 70.	11 December 2018
Monash University (Council) Amendment No.4 of 2018 Regulations	Regulation 79(1)	2 January 2019

Monash University (Academic Board) Regulations

*Made by the Monash University Academic Board
Incorporating amendments up to 16 November 2018*

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The Academic Board of Monash University makes the following Regulations:

Part 1—Preliminary

1 Short title

These regulations may be cited as the Monash University (Academic Board) Regulations.

2 Authorising provision

These regulations are made under the Monash University Statute.

3 Commencement

These regulations come into operation on the day on which they are promulgated by being published on the University website.

4 Interpretation

- (1) The Dictionary at the end of these regulations defines expressions used in them.
- (2) Expressions used in these regulations have, unless the contrary intention appears, the same meaning as they have in the Monash University Statute as amended and in force for the time being.

Note

Under section 23 of the **Interpretation of Legislation Act 1984** expressions used in University regulations made under the **Monash University Act 2009** have, unless the contrary intention appears, the same meaning as they have in that Act as amended and in force for the time being.

- (3) For the purposes of these regulations, the faculty of which a member of the staff of an Australian campus who is employed, other than on a sessional basis, in an academic position or a person employed, other than on a sessional basis, in an academic position at an international campus, is a member is to be determined in accordance with regulation 5(2) of the Monash University (Vice-Chancellor) Regulations.
- (4) A reference in these regulations to admission to a degree or other award is a reference to admission to a course of study leading to that degree or other award.
- (5) A reference in these regulations to admission to a course of study incorporates admission to any replacement course of study offered by the University and to which a student transfers, and any such courses of study are a single course of study for the purpose of regulations 13, 30, 31, 38 and 48.

- (6) A reference in these regulations, in relation to a power of delegation, to the functions, powers or duties of a person or body is a reference to the functions, powers or duties conferred or imposed on the person or body by or under these or any other University regulations or by or under the Monash University Statute.
- (7) A reference in these regulations to the University as a location or to a university precinct includes, for a student admitted at any time before 1 January 2014 to a degree or other award being undertaken at the Gippsland campus, a reference to the Gippsland campus.
- (8) A note at the foot of a provision of these Regulations forms part of the regulations.

Part 2—Entrance and Admission Requirements

5 Minimum requirements for entrance to the University

Minimum academic requirements

- (1) A person is qualified for entrance to the University if:
 - (a) for admission to an undergraduate degree or other award, he or she has satisfied the relevant minimum achievement level of results in the VCE as specified in subregulation (2) or holds a qualification that is determined by the Academic Board as being at least equivalent; or
 - (b) for admission to a graduate or postgraduate degree or other award, he or she has completed an undergraduate degree or other award or holds a qualification that is determined by the Academic Board as being at least equivalent.
- (2) For the purposes of subregulation (1)(a), the minimum achievement level of results in the VCE is:
 - (a) subject to paragraph (b) and (ba), for admission to a bachelor's pass degree, an ATAR of 70.00; or
 - (b) for admission to a bachelor's pass degree designated by the Academic Board as one to which this paragraph applies, an ATAR of 60.00; or
 - (ba) for admission of an Aboriginal or Torres Strait Islander person to a bachelor's pass degree designated by the Academic Board as one to which this paragraph applies, an ATAR of 50.00; or
 - (c) for admission to the Diploma of Tertiary Studies, an ATAR of 50.00; or

- (d) for admission to the Diploma of Higher Education or the Diploma of Higher Education Studies, an ATAR of 60.00.

Minimum English language proficiency requirements

- (3) In addition to the requirements under subregulation (1), a person must have satisfied the relevant minimum achievement level of results in VCE English units 3 and 4 as specified in subregulation (4)(a) or hold a qualification that is determined by the Academic Board as being at least equivalent or as measuring a satisfactory proficiency in the English language.
- (4) For the purposes of subregulation (3):
 - (a) the minimum achievement level of results in VCE English units 3 and 4 is a study score of 25; or
 - (b) without limiting that subregulation, a study score of 30 in VCE English as an Additional Language units 3 and 4 or a study score of 25 in VCE English Literature units 3 and 4 or English Language units 3 and 4; or
 - (c) in the case of a program approved by the Academic Board as enabling admission to a course of study, completion of the final two years of secondary schooling.
- (5) For the purposes of determining whether a qualification is at least equivalent to that specified in subregulation (3), the Academic Board may take any matter or thing it considers relevant into consideration including:
 - (a) the level of English language proficiency required to complete the course of study or unit of study for which admission or enrolment is sought; and
 - (b) the period for which the person has studied in an English medium educational institution; and
 - (c) the result of tests of, or examinations requiring, English language proficiency, including any tests that the Academic Board may require the person to undergo under subregulation (6)(a); and
 - (d) the completion of courses in English medium educational institutions; and
 - (e) for any course, unit, test or examination covered by paragraph (a), (b), (c) or (d) on which the person relies to demonstrate their English language proficiency, how recently it was completed.
- (6) For the purposes of subregulation (3), the Academic Board may:
 - (a) require a person to undergo a test of English language proficiency in a form determined by it; or

- (b) approve any part of a tertiary educational institution as being equivalent to an English medium educational institution.
- (7) For the purposes of subregulation (3), the following limitations apply in determining whether a qualification measures satisfactory proficiency in the English language:
- (a) if the person's secondary schooling was not entirely in English, a measure of English language proficiency, other than a bachelor's degree successfully completed not more than 5 years before commencement in the course of study or unit of study for which admission or enrolment is sought, may only be considered where it has been completed within 2 years before that commencement; and
 - (b) if the person has completed more than one measure of English language proficiency, only the most recent measure is considered; and
 - (c) if the person has commenced an English preparatory course at the University, the person's performance in that course is to be treated as the most recent measure.
- (8) In circumstances it regards as exceptional, the Academic Board may:
- (a) on the recommendation of the dean of the degree faculty, and subject to any conditions specified by the Academic Board, treat a person as having satisfied the requirements under subregulation (1); or
 - (b) exempt a person from the requirements under subregulation (3).

6 Minimum age for admission or enrolment

- (1) Subject to subregulations (2) and (3), to be eligible for admission to a course of study or enrolment in a unit of study a person must have attained 17 years of age by the time of enrolment in the course or unit.
- (2) The Academic Board may grant a person, who will have attained 16 but not 17 years of age at the time of enrolment, an exemption from the requirement under subregulation (1) if he or she has obtained:
- (a) an ATAR of 95.00 or more or holds a qualification that is determined by the Academic Board as being at least equivalent; or
 - (b) the consent, with or without conditions, of the dean of the degree faculty.
- (3) The Academic Board may grant a person, who will not have attained 16 years of age at the time of enrolment, an exemption from the requirement under subregulation (1) if he or she has obtained:

- (a) an ATAR of 95.00 or more or holds a qualification that is determined by the Academic Board as being at least equivalent; and
 - (b) the consent, with or without conditions, of the dean of the degree faculty.
- (4) A person who does not meet the minimum age requirement for admission to a course of study or enrolment in a unit of study but who otherwise satisfies the requirements for admission or enrolment may be offered a place in that course or unit in the semester in which the minimum age requirement is satisfied.

7 Minimum requirements for admission to courses of study

- (1) The requirements specified in this regulation are additional to those in regulation 5.
- (2) To qualify for admission to a course of study, unless otherwise determined by the Academic Board, a person must satisfy the following minimum achievement level:
 - (a) for a bachelor honours degree or a bachelor degree, an ATAR of 70.00;
 - (b) for an honours degree following a bachelor degree, a high level of achievement specified by the Academic Board in the relevant bachelor degree;
 - (c) for a graduate certificate, a completed bachelor degree or equivalent;
 - (d) for a graduate diploma, a completed bachelor degree, graduate certificate or non-award faculty certificate or equivalent;
 - (e) for a postgraduate certificate, a completed bachelor degree in the same or a related discipline or field of study or equivalent;
 - (f) for a postgraduate diploma, a completed bachelor degree in the same or a related discipline or field of study or a postgraduate certificate or equivalent;
 - (g) for a master's by coursework degree, a completed bachelor degree or equivalent;
 - (h) for a master's by research degree, a completed bachelor degree with a significant research component in a relevant field with a high level of achievement specified by the Academic Board or hold a qualification that is determined by the Academic Board as being at least equivalent;

- (i) for a doctoral degree, a completed bachelor degree with a significant research component in a relevant field with a high level of achievement specified by the Academic Board or hold a qualification that is determined by the Academic Board as being at least equivalent.
- (3) To qualify for admission to a course of study, unless otherwise determined by the Academic Board, a person must satisfy the requirements for admission to the course determined under regulation 13(5)(a) or 38(2)(a), and any higher achievement level of results or additional requirements for admission specified by the Vice-Chancellor, as the case requires.
- (4) Unless otherwise determined by the Vice-Chancellor for a particular campus in circumstances he or she regards as exceptional, the ATAR, or equivalent, required for admission to an undergraduate course of study at any campus in any given admission period must not be more than 5 points below the highest clearly-in ATAR, or equivalent, applicable for admission to the same course at any campus in that period.
- (5) A person may be required to undergo an aptitude test, a university matriculation test or any other test determined by the Academic Board or the dean of the degree faculty as a requirement for admission to a course of study.

8 Predicted results

- (1) A person may be taken to have satisfied the requirements for admission to an undergraduate course of study specified in regulation 7 on the basis of his or her predicted level of results provided by an educational institution approved for this purpose by the Academic Board if:
 - (a) the person's actual results will not be available to the University by the latest time at which admission decisions are to be made by it; and
 - (b) the predicted results are provided in a form and manner approved by the Academic Board; and
 - (c) the acceptance of predicted results has been approved by the dean of the degree faculty; and
 - (d) the results were obtained in a program, and at an educational institution, approved by the Academic Board.

9 Alternative entrance schemes for academic requirements

- (1) Nothing in this regulation applies to a higher degree by research.

- (2) This regulation sets out alternative entrance schemes under which a person who does not satisfy the requirements of regulations 5(1) and 7 for entrance to the University or admission to a course of study may be considered for entrance and admission.
- (3) A person may be considered for alternative entrance to the University and admission to a course of study on the basis of levels of achievement specified by the Academic Board in either or both of:
 - (a) 2 higher education units at a registered Australian higher education institution or units completed at an overseas educational institution assessed as being equivalent by the Academic Board;
 - (b) an aptitude test, university matriculation test or any other test approved by the Academic Board for use in the assessment of applicants for alternative entry.
- (4) For the purposes of subregulation (3)(a):
 - (a) for admission to a course of study, the dean of the degree faculty may require a person to have completed a specific unit or a unit in a specific discipline; and
 - (b) in considering a person's results for a single unit of study or an incomplete course of study, the level of results in the person's whole academic record must be considered.
- (5) The Academic Board, in circumstances it regards as exceptional and on the recommendation of the dean of the degree faculty and subject to any conditions specified by it, may consider a person or a class of person for entrance and admission to the University on the basis of recognition of prior learning which does not otherwise satisfy any of the entrance and admission requirements of the University.
- (6) The dean of the degree faculty may approve the entrance and admission of mature age applicants to a course of study on the basis of their demonstrated ability and achievement of equivalent learning outcomes as shown by their:
 - (a) prior employment or unpaid work in a relevant field; or
 - (b) tangible contribution to a relevant field; or
 - (c) acquirement of a non-award qualification in a relevant field.
- (7) A person who satisfies the requirements of an alternative entrance scheme for a course of study may be taken to have satisfied the entrance and admission requirements for that course.

- (8) To avoid doubt, satisfying the requirements of an alternative entrance scheme does not remove the need to satisfy the English language proficiency requirements specified in regulation 5(3) in order to be qualified for entrance and admission to the University.

10 Special admission schemes

- (1) Nothing in this regulation applies to a higher degree by research.
- (2) This regulation sets out special admission schemes under which a person who does not satisfy the requirements of regulations 5(1) and 7 for entrance to the University or admission to a course of study may be considered for entrance and admission.
- (3) The Academic Board may determine:
- (a) circumstances in which a person may be considered for special admission to the University; and
 - (b) the categories for consideration and the requirements to be satisfied for consideration under those categories; and
 - (c) the manner in which consideration may be given to a person.
- (4) The dean of the degree faculty, with the approval of the Academic Board, may establish a special admission scheme for a course of study.
- (5) A person may be considered for special admission to an undergraduate course of study if:
- (a) the course is offered at an Australian campus and the person is not an international student or the course is offered at an international campus and the person is a citizen or permanent resident of the country in which the international campus is located; and
 - (b) the person has satisfied the further requirements for admission to the course, other than those specified under regulation 7(2) or 7(3), and any additional requirements for consideration under the special admission schemes of the University or of the degree faculty; and
 - (c) the person is assessed as falling within one or more of the categories for consideration determined by the Academic Board in accordance with subregulation (3).
- (6) If a person is considered for special admission, a number of additional points may be added to the person's VCE aggregate score.
- (7) The number of additional points to be added:
- (a) must be determined taking into consideration the severity of the person's disadvantage; and

- (b) must not in any case, for any one category for consideration, exceed the maximum points fixed for that category by the Academic Board or, if multiple categories for consideration are relevant, exceed 20 points in the person's VCE aggregate score.
- (8) A person who satisfies the requirements of a special admission scheme for a course of study may be taken to have satisfied the admission requirements for that course.

11 Eligibility for enrolment in a non-award study or unit of study

- (1) Except as otherwise provided in regulation 9 or 10, a person who is not qualified for entrance to the University under regulation 5(1) must not be admitted to, or pursue a course of study for, a degree or other award.
- (2) A person may be accepted for enrolment in a unit of study or non-award study if the person:
- (a) satisfies the English language requirements under regulation 5(3); and
 - (b) satisfies the minimum age requirement under regulation 6; and
 - (c) for enrolment in a unit of study, has achieved the minimum level of result in any VCE subject that is a prerequisite for the unit, or an equivalent as determined by the dean of the teaching faculty; and
 - (d) satisfies any additional requirements that the dean of the teaching faculty may determine.
- (3) A person may be accepted for enrolment in a unit of study or non-award study if the person:
- (a) is currently enrolled in the VCE program or equivalent at a secondary school in Australia; and
 - (b) satisfies the English language requirements specified by the Academic Board for a person with a concurrent enrolment in a secondary school; and
 - (c) satisfies the age requirement specified by the Academic Board for a person with a concurrent enrolment in a secondary school; and
 - (d) satisfies any additional requirements that the dean of the teaching faculty may determine.
- (4) In selecting from among persons who meet the requirements for enrolment in a unit of study, the dean of the teaching faculty may consider a person's complete academic record and may place greater importance on the aspects of that record that he or she considers most relevant.

12 Internal course transfers

- (1) Nothing in this regulation applies to a higher degree by research.
- (2) A person admitted to a course of study may apply to the dean of the degree faculty (or, in the case of a double degree student, the dean of the managing faculty) for transfer into a course of study in that faculty.
- (3) Subject to subregulation (4), an application under subregulation (2) must be treated as an application for admission to the course and considered in competition with all other such applications in accordance with the normal selection processes of the University.
- (4) An application under subregulation (2) may only be considered if the applicant:
 - (a) has successfully completed a minimum of 12 credit points in a degree or other award; and
 - (b) satisfies the admission requirements of the course into which transfer is sought; and
 - (c) has performed at an appropriate level in the existing course as determined by the dean of the degree or managing faculty, as the case requires.

Part 3—Units, Coursework Degrees and other Awards

13 Admission and course of study requirements

- (1) This regulation sets out how the Academic Board fulfils its responsibility under regulation 10(1)(e) of the Monash University (Council) Regulations for the accreditation and reaccreditation of units and courses of study required for a degree or other award.
- (2) Nothing in this regulation applies to a higher degree by research.
- (3) A course of study may comprise:
 - (a) units of study; and
 - (b) a thesis or other work.
- (4) Units of study may be compulsory or optional.
- (5) The dean of the degree faculty, with the approval of the Academic Board, is to determine the following with respect to a course of study:
 - (a) requirements for admission to the course of study;
 - (b) the content, number, timing, frequency and duration of units of study;

- (c) pre-requisite, co-requisite and sequential units of study;
- (d) combinations of units of study that may be undertaken;
- (e) prerequisite requirements for enrolment in a unit of study;

Example

A police check or working with children check.

- (f) the average level of performance in units of study to be attained so as to continue with the course of study;
 - (g) major and minor studies;
 - (h) requirements in relation to a thesis or project work including requirements as to supervision, submission and publication;
 - (i) the nature and extent of any fieldwork, clinical placement or other practical work component of the course of study;
 - (j) the allocation of credit points to a unit of study and the total number of credit points to be accumulated in order to qualify for the degree or other award;
 - (k) attendance or participation requirements;
 - (l) requirements for satisfactory completion of the course of study;
 - (m) requirements for the grant of an alternate exit award.
- (6) The dean of the managing faculty, with the approval of the Academic Board, is to determine any special requirements with respect to a double degree.
- (7) Unless otherwise determined by the dean of the degree faculty, with the approval of the Academic Board, in any particular case in circumstances that the dean regards as exceptional, the maximum duration of a course of study is:
- (a) for an honours degree that is ordinarily completed in one year if undertaken full time, 2 years; and
 - (b) in any other case, double the number of years required to complete the degree full time plus 2 years.
- (8) The dean must publish requirements determined under subregulation (5), (6) or (7) on the University website or in any other manner determined by him or her and make sure that an appropriate reference to them is included in a University handbook.
- (9) Except with the prior approval of the dean of the degree faculty, a student may not:

- (a) undertake in another faculty of the University or in another university or another educational institution, a unit of study for which credit in the course of study is to be sought unless the unit is a published elective for that course of study; or
 - (b) enrol in more than one course of study each of which leads to a degree other than a double degree; or
 - (c) enrol for more than 24 credit points in any standard semester; or
 - (d) be enrolled in a single unit of study at any time when concurrently enrolled in a course of study; or
 - (e) transfer from a double degree to one of its component degrees or another degree of the faculty; or
 - (f) be granted an intermission of more than 12 months.
- (10) Approval under subregulation (9)(b) may be granted with or without conditions.
- (11) The dean of the degree faculty must determine whether or not a student has met the requirements determined under subregulation (5)(l) for satisfactory completion of the course of study. A student who does not meet those requirements is not qualified to have the degree or other award conferred on or granted to him or her.
- (12) Requirements determined under subregulation (5) may be changed at any time with the approval of the Academic Board.
- (13) However, if the dean of the degree faculty considers that a student has since first enrolling for a degree or other award been unreasonably adversely affected by a change made under subregulation (12), he or she must permit the student to qualify for the degree or other award under the course of study requirements as in force at some time during the enrolment.
- (14) A dean may only give permission of a kind referred to in subregulation (13) if satisfied that the work required to be completed is equivalent in standard to that currently required to complete the course of study.

14 Admission to a course of study

- (1) Nothing in this regulation applies to a higher degree by research.
- (2) The dean of a degree faculty for a course of study may admit an applicant to a course of study from the date on which he or she enrolls following admission or an earlier date specified by the dean if satisfied that the applicant:
 - (a) meets the minimum requirements for entrance to the University under regulation 5(1); and

- (b) meets the minimum age for admission or enrolment under regulation 6; and
 - (c) meets the English language proficiency requirements under regulation 5(3); and
 - (d) meets the minimum requirements for admission to the course of study under regulation 7; and
 - (e) meets any additional requirements for admission to the course of study specified under regulation 8 of the Monash University (Vice-Chancellor) Regulations.
- (3) A person must not be admitted to a course of study that has a research component, including a bachelor honours degree, unless the dean is satisfied that adequate supervision and facilities are available.
- (4) In selecting from among persons who meet the requirements for admission to an undergraduate course of study, preference may be given to a person who has not qualified for a degree or other award of the University or any other university, over a person who has so qualified.
- (5) In selecting from among persons who meet the requirements for admission to a course of study, the dean of the degree faculty may consider a person's complete academic record and may place greater importance on the aspects of that record that he or she considers most relevant.

15 Credit towards a course of study

- (1) Subject to this regulation, the dean of the degree faculty for a course of study on the application of a person, may grant the person credit towards a course of study in respect of work undertaken, or a qualification or experience obtained, by that person that:
- (a) meets the requirements for equivalence to university study or to a prerequisite qualification for admission to that course of study; and
 - (b) was successfully completed.
- (2) Equivalence under subregulation (1)(a) must be determined by the dean of the teaching faculty if the degree faculty is not the teaching faculty.
- (3) Credit may be granted under subregulation (1):
- (a) at the time a person is admitted as a student in the course of study; or
 - (b) at any time during the course of enrolment in the course of study.
- (4) Credit must not be granted under subregulation (1) towards the research component of a course of study, except as specified by the Academic Board.

- (5) When determining whether to grant credit, the dean of the degree faculty must have regard to:
 - (a) changes in the knowledge and practices of the discipline;
 - (b) any applicable accreditation requirements;
 - (c) whether the prior learning would achieve the learning outcomes of the part or parts of the course for which credit is sought; and
 - (d) any published principles about the requirements for recency.
- (6) Except with the approval of the Academic Board, a student must complete at the University:
 - (a) three quarters of the credit points of a course of study comprised of 48 credit points or less; or
 - (b) one half of the credits points of a course of study comprised of more than 48 credit points up to 96 credit points; or
 - (c) not less than 48 credit points of a course of study comprised of more than 96 credit points; or
 - (d) one half of the credit points of a course of study of a degree or other award offered by the University in conjunction with another educational institution.
- (7) Subregulation (6) does not apply to a higher degree by research.
- (8) The limits in subregulation (6) may be reduced by a dean of the degree faculty in any particular case in circumstances authorised by the Academic Board.
- (9) Except with the approval of the Academic Board, the dean of a degree faculty must not grant credit to a student undertaking a degree or other award offered by the University in conjunction with another educational institution of more than half of the University's component of the course of study.

16 Assessment of units of study

- (1) The dean of a teaching faculty must constitute a board of examiners and appoint one of the members as chair of the board.
- (2) The dean may divide the board into sections, with each section having authority in relation to one or more specified units of study.
- (3) The board may delegate any of its functions, powers or duties to any member of the board.
- (4) The dean must:

- (a) appoint a chief examiner for each unit of study taught by the faculty; and
 - (b) establish an assessment regime for each such unit before the start of the teaching period for that unit; and
 - (c) publish information about the assessment regime in the manner approved by the Academic Board.
- (5) The board:
- (a) must, after considering the recommendation of the chief examiner for the unit, determine the final results for each student enrolled in units taught by the faculty; and
 - (b) is responsible for monitoring and reviewing the results in units taught by the faculty; and
 - (c) may advise the dean on any matter relating to assessment.
- (6) The chief examiner must be a member of the academic staff of the teaching faculty but:
- (a) in the case of a unit taught at an international campus, may be a person employed in an academic position at that campus; or
 - (b) in the case of a unit taught at the Gippsland campus, may be a member of staff of Federation University Australia employed in an academic position at that campus.
- (7) If the chief examiner is not a member of staff or the board of examiners is not comprised of members of staff, the dean must establish a mechanism for review and oversight of the decisions of the chief examiner or board of examiners, as the case requires.
- (8) The chief examiner for a unit:
- (a) is responsible for the implementation of the unit assessment regime for the unit; and
 - (b) must, within the time specified by the board, recommend to the board the final result for each student enrolled in the unit.
- (9) If at any time the chief examiner for a unit of study becomes unwilling or unable to fulfil his or her duties as chief examiner, the dean may substitute another person as chief examiner for that unit.
- (10) If at any time a member of a board of examiners becomes unwilling or unable to fulfil his or her duties as a member, the dean may substitute another person for that member.

17 Variation or replacement of assessment regime

- (1) The dean of the teaching faculty, after consulting the chief examiner for a unit of study, may during a teaching period vary the assessment regime for the unit, or establish a new one for the unit, if satisfied that students will not be adversely affected.
- (2) If the teaching faculty is not the degree faculty for a unit of study, the assessment regime for the unit must be approved by the dean of the degree faculty.
- (3) The chair of the board of examiners of the teaching faculty, after consulting the chief examiner for a unit of study, may, in circumstances that the chair regards as exceptional, vary the assessment regime for the unit in relation to a particular student.

18 Determination of final results in units of study

- (1) The Academic Board may establish a grading scale for a unit of study and publish it on the University website or in any other manner determined by it.
- (2) A student's final results must be determined in accordance with that grading scale.
- (3) A student's final results may be changed by:
 - (a) the chair of the board of examiners of the teaching faculty for the unit if he or she is satisfied that the change is needed to correct an error; or
 - (b) the dean of the degree faculty or, if the course of study concerned is a double degree, of the managing faculty, if the student failed to undertake or complete the unit assessment and that dean is satisfied that the failure was due to extreme circumstances beyond the student's control; or
 - (c) the chair of the board of examiners of the degree faculty if a supplementary assessment has been granted in accordance with regulation 19.

19 Supplementary assessment in units of study

- (1) The board of examiners of the degree faculty may grant a supplementary assessment to a student in respect of a unit of study if:
 - (a) the student's final result in the unit is no more than 5% below the required pass figure; and
 - (b) the student has passed all other units of study in which the student was enrolled during the teaching period concerned; and

- (c) a pass in the unit of study would complete all academic requirements for the degree or other award or the board is satisfied that failure in the unit will significantly impact on the student's enrolment in the following semester.
- (2) The board may waive the requirement in subregulation (1)(b) in circumstances it regards as exceptional.
- (3) A student may be granted only one supplementary assessment in respect of each unit of study and no more than 2 supplementary assessments in respect of one course of study.
- (4) If the course of study concerned is a double degree, the board must consult the board of examiners of the managing faculty before granting a supplementary assessment.
- (5) A supplementary assessment must be in the form determined by the chief examiner for the unit of study.
- (6) The final result after a supplementary assessment is as determined by the board of the degree faculty. However, no more than 50% of the maximum mark for the unit may be awarded.

20 Special consideration in units of study

- (1) A student whose work for an assessment in a unit of study during a teaching period has been affected by exceptional circumstances may apply to the chief examiner for the unit for special consideration.
- (2) An application under subregulation (1) must be made:
 - (a) in the form and manner determined by the Academic Board; and
 - (b) within 2 working days after the assessment or due date.
- (3) An application must be considered by the chief examiner for the unit and may be granted or rejected.
- (4) On the recommendation of the associate dean of the teaching faculty, the chief examiner may, in circumstances he or she regards as exceptional, extend the time prescribed by subregulation (2)(b) but any such extended time must be before the publication of results for the assessment concerned.
- (5) If an application is granted, the special consideration is as determined by the chief examiner in accordance with guidelines published by the Academic Board.

21 Deferred final assessment in units of study

- (1) In this regulation, **dean** means the dean of the teaching faculty.

- (2) A student who, due to exceptional circumstances, failed to undertake or complete a final examination or assessment task in a unit of study may apply to the dean for a deferred examination or an extension of time for submission, as the case requires.
- (3) An application under subregulation (2) must be made:
 - (a) in the form and manner determined by the Academic Board; and
 - (b) within 2 working days after the student's last scheduled examination or assessment due date in the assessment period concerned.
- (4) An application must be considered by the dean and may be granted or rejected.
- (5) The dean may, in circumstances it regards as exceptional, extend the time prescribed by subregulation (3)(b) but any such extended time must be before the publication of results for the unit of study concerned.
- (6) If the dean grants an application, the chief examiner for the unit must determine the work constituting the deferred examination or the extension of time for submission of work for the assessment task, as the case requires.

22 Management of deferred final assessment in units of study

- (1) In this regulation, **dean** means the dean of the teaching faculty.
- (2) In the circumstances specified in subregulation (3), a student who failed to undertake or complete a deferred final examination or assessment task in a unit of study may apply to the dean for one further deferred examination or an extension of time for submission of work for the assessment task, as the case requires.
- (3) The circumstances are that:
 - (a) the student is registered with the disability services unit of the University (by whatever name known) and the failure was related to an ongoing disability; or
 - (b) the circumstances in which the deferral was granted are unresolved.
- (4) An application under subregulation (2) must be made:
 - (a) in the form and manner determined by the Academic Board; and
 - (b) within 2 working days after the date of the student's deferred final assessment task.

- (5) In circumstances he or she regards as exceptional, the dean may extend the time fixed by subregulation (4)(b) for making an application but any such extended time must be before the publication of results for the assessment concerned.
- (6) After consulting the chief examiner, the dean may:
 - (a) subject to subregulation (8), permit the student to complete one further deferred assessment task if satisfied, on the basis of supporting evidence, that the student will be by then fit to complete the task; or
 - (b) reject the application and finalise the student's marks.
- (7) A student will not be permitted to complete a further deferred final examination or assessment task in a unit of study:
 - (a) on a date that is more than 12 months after the end of the examination period when the unit was originally undertaken by the student; or
 - (b) if the senior officer of the university designated as responsible by the Academic Board finds that a replacement examiner cannot be found for the unit in accordance with subregulation (9).
- (8) The senior officer of the university designated as responsible by the Academic Board, following a referral from the dean, may determine that a replacement examiner cannot be found for a unit of study where satisfied that the chief examiner for the unit is not available and no other member of academic staff has sufficient:
 - (a) expertise in the subject matter taught in that unit; and
 - (b) familiarity with the manner in which the unit of study was taught during the teaching period when the student was enrolled in the unit.
- (9) If the dean makes a decision under subregulation (7)(a), subject to subregulation (10), the dean may impose conditions on the study load of the student until the deferred assessment task has been undertaken.
- (10) Where the dean in subregulation (9) is not the dean of the degree faculty of the student, the dean must first obtain the agreement of the dean of the degree faculty.

23 Examinations in units of study

- (1) Examinations in a unit of study may be held centrally or may be run by a faculty.
- (2) Except in exceptional circumstances, a centrally-held examination must be held in accordance with the relevant published examination timetable.

- (3) A student must be given at least 5 working days' notice of the time and place of a faculty-run examination.
- (4) A student must provide legible handwriting in a handwritten examination paper.
- (5) The chief examiner for a unit of study may refuse to mark the whole or any part of an examination paper that he or she regards as illegible.
- (6) A student must not have in his or her possession in an examination any material other than that approved by the chief examiner for the unit concerned.
- (7) Subregulation (6) does not apply to personal items in a closed container underneath the student's desk.
- (8) A student must not remove any examination paper from the examination venue.
- (9) Material provided to, or submitted by, a student for the purposes of a final examination is the property of the University.
- (10) The examinations manager:
 - (a) is responsible for the administration of examinations held centrally; and
 - (b) in respect of each such examination must appoint a supervisor and may appoint any other officer.
- (11) The supervisor has all the functions, powers and duties of the examinations manager and any other officer appointed under subregulation (10) has any functions, powers or duties of the examinations manager that are delegated to him or her by the examinations manager.
- (12) A student must sit an examination held centrally at the examination venue indicated on the relevant published examination timetable. However, a student enrolled otherwise than on campus may sit an examination at a venue of their choice within guidelines issued by the University.
- (13) The examinations manager, in circumstances he or she regards as exceptional, may allow a student to enter an examination venue up to one hour after the scheduled starting time.
- (14) After entering an examination venue a student:
 - (a) must remain in the venue for at least one hour after the scheduled starting time; and
 - (b) must not leave the venue in the last 10 minutes of the allotted examination time.
- (15) A student in an examination:

- (a) must comply with all instructions given by the examinations manager; and
 - (b) must have in his or her possession, and produce to the examinations manager on request, his or her university identification card or other form of photographic identification approved for the purpose by the examinations manager.
- (16) Failure by a student to comply with subregulation (15) constitutes a breach of instructions.
- (17) If the examinations manager receives a report alleging a breach of instructions, he or she may:
- (a) make enquiries and inform himself or herself in any manner that he or she thinks fit.
 - (b) refer it to a responsible officer under Part 7 of the Monash University (Council) Regulations, if he or she is satisfied that the matter should be dealt with as a report of misconduct; or
 - (c) dismiss the report and take no further action if satisfied that the report:
 - (i) does not constitute an allegation of breach of instructions; or
 - (ii) is minor, trivial, vexatious or frivolous in nature; or
 - (d) make a decision on the report and impose a penalty or penalties.
- (18) In making the decision, the examinations manager must inform the student concerned of the alleged breach of instructions and provided him or her with a reasonable opportunity to respond to the allegation.
- (19) The examinations manager must notify the student concerned of his or her decision, and the penalty (if any) imposed within 14 days after the decision is made.
- (20) The penalties available for a breach of instructions are:
- (a) a reprimand; and
 - (b) a fine not exceeding 5 penalty units or, in the case of Monash South Africa or Monash University Malaysia, an amount determined as equivalent, having regard to local economic conditions, by the Pro Vice-Chancellor responsible for that location or, if the location does not have a Pro Vice-Chancellor, determined by a person employed in an academic position at the location and responsible for the academic leadership of the location.

24 Alternative assessment arrangements

- (1) A student with a disability within the meaning of the Disability Discrimination Act 1992 of the Commonwealth may apply for alternative assessment arrangements.
- (2) An application must be made to the member of staff of the University with responsibility for student disability services (***the director***).
- (3) An application must be made at least one month before the assessment or due date or the beginning of the official finals examinations period, as the case requires.
- (4) The director, in circumstances that he or she regards as exceptional, may extend the period for making an application but not to a date less than 3 working days before the assessment or due date or the beginning of the official finals examinations period, as the case requires.
- (5) The director or his or her nominee may grant or reject an application under this regulation.
- (6) If an application is granted, the director, with the approval of the chief examiner if the time or substance of the assessment is in any way affected:
 - (a) must determine the alternative assessment arrangements and any particular assessment conditions for the applicant; and
 - (b) may determine that the same arrangements apply in respect of all assessments undertaken by the applicant within a specified period.

25 Assessment of work in units of study affected by an academic integrity allegation

- (1) If an allegation is made that in a unit of study a student has contravened the academic integrity requirements of the University, including by an act of plagiarism or collusion, the chief examiner or his or her nominee must review the allegation and determine whether the contravention was intentional or reckless.
- (2) If the chief examiner or nominee determines that the contravention was not intentional or reckless, he or she may:
 - (a) provide the student with a warning; or
 - (b) mark the assessment task with or without a deduction of marks; or
 - (c) require the student to resubmit the assessment task and mark the re-submitted task with or without a deduction of marks.
- (3) If the chief examiner or nominee determines that the contravention was intentional or reckless, it must be dealt with as an act of academic misconduct.

Note

See Part 7 of the Monash University (Council) Regulations.

Part 4—Exclusion for Unsatisfactory Progress or Inability to Progress

26 Application

This Part does not apply to a person enrolled as a student for:

- (a) a higher degree by research; or
- (b) a diploma of tertiary studies; or
- (c) a diploma of higher education studies.

27 Adoption of finding of partner institution

- (1) Subregulation (2) applies if:
 - (a) a student is undertaking a joint degree or other award between the University and a partner institution; and
 - (b) the partner institution has found that the academic progress of the student is unsatisfactory.
- (2) The dean of the teaching faculty, an academic progress committee or a member of the exclusion appeals panel may adopt the finding of the partner institution as their own decision, including a decision on an appeal.
- (3) Before adopting a finding of a partner institution, the dean, academic progress committee or member of the exclusion appeals panel must be satisfied that:
 - (a) the rules of natural justice were observed in the making of the decision by the partner institution; and
 - (b) the process followed by the partner institution was in compliance with any relevant legislative requirement imposed on the University.
- (4) To avoid doubt, in making a decision by adopting the finding of a partner institution, a dean, academic progress committee or member of the exclusion appeals panel is not required to follow the decision-making process set out in this Part.

28 Effect of grievance

- (1) This regulation applies if a student lodges a grievance relevant to his or her academic progress or inability to progress in accordance with a written university policy or procedure.

- (2) A grievance lodged before a matter is referred to an academic progress committee under regulation 30 does not prevent action being taken under this Part.
- (3) An academic progress committee must continue to determine a matter referred to it under regulation 30 even if a grievance is lodged after that referral and before the matter is determined.

29 Academic progress committees

- (1) The dean of each faculty must constitute one or more academic progress committees, each having at least 4 members.
- (2) For each committee one member (who must be a member of the academic staff of the faculty at the level of senior lecturer or above) is to be appointed for a period of 2 years and is to be the chair of the committee.
- (3) Each other member of a committee is to be appointed for the period that the dean determines.
- (4) A quorum for a meeting of an academic progress committee is two-thirds of the members of the committee including the chair.
- (5) An academic progress committee:
 - (a) may include a member of staff of the faculty who is not a member of the academic staff but who has experience in dealing with student advice and student enrolment management; and
 - (b) if exercising functions under regulation 32(5)(b) or 32(6) must include one student.
- (6) Despite subregulations (2) and (5)(a), if the person concerned is a student admitted to a degree or other award being undertaken at an international campus, the academic progress committee may include or consist of persons employed in academic positions at that campus. One person is to be appointed as the chair of the committee.
- (7) Despite subregulations (2) and (5)(a), if the person concerned is a student admitted to a degree or other award being undertaken at the Gippsland campus, the academic progress committee may include or consist of persons employed by Federation University Australia in an academic position at that campus. One person is to be appointed as the chair of the committee.

30 Powers of deans

- (1) The dean of a faculty may, in the circumstances specified in subregulation (2):
 - (a) impose terms or conditions on a student's continuing enrolment; or

- (b) refer the matter to an academic progress committee for hearing.
- (2) The circumstances are that the dean is of the opinion that:
- (a) the academic progress of a student admitted to a course of study for which the faculty is the degree or managing faculty is unsatisfactory having regard to his or her results in, or failure to undertake, any examination, test, assignment, thesis, essay or other work; or
 - (b) the student is at risk of being unable to complete his or her course of study within the maximum period of enrolment.
- (3) The dean of a faculty may, in the circumstances specified in subsection (4), refer the matter to an academic progress committee for hearing.
- (4) The circumstances are that the dean is of the opinion that a student admitted to a course of study for which the faculty is the degree or managing faculty is unable to progress with his or her course of study for one or both of the following reasons:
- (a) the student is unable to obtain a police check, working with children check or other certification of the standard necessary to undertake a requirement of his or her course of study;
 - (b) the student is unable to complete a work placement (howsoever described) that constitutes a compulsory unit or component of his or her course of study because the University's usual placement providers will not, for any reason other than there being an insufficient number of placements available, accept the student.
- (5) If a dean forms an opinion under this regulation in relation to a double degree student, he or she must consult with the dean of the other faculty.
- (6) If both deans form an opinion under this regulation in relation to a double degree student:
- (a) the dean empowered to act under this regulation is the dean of the managing faculty; and
 - (b) the academic progress committee of the managing faculty may be augmented by a member of the other faculty.
- (7) If only one dean forms an opinion under this regulation in relation to a double degree student, that dean is empowered to act under this regulation.

31 Provisions relating to references

- (1) Unless the Academic Board otherwise determines, before a matter may be referred to an academic progress committee under regulation 30(1) in the circumstances specified in regulation 30(2)(a), the dean must be satisfied that the student concerned has:

- (a) done the following:
 - (i) completed at least 2 semesters of enrolment in the course of study; and
 - (ii) in the 12 month period commencing in December of the previous year, passed less than 50% of the units in which the student is enrolled; or
 - (b) failed the same compulsory unit twice; or
 - (c) failed to comply with any terms or conditions imposed by the dean under regulation 30(1)(a) or by an academic progress committee.
- (2) For the purposes of regulation 30(2)(b), a student is to be considered as being at risk of being unable to complete his or her course of study within the maximum period of enrolment if the student has been enrolled for at least two-thirds of that period and has satisfactorily completed 50% or less of the course of study.
- (3) A change to a student's grade made by the University after a matter is referred to an academic progress committee does not invalidate the referral or any determination made by the committee unless the change is made for the sole purpose of correcting an error made by the University.

32 Procedure and powers of academic progress committees

- (1) Notice of an academic progress committee hearing must be served on the student concerned not less than 10 days before the hearing unless a shorter period is agreed to by the student.
- (2) The notice must include reasonable particulars of the student's alleged unsatisfactory progress or inability to progress.
- (3) A student is entitled at an academic progress committee hearing:
 - (a) to submit written evidence; and
 - (b) to be heard personally; and
 - (c) to be accompanied and assisted by a student of the University, a member of staff of their campus or a member of staff of an association recognised under Part 9 of the Monash University (Council) Regulations or, subject to subregulation (4)(c), by any other person approved by the committee other than a person who is legally qualified, who may also be heard.
- (4) A student who wishes to attend or submit evidence, or both, at an academic progress committee hearing:
 - (a) must give notice to this effect to the committee within the time specified in the notice of hearing under subregulation (1); and

- (b) may, in the notice, elect to be heard by the committee comprised of members of the faculty only; and
- (c) must give not less than 4 working days' notice if they intend to be accompanied and assisted by a person other than a student of the University, a member of staff of their campus or a member of staff of an association recognised under Part 9 of the Monash University (Council) Regulations.

Note

A student who does not give a notice under subregulation (4)(a) has no right to attend or submit evidence at an academic progress committee hearing.

- (5) An academic progress committee, in relation to a matter referred under regulation 30(1), may:
 - (a) permit the student concerned to continue enrolment subject to any terms or conditions specified by it; or
 - (b) after a hearing, exclude the student from enrolment for the degree or other award concerned or from enrolment for any degree or other award of the University.
- (6) An academic progress committee, after hearing a matter referred under regulation 30(3), if satisfied as to the matters specified in regulation 30(4)(a) or (b), must exclude the student from enrolment for the degree or other award concerned.
- (7) Notice of the decision of an academic progress committee, and the reasons for the decision, must be served on the student concerned not more than 7 days after the decision.
- (8) A student must not be excluded under this regulation between the first and second semester examinations in any year.
- (9) A student who is excluded under this regulation remains a student:
 - (a) so long as he or she has any right of appeal, or right to apply for a re-hearing, under this Part; and
 - (b) if he or she serves a notice of appeal, or the matter is referred back to the committee for re-hearing, until the appeal process or re-hearing is concluded.
- (10) If a double degree student is excluded under this regulation, the exclusion is from both degrees of enrolment.
- (11) Despite subregulation (10), if only one dean formed an opinion under regulation 30, the double degree student may apply to enrol for the former degree of enrolment of the other faculty and the dean of the managing faculty may admit the student to enrolment for that degree subject to any terms or conditions specified by that dean.

33 Exclusion appeals panel

- (1) The Academic Board must appoint an exclusion appeals panel of not less than 3 members and may from time to time appoint additional members.
- (2) A person is eligible for appointment to the exclusion appeals panel if he or she:
 - (a) is a member of the academic staff of a faculty and has had not less than 2 years' experience as chair of an academic progress committee; or
 - (b) is a member of the academic staff of the faculty of law with experience in the area of administrative law.
- (3) A student who has been excluded from enrolment under regulation 32 may appeal the exclusion decision to the exclusion appeals panel.
- (4) An appeal is made by serving a notice of appeal, in the form published on the University website, on the secretary to the exclusion appeals panel:
 - (a) within 20 working days after the date that service of notice of the exclusion decision is taken to have been effected; or
 - (b) within any extended period determined by the President of the Academic Board in circumstances that he or she regards as exceptional.
- (5) A student's right of appeal under subregulation (3) is limited to one or both of the following grounds:
 - (a) new evidence exists that was not reasonably available to the student at the time of the academic progress committee hearing and which had the potential to affect the decision of the academic progress committee;
 - (b) a procedural irregularity which had the potential to affect the decision of the academic progress committee.

34 Application to dean for re-consideration

- (1) A student who fails to appear at, and to submit evidence to, an academic progress committee hearing has no right of appeal but may apply to the dean for re-consideration.
- (2) An application under subregulation (1) must be made in writing and served on the dean within 20 working days after the date that service of notice of the exclusion decision is taken to have been effected.

- (3) If, after considering an application under subregulation (1), the dean determines that the circumstances of the case are exceptional, he or she may set aside the exclusion and deal with the matter again under regulation 30.

35 Re-hearing by academic progress committee

If, in dealing with a matter again under regulation 30 the dean refers it to an academic progress committee for re-hearing, the following apply:

- (a) subject to this regulation, the provisions of this Part that apply to a hearing by an academic progress committee apply to a re-hearing by such a committee;
- (b) the committee must not include a member of the committee that made the original decision;
- (c) the re-hearing is of the same nature as an original hearing;
- (d) the student's right of appeal under regulation 33(3) is limited to the ground specified in regulation 33(5)(b);
- (e) regulation 32(8) does not apply to the re-hearing.

36 Powers of exclusion appeals panel member

- (1) If a student serves a notice of appeal under regulation 33(4), the secretary of the exclusion appeals panel must, within 10 working days after receipt of the notice, refer the matter to a member of the exclusion appeals panel who must then determine the appeal.
- (2) Where the notice of appeal raises a complex issue of a legal nature, the matter is to be referred to a legally qualified member of the exclusion appeals panel who may be a member of the student's faculty. Where it is unclear that the appeal raises a complex issue of a legal nature, this question is to be determined by the chair of the committee responsible for academic exclusions policy.
- (3) The member, after considering the notice of appeal, may:
 - (a) determine that there are no grounds and dismiss the appeal; or
 - (b) uphold the appeal on the ground of new evidence or a procedural irregularity, or on both grounds, and refer the matter back to the dean to deal with the matter again under regulation 30.
- (4) Where the member makes a determination under subregulation (3)(b), the member may also direct that another exclusion appeals panel member is to be substituted for the chair of the academic progress committee under regulation 29 if the dean refers the matter to an academic progress committee for re-hearing.

- (5) Before making a determination under subregulation (3), the member of the exclusion appeals panel may hold a hearing.
- (6) Notice of an exclusion appeals panel member hearing must be served on the student concerned not less than 10 days before the hearing unless a shorter period is agreed to by the student.
- (7) A student and the dean of the degree faculty are entitled at an exclusion appeals panel member hearing:
 - (a) to submit written evidence; and
 - (b) to be heard personally; and
 - (c) to be accompanied and assisted by a member of staff or student of the University or a member of staff of an association recognised under Part 9 of the Monash University (Council) Regulations or by any other person approved by the exclusion appeals panel member, who may also be heard.
- (8) If a student is permitted to be represented by a legally qualified person at a hearing, the University may also be legally represented by one other person at the hearing.
- (9) Notice of a determination under subregulation (2), and the reasons for the determination, must be served on the student concerned not more than 7 days after the determination.
- (10) A member of the exclusion appeals panel must not hear or determine an appeal made by a student of the faculty of which he or she is a member.

37 Service of notices

- (1) Service of a notice on a student under this Part must be on the student personally, by pre-paid post or email to the address or email address of the student in the records of the University.
- (2) Service of a notice is to be taken to have been effected:
 - (a) for a notice served personally, on the date on which it is delivered;
or
 - (b) for a notice served by email, on the date on which it is emailed; or
 - (c) for a notice served by pre-paid priority post within the country from where it was sent, 4 working days after the date on which it is posted;
or
 - (d) for a notice served by pre-paid express post or courier outside the country from where it was sent, 5 working days after the date on which it is posted or sent.

Part 5—Higher Degrees by Research

38 Admission and study program requirements

- (1) This regulation sets out how the Academic Board fulfils its responsibility under regulation 10(1)(e) of the Monash University (Council) Regulations for the accreditation and reaccreditation of courses of study required for a higher degree by research.
- (2) The Graduate Research Committee, with the approval of the Academic Board, must:
 - (a) determine the requirements for admission to a course of study for a higher degree by research; and
 - (b) specify the study program for a higher degree by research, which must include a thesis or alternative research component comprising at least two-thirds of the study program and may include units and practical work; and
 - (c) determine the requirements applicable to a thesis or alternative research component including requirements relating to its content, the manner in which it is to be submitted, what must be supplied with it and its availability for consultation or copying through the University library; and
 - (d) specify different study programs for degrees of different kinds.
- (3) The study program for a doctoral degree must be completed in not less than 36 months of full-time enrolment (or the equivalent period of part-time enrolment) and not more than 48 months of full-time enrolment (or the equivalent period of part-time enrolment) unless the Committee, on the recommendation of the dean of the teaching faculty or the head of the relevant academic unit, determines otherwise.
- (4) The study program for a master's degree by research must be completed in not less than 12 months of full-time enrolment (or the equivalent period of part-time enrolment) and not more than 24 months of full-time enrolment (or the equivalent period of part-time enrolment) unless the Committee, on the recommendation of the dean of the teaching faculty or the head of the relevant academic unit, determines otherwise.
- (5) The Committee must cause any matters determined or specified under subregulation (2), (3) or (4) to be published in a University handbook.
- (6) The Committee, on the recommendation of the head of the relevant academic unit, may approve a change in the specified study program for a student.
- (7) The Committee may grant a student credit in respect of a unit of study for work completed, or a qualification or experience obtained, by that person that:

- (a) is equivalent to that unit of study or to a prerequisite qualification for admission to that unit of study; and
 - (b) was successfully completed within the period of 10 years immediately before admission to the course of study or any longer period approved by the Committee in circumstances it regards as exceptional.
- (8) Credit may not be granted under subregulation (7) in respect of a thesis or alternative research component.
- (9) The Committee may approve a reduction of the minimum duration of the course of study provided for in subregulation (3) or (4) on the recommendation of the head of the relevant academic unit, provided that enrolment must not be less than 12 months of full time enrolment, or the equivalent period of part-time enrolment.
- (10) Where a student transfers from one higher degree by research to another higher degree by research, the maximum duration of the course of study provided for in subregulation (3) or (4) is reduced by the period of enrolment in the degree from which the student is transferring.
- (11) The Committee may at any time, subject to any conditions that it thinks fit, grant a student:
- (a) leave of absence of up to 12 months in total or any longer period approved by the Committee in circumstances it regards as exceptional; and
 - (b) maternity, paternity or adoption leave of up to 12 months after each birth or adoption if the student is the primary carer of the child.

39 Application for admission to enrolment

- (1) A person who wishes to be admitted to a higher degree by research must apply to the Graduate Research Committee in the form approved by it.
- (2) An application under subregulation (1) must be supported by the recommendation of the dean of the teaching faculty or the head of the relevant academic unit and accompanied by a proposed study program.

40 Review panel

The Graduate Research Committee may constitute a review panel of 2 or more persons to advise it on the application.

41 Admission

- (1) The Graduate Research Committee may admit an applicant under regulation 39(1) to a higher degree by research, on a full-time or part-time basis, from the date on which he or she enrolls following admission or an earlier date specified by it if satisfied that:
 - (a) the applicant meets the minimum requirements for entrance to the University under regulation 5(1); and
 - (b) the applicant meets the English language proficiency requirements under regulation 5(3); and
 - (c) the applicant meets the minimum requirements for admission to the course of study under regulation 7; and
 - (d) the applicant meets the requirements for admission to the degree specified under regulation 9 of the Monash University (Vice-Chancellor) Regulations; and
 - (e) there is available supervisors with appropriate qualifications and research skills and experience, and sufficient research facilities ; and
 - (f) the applicant has the necessary prior training and academic ability to pursue the proposed study program, including a demonstrated ability to carry out independent research.
- (2) In selecting from among persons who meet the requirements for admission, preference may be given to a person who has not qualified for the higher degree by research applied for at the University or any other university, over a person who has so qualified.
- (3) In selecting from among persons who meet the requirements for admission to a course of study, the Graduate Research Committee may consider a person's complete academic record and may place greater importance on the aspects of that record that it considers most relevant.
- (4) The admission of an applicant to a course of study may be made subject to any conditions that the Graduate Research Committee thinks fit.
- (5) Without limiting subregulation (2), if the applicant is currently undertaking a course of study for which a degree may be conferred, the Graduate Research Committee may make his or her admission conditional on him or her becoming entitled to have a degree at a specified standard conferred on him or her within a specified time.
- (6) The Graduate Research Committee may only specify a date for commencement of enrolment that is earlier than the enrolment date in the course of study for the higher degree by research if

the student is transferring from enrolment for a master's degree by research.

- (7) For a student transferring from enrolment for a master's degree by research, the earlier date must be the date of first enrolment in the course of study for that degree unless the Graduate Research Committee determines that a later date is appropriate.

42 Re-admission

- (1) This regulation applies to a person who has been a student for a higher degree by research but has:
 - (a) failed to re-enrol in the course of study; or
 - (b) allowed his or her enrolment in the course of study to lapse; or
 - (c) withdrawn from enrolment in the course of study; or
 - (d) had his or her enrolment ended for reasons other than under regulation 54(1)
- (2) A person who wishes to be re-admitted to a course of study specified in subregulation (1) must apply to the Graduate Research Committee in the form approved by it.
- (3) The Graduate Research Committee may re-admit a person who applies under subregulation (2) subject to any conditions that it thinks fit.
- (4) The Committee may only re-admit a person:
 - (a) where the person applies within 4 years of an event described in subregulation (1); and
 - (b) where re-admission is supported by the head of the relevant academic unit; and
 - (c) where there is available supervisors with appropriate qualifications and research skills and experience, and sufficient research facilities.

43 Enrolment

- (1) The Graduate Research Committee may at any time, subject to any conditions that the Committee thinks fit, permit a part-time student to transfer to full-time enrolment or a full-time student to transfer to part-time enrolment.
- (2) Full-time enrolment requires the pursuit of the study program for not less than 4 days each week between Monday to Friday inclusive and during normal business hours on each of those days.
- (3) Part-time enrolment requires the pursuit of the study program for not less than 2 days each week, where at least one of these days is between Monday and Friday inclusive, and during normal business hours on each of those days.

- (4) Unless authorised by the Graduate Research Committee in circumstances it regards as exceptional, a student must not be concurrently admitted to another course of study or enrolled in another unit of study at the University or any other educational institution.
- (5) The Graduate Research Committee, on the recommendation of the head of the relevant academic unit, may permit a student to enrol as an external student or an external student to transfer to regular enrolment.
- (6) The Graduate Research Committee, on the recommendation of the head of the relevant academic unit, may approve a student to study away from the University.
- (7) The enrolment of a person as an external student or on study away may be made subject to any conditions that the Graduate Research Committee thinks fit.
- (8) A person admitted to a higher degree by research, including a person who is an external student or on study away, must maintain enrolment as a student of the University.
- (9) The Graduate Research Committee may impose a condition or conditions on a student's enrolment.
- (10) A student must comply with a condition imposed on his or her enrolment.

44 Supervision

- (1) Subject to subregulation (4), after consultation with the dean of the teaching faculty or the head of the relevant academic unit, the Graduate Research Committee must:
 - (a) appoint as a main supervisor of a student:
 - (i) a member of the academic staff; or
 - (ii) a person holding an adjunct appointment with the University and who has appropriate qualifications, sufficient research skills and experience, and is willing and able to meet the requirements of a supervisor set by the Graduate Research Committee from time to time; and
 - (b) appoint one or more persons of recognised standing in the relevant field as associate supervisors, whether or not any such person is a member of the academic staff.
- (2) The Committee must appoint a new supervisor to replace a supervisor who is unable to carry out his or her duties as supervisor for 6 or more consecutive weeks.
- (3) A supervisor must not be a student for a higher degree by research.

- (4) If the person concerned is a student for a higher degree by research being undertaken at an international campus or the Gippsland campus, after consultation with the head of the relevant academic unit, the Graduate Research Committee must appoint a supervision team consisting of:
 - (a) a person employed in an academic position at that campus as a main supervisor of the student; and
 - (b) one or more persons of recognised standing in the relevant field as associate supervisors, whether or not any such person is employed at that campus; and
 - (c) in the case of the Gippsland campus, the Associate Dean Research Training of the teaching faculty or his or her nominee.
- (5) The appointment by the Graduate Research Committee of a main supervisor or an associate supervisor under this regulation may be subject to any conditions that it thinks fit.

45 Examination of thesis or alternative research component

- (1) After a thesis or alternative research component is submitted, the Graduate Research Committee must determine whether or not it is to be examined.
- (2) If the Committee determines that the thesis or alternative research component is to be examined, it must appoint examiners whom it considers to be suitably qualified and eligible for appointment.
- (3) The Committee may cause an oral examination of the student to be held in a manner determined by it.
- (4) In the event of a difference of opinion between the examiners, the Committee may appoint persons nominated by it to advise it.
- (5) The Committee must determine whether or not the student has satisfactorily completed the requirements for the degree.
- (6) In making a determination under subregulation (5) the Committee must consider:
 - (a) the results of the examination or assessment of any unit of study or practical work; and
 - (b) the result of any oral examination; and
 - (c) the reports of the examiners.
- (7) If the Committee determines that a student has not satisfactorily completed all the requirements for the degree it may:
 - (a) recommend a further examination or assessment of a unit of study or practical work; or

- (b) determine to give the student leave to re-submit a thesis or alternative research component; or
 - (c) in circumstances it regards as exceptional, in the case of a student for a doctoral degree, determine that the student has satisfactorily completed all the requirements for a master's degree by research.
- (8) The student is qualified to have the higher degree by research conferred on him or her only if the Committee determines that he or she has satisfactorily completed the requirements for the degree.
- (9) The student is qualified to have the master's degree by research conferred on him or her if the committee has made a determination referred to in subregulation (7)(c).

46 Change to enrolment regulations

The Graduate Research Committee may permit an enrolment to continue to be governed by regulations relating to the higher degree by research that are revoked but were in force at some time during the enrolment (*the revoked regulations*) if satisfied that:

- (a) the student has been unreasonably adversely affected by a change in the governing regulations; and
- (b) the standard of work required to be completed by the enrolment under the revoked regulations is at least equivalent to that under the new regulations.

Part 6—Student Progress Management

47 Application

- (1) This Part applies to a student for a higher degree by research.
- (2) Subregulation (3) applies if:
 - (a) a student is undertaking a joint degree or other award between the University and a partner institution; and
 - (b) the partner institution has found that the academic progress of the student is unsatisfactory or the student has failed to comply with a requirement relating to his or her enrolment.
- (3) The Graduate Research Committee may adopt the finding of the partner institution as their own decision.
- (4) Before adopting a finding of a partner institution, the Graduate Research Committee must be satisfied that:

- (a) the rules of natural justice were observed in the making of the decision by the partner institution; and
 - (b) the process followed by the partner institution was in compliance with any relevant legislative requirement imposed on the University.
- (5) To avoid doubt, if a decision is made by the Graduate Research Committee to adopt the finding of a partner institution, the Graduate Research Committee is not required to follow the decision-making process set out in this Part.

48 Milestone review

- (1) All higher degree by research students must meet progress milestones specified in the University handbook.
- (2) On admitting a person to a course of study, the Graduate Research Committee must provide the student with a written notice setting out:
 - (a) the name of the teaching faculty; and
 - (b) the milestones applicable to the student's course of study.
- (3) After the student commences the course of study, the Graduate Research Committee must provide the student with written notice setting out the dates by which each milestone must be completed by the student.
- (4) A student who fails to satisfactorily complete a milestone by the date specified in this notice or any variation of the notice provided to the student, may have their enrolment terminated.
- (5) Where the student lodges a grievance relevant to his or her milestone review in accordance with a written university policy or procedures:
 - (a) after the panel is appointed, the milestone review panel must proceed to determine the milestone; or
 - (b) before the panel is appointed, the milestone review panel may proceed to determine the milestone.

49 Constitution of a milestone review panel

- (1) The head of the relevant academic unit must convene a milestone review panel to review the student's progress prior to the date specified for completion of the milestone or, if they are not independent of the student's research, the dean of the teaching faculty must appoint another person to do so.
- (2) A milestone review panel is constituted by:

- (a) its convenor who is to be its chair, who is either a member of staff of the University or a person holding an adjunct appointment that has appropriate qualifications and research skills and experience and is willing and able to meet the requirements to chair the panel; and
 - (b) two or more persons independent of the student's research, one of whom must be familiar with the student's area of research.
- (3) The chair may co-opt any other person to be a member of the panel.
- (4) If at any time a member becomes unwilling or unable to fulfil his or her duties as a member, the chair may substitute that member with another person. Where the chair becomes unwilling or unable to fulfil his or her duties, the dean of the teaching faculty may substitute the chair with another person.

Note

See also regulation 59 for powers of the panel.

50 Procedure for milestone review

- (1) For a milestone review the student must:
- (a) give an oral presentation of the research project at a forum open to the public; and
 - (b) provide a written submission of the research project; and
 - (c) demonstrate satisfactory completion of all components of the milestone.
- (2) Unless alternate arrangements are substituted by the chair, the milestone review panel must:
- (a) attend the student's oral presentation; and
 - (b) read and assess the student's written submission; and
 - (c) provide feedback to the student on the quality of the research project; and
 - (d) determine whether the milestone has been satisfactorily completed; and
 - (e) if the milestone has not been satisfactorily completed, specify a further period and tasks for the student to complete to meet the requirements of the milestone; and
 - (f) where a further period is set under subparagraph (2)(e), reconvene after that period ends to reconsider if the milestone has been satisfactorily completed.

- (3) A decision of the panel must be supported by at least a majority of its members and, in the event of the votes on the matter being equal, the chair has a casting vote.
- (4) The decision of the panel and the reasons for it must be notified in writing to the delegate of the Graduate Research Committee and the student within 5 working days of the decision being made.

51 Notice of unsatisfactory progress or inability to progress

- (1) The head of the relevant academic unit may at any time provide a student with notice in writing under subregulation (4) if of the opinion that the academic progress of the student is unsatisfactory or the student's enrolment is unable to progress.
- (2) Before forming an opinion that the academic progress of a student is unsatisfactory the head of the relevant academic unit must have received advice from the student's supervisors about the student's academic progress.
- (3) Before forming an opinion that the student's enrolment is unable to progress, the head of the relevant academic unit must have sought to identify suitable supervisors for the student's research project to meet the requirements for academic supervision or to secure the necessary facilities for the conduct of the student's research project.
- (4) The notice must advise the student of:
 - (a) the opinion and the reasons for it, including the areas identified as those where the student's performance is unsatisfactory or the factors indicating that the student's enrolment is unable to progress; and
 - (b) the date, time and place for a meeting with the academic progress review panel; and
 - (c) any assistance that is available to the student; and
 - (d) the review process, in a summary form, including his or her rights at any meeting of the academic progress review panel.
- (5) Where the student lodges a grievance relevant to his or her academic progress in accordance with a written university policy or procedures:
 - (a) after a notice is issued under this regulation, the review panel must proceed to determine the matter that is the subject of the notice; or
 - (b) before a notice is issued under this regulation, the review panel may proceed to determine the matter that is the subject of the notice.

52 Constitution of an academic progress review panel

- (1) After a notice is issued under regulation 51, the postgraduate coordinator of the academic unit (or equivalent) must convene an academic progress review panel or, if they are not independent of the student's research, the dean of the teaching faculty may appoint another person to do so.
- (2) A review panel is constituted by:
 - (a) the convenor, who is to be its chair, who must be a member of staff of the University; and
 - (b) two or more persons independent of the student's research, one of whom must be familiar with the student's area of research.
- (3) If at any time a member becomes unwilling or unable to fulfil his or her duties as a member, the chair may substitute that member with another person. Where the chair becomes unwilling or unable to fulfil his or her duties, the dean of the teaching faculty may substitute the chair with another person.

Note

See also regulation 59 for powers of the panel.

53 Academic progress review panel procedure

- (1) At the academic progress review panel meeting, the review panel must:
 - (a) After providing the student with the opportunity to respond to the matters detailed in the notice issued under regulation 51, determine whether the student's progress is satisfactory and able to progress; and
 - (b) If the student's progress is determined to be unsatisfactory, specify a further period and tasks for the student to complete to demonstrate satisfactory progress; and
 - (c) Where a further period is specified under subparagraph (1)(b), reconvene after the period ends to reconsider if progress is now satisfactory.
- (2) A decision of the panel must be supported by at least a majority of its members and, in the event the votes on the matter are equal, the chair has the casting vote.
- (3) The decision of the panel and the reasons for it must be notified in writing to the delegate of the Graduate Research Committee and the student within 5 working days of the decision being made.
- (4) The student is entitled to be present and make submissions orally or in writing or both at the meeting of the panel.

- (5) The student may be accompanied and assisted at the meeting of the panel by a person who is not legally qualified or by an officer of a recognised student association. The person may not present on behalf of the student.

54 Termination of enrolment

- (1) A student's enrolment may be terminated by the delegate of the Graduate Research Committee where:
 - (a) the milestone review panel has recommended termination because the student has not satisfactorily completed a milestone; or
 - (b) the academic progress review panel has recommended termination because the student has unsatisfactory academic progress or the student's enrolment is unable to progress.
- (2) A student's enrolment may be terminated by the delegate of the Graduate Research Committee where, after providing the student with an opportunity to respond to the alleged non-compliance, the delegate determines that the student has failed to comply with any requirements of these regulations relating to his or her enrolment.
- (3) Where the delegate determines to terminate enrolment in a doctoral degree, he or she may offer for the student to transfer enrolment to a master's degree by research as an alternative to termination of enrolment. This offer lapses 10 working days after the date the offer is made.
- (4) A decision to terminate enrolment takes effect the latter of:
 - (a) the day the period allowed for submitting a notice of appeal expires if one is not submitted by then; or
 - (b) if the student submits a notice of appeal within the period allowed and the appeal is dismissed, the day on which the appeal is finally determined.
- (5) A student whose enrolment is terminated under subregulation 54(1) is ineligible for admission to a higher degree by research.

55 Appeal of a decision to terminate enrolment

- (1) A student may appeal against a decision to terminate his or her enrolment under regulation 54.
- (2) An appeal under regulation 55(1) is made by delivering to the chair of the Graduate Research Committee a written notice of appeal not later than 20 working days after notice of the decision to terminate enrolment is taken to have been given to the student.
- (3) A notice of appeal must state:

- (a) the grounds on which the appeal is made being either:
 - (i) new evidence that was not reasonably available to the student at the time of the panel decision and which has the potential to alter the termination decision; or
 - (ii) a procedural irregularity with the potential to alter the termination decision; or
 - (iii) both; and
 - (b) whether the student wishes to be present at the hearing of the appeal or to make written submissions or both.
- (4) The chair of the Graduate Research Committee must begin deliberations on an appeal not later than 10 working days after receipt of notice of it.
- (5) Not later than 20 working days after receipt of a notice of appeal, the chair must:
- (a) dismiss the appeal, if satisfied that it is frivolous, vexatious, misconceived or lacking in substance; or
 - (b) constitute a termination appeal panel to hear and determine it.
- (6) The chair must advise the student and the head of the academic unit, by notice in writing, of his or her decision under subregulation (4) and the reasons for it.
- (7) Where a student lodges a grievance relevant to his or her appeal in accordance with a written university policy or procedures:
- (a) after delivering a notice of appeal, the chair or the panel must proceed to determine the appeal; or
 - (b) before delivering a notice of appeal, the chair or the panel may proceed to determine the appeal.

56 Constitution of a termination appeal panel

- (1) A termination appeal panel is constituted by:
- (a) the chair of the Graduate Research Committee, or his or her nominee, who is to be its chair; and
 - (b) a member of the academic staff of the teaching faculty; and
 - (c) a member of the academic staff of a faculty other than the teaching faculty who is also a member of the Graduate Research Committee; and
 - (d) a higher degree by research student who is not a member of the Graduate Research Committee.

- (2) A termination appeal panel of an international campus or the Gippsland campus may include, in place of academic staff members, persons employed at that campus in academic positions.
- (3) The chair of the appeal panel may co-opt any other person to be a member of the panel.
- (4) The chair of the appeal panel must cause a written notice to be given to the student as soon as possible setting out the names of the panel members.
- (5) If at any time a panel member becomes unwilling or unable to fulfil his or her duties as a member, the chair of the appeal panel may substitute that member with another person. Where the chair becomes unwilling or unable to fulfil his or her duties as a member, the Graduate Research Committee may substitute the chair with another person.

Note

See also regulation 59 for powers of the panel.

57 Objection to panel member

- (1) The student may object to a termination appeal panel member on the ground of a reasonable apprehension of bias.
- (2) An objection must:
 - (a) be in writing and provide full particulars of the allegation of reasonable apprehension of bias; and
 - (b) be delivered to the chair of the panel within 10 working days after receiving the notice under regulation 56(4); and
 - (c) cannot be made on the day of a hearing of the appeal.
- (3) The chair, on receiving an objection under subregulation (2)(b), may:
 - (a) without making a finding, appoint a substitute panel member belonging to the same category of appointment and notify the student of his or her name; or
 - (b) require the dean of the faculty of law to appoint an adjudicator to consider and determine the objection.
- (4) An adjudicator must be a member of the teaching staff of the faculty of law who holds a position at the University that is not less senior than the panel member against whom the objection has been made.
- (5) When considering an objection, an adjudicator may:
 - (a) make enquiries and inform himself or herself in any manner that he or she thinks fit; and

- (b) determine his or her own procedure.
- (6) An adjudicator, in considering an objection, is bound by the rules of natural justice but not by the rules of evidence.
- (7) After considering an objection an adjudicator may:
 - (a) dismiss the objection if satisfied that it is not substantiated; or
 - (b) uphold the objection if satisfied that there is a reasonable apprehension of bias and direct the chair, or the Graduate Research Committee if the objection is in relation to the chair, to appoint a substitute panel member.
- (8) If an objection is not determined before the date specified in the notice given under regulation 58(2), the hearing must be delayed.

58 Termination appeal procedure

- (1) The chair of the termination appeal panel, after taking the student's preference into consideration, must determine whether the hearing will be in person or based on written submissions or both.
- (2) The chair must provide the student and the head of the relevant academic unit with a notice in writing that:
 - (a) states whether the hearing will be in person or based on written submissions or both; and
 - (b) specifies the date, time and place for the hearing; and
 - (c) requests any submissions and supporting evidence and statements to be lodged with the termination appeal panel by not later than 10 working days before the hearing date.
- (3) If the hearing is in person, the following may attend:
 - (a) the student;
 - (b) the head of the relevant academic unit or a person nominated as his or her representative;
 - (c) a person who accompanies and assists, but does not represent, the student who is not legally qualified or is an officer of a recognised student association connected with the student's campus;
 - (d) any other person authorised by the chair of the termination appeal panel.
- (4) Before the hearing date, the termination appeal panel:

- (a) must provide the student and the representative of the relevant academic unit with copies of all submissions received or a summary of them; and
 - (b) may give the student and the representative of the relevant academic unit, either orally or through a further written submission, a reasonable opportunity to respond to any submission.
- (5) After conducting a hearing, the termination appeal panel may determine that the appeal is:
- (a) upheld, and the student may continue his or her enrolment, subject to any conditions imposed by the termination appeal panel; or
 - (b) dismissed, and the termination of enrolment is confirmed.
- (6) The termination appeal panel may, before making a determination under subregulation (5), grant the student a further period of no more than 20 working days in which to meet any requirements set by the panel.
- (7) At the end of that period the termination appeal panel, or so many members of that panel are as available (not being fewer than 3 or, if the student member is not available, 2), must allow the student an opportunity to show how he or she has met the requirements before proceeding to make a determination under subregulation (5).
- (8) A determination of the termination appeal panel under subregulation (5) must be supported by at least a majority of its members and, in the event of the votes on the matter being equal, the chair has a casting vote.
- (9) Within 5 working days after making a determination under subregulation (5), the termination appeal panel must advise the student, the relevant academic unit and the Graduate Research Committee, by notice in writing, of the determination and the reasons for it.

59 Powers of panels

- (1) A panel constituted under this Part may:
- (a) make enquiries and inform itself in any manner that it thinks fit; and
 - (b) determine its own procedure; and
 - (c) receive submissions, in any form, from the student, the relevant academic unit or any other person or body connected with the University; and
 - (d) adjourn making a determination to allow the student additional time to comply with a requirement, to obtain further information or for any other reason that the panel considers appropriate; and

- (e) do any other thing necessary for, or in connection with, the carrying out of its functions.
- (2) A panel is bound by the rules of natural justice but not by the rules of evidence.
- (3) Nothing in this Part limits the powers of a panel under this section.

60 Giving of notices

- (1) A notice required to be given to a student under this Part may be given personally to the student or sent by post or email to the address or email address of the student in the records of the University.
- (2) A notice is to be taken to have been given:
 - (a) for a notice given personally, on the date on which it is given;
 - (b) for a notice sent by email, on the date on which it is emailed;
 - (c) for a notice sent by pre-paid post within the country from where it was sent, 2 working days after the date on which it is posted;
 - (d) for a notice sent by pre-paid post outside the country from where it was sent, 5 working days after the date on which it is posted.

61 Transitional provision

A milestone review or termination of enrolment procedure begun before the commencement of these regulations is to be continued and completed under the relevant regulations as in force at the time the procedure was begun.

Part 7—Higher Doctoral Degrees

62 Award of higher doctoral degrees

- (1) A person may apply to the dean of the degree faculty for admission to a higher doctoral degree.
- (2) An application must be accompanied by a copy of work being submitted for examination.
- (3) On receipt of an application, the dean must appoint a higher doctoral degree committee to examine the work and determine whether or not the applicant is qualified for admission to the degree.
- (4) A higher doctoral degree committee consists of:

- (a) the dean of the degree faculty or his or her nominee, who is to be the chair of the committee; and
 - (b) the head of the relevant academic unit or his or her nominee; and
 - (c) one additional member who, in the opinion of the dean, is appropriately qualified for appointment.
- (5) An applicant is qualified for admission to a higher doctoral degree if the higher doctoral degree committee, by a unanimous or majority decision, determines that the work submitted by the applicant is worthy of such admission.
- (6) The higher doctoral degree committee must give notice of a determination made by it to the applicant, the dean and the Graduate Research Committee.

Note

Under regulation 9(1)(k) of the Monash University (Council) Regulations, the Council may confer a higher doctoral degree on a person admitted to that degree.

DICTIONARY

Academic Board means the Academic Board established by the Council under section 20 of the Act;

academic staff means members of staff holding teaching or research appointments or appointments involving both teaching and research, whether on a full-time, part-time or sessional basis;

academic unit means any of the following established by the Vice-Chancellor under regulation 7 of the Monash University (Vice-Chancellor) Regulations:

- (a) a sub-faculty, school, department, centre, institute or other unit into which a faculty is divided;
- (b) a school, department, centre or institute established as a separate entity from a faculty;

Act means the **Monash University Act 2009**;

admission period means the period during which applicants are selected to begin study at the University in a standard intake (for example, semester 1) in any given year;

associate dean means the associate dean of the faculty who is responsible for coursework teaching programs or the person nominated by the dean as holding the closest equivalent position in the faculty;

Associate Dean Research Training means:

- (a) in relation to a faculty, the person holding the position of Associate Dean Research Training or the person nominated by the dean as holding the closest equivalent position in the faculty; or
- (b) in relation to an academic unit, the person nominated by the head of that academic unit to fulfil the responsibilities ordinarily performed by the Associate Dean Research Training in a faculty;

ATAR means the Australian Tertiary Admission Rank of a person as calculated by a tertiary admissions centre or other authorised body;

Australian campus means a campus located within Australia;

award means a degree, diploma, certificate or other award of the University;

campus means a location declared to be a campus of the University under section 20 of the Monash University Statute;

centre means a centre established under the Monash University (Vice-Chancellor) Regulations;

collusion means unauthorised collaboration with another person on assessable oral, written or practical work;

course of study means a number of units of study extending over a period of time leading to a degree or other award;

credit points means the number of credit points allocated to a unit of study, and required for completion of, a course of study;

dean means dean of a faculty or sub-faculty appointed by the Vice-Chancellor under the Monash University (Council) Regulations;

degree means a course of study leading to an undergraduate, honours, master's or doctoral degree of the University;

degree faculty, in relation to a degree or other award, means the faculty specified in a University handbook as being responsible for the degree or other award for the year for which the handbook is published;

department means a department established under the Monash University (Vice-Chancellor) Regulations;

double degree means a course of study specified in a University handbook as leading to 2 degrees;

double degree student means a student who is undertaking a double degree;

English medium, in relation to an educational institution, means the use of English as the language of instruction, communication and assessment for all aspects of study for the whole of the educational institution;

examinations manager includes a supervisor and any other officer exercising the functions, powers or duties of the examinations manager;

faculty means a faculty of the University established under the Monash University (Vice-Chancellor) Regulations and, in relation to a student, means:

- (a) the degree faculty; or
- (b) for a double degree student, the managing faculty; or
- (c) for a student enrolled in a unit of study or a non-award study, the teaching faculty;

Gippsland campus means the campus located at Northways Road, Churchill, Victoria and transferred to Federation University Australia (formerly called the University of Ballarat) on 1 January 2014;

Graduate Research Committee means the committee (however designated) established in accordance with Part 4 of the Monash University (Vice-Chancellor) Regulations;

head, in relation to an academic unit, means the person appointed to lead and manage the unit;

higher degree by research means a master's by research or doctoral degree of the University;

institute means an institute established under the Monash University (Vice-Chancellor) Regulations;

international campus means a location outside Australia declared to be a campus of the University under section 20 of the Monash University Statute;

international student means a student holding a student visa for the purpose of undertaking a course of study in Australia;

library materials means any information in the form of data, text, images or sound, including any document or electronic resources, that is in the possession of, managed, created or accessed by the university library for the use of students, members of staff and other persons for the purposes of study, research or teaching;

managing faculty, in relation to a student undertaking a double degree, means the faculty specified in a University handbook as being responsible for the administration of that double degree for the year for which the handbook is published;

mature age applicant means an applicant who will have attained the age of 21 as at 1 January of the year of proposed entry to the University and who does not meet the entrance requirements or admission requirements;

maximum period of enrolment means the period fixed by the University as the maximum time during which a course of study must be completed;

non-award qualification means completion of a structured program of learning that does not lead to a qualification recognised by the University;

non-award study means a unit of study that is not undertaken as part of a course of study;

Open Universities Australia means Open Universities Australia Pty Ltd or any successor of that body;

partner institution means an educational institution with which the University offers one or more joint degrees or other awards;

plagiarism means taking and using another person's ideas or manner of expressing them and passing them off as one's own;

relevant field means a field regarded by the Academic Board as relevant to the degree or other award to which admission is sought;

school means a school established under the Monash University (Vice-Chancellor) Regulations;

secondary schooling means at least 4 years of the highest level of schooling before university leading to a university matriculation qualification;

standard semester means semester 1 or semester 2 in any year as approved by the Academic Board from time to time;

student means a person who:

- (d) is admitted to a course of study at the University; or
- (e) is enrolled at the University in a non-award study or one or more units of study on an assessed or non-assessed basis and without admission to a course of study; or
- (f) is pursuing a course of study or unit of study at the University through an exchange or study program or other arrangement between the University and another educational institution; or
- (g) is engaged in a student mobility program involving the University, whether or not the program is credited towards a course of study or unit of study; or
- (h) has completed a course of study but on or to whom the relevant degree or award has not been conferred or awarded; or
- (i) is on an intermission or has been suspended from, or has deferred enrolment in, a course of study; or
- (j) is enrolled in a course of study or one or more units of study offered by the University through Open Universities Australia or another educational institution; or
- (k) has consented in writing to be bound as a student by the University statutes and University regulations;

sub-faculty means a sub-faculty of a faculty established under the Monash University (Vice-Chancellor) Regulations;

tangible contribution means evidence of outputs capable of academic assessment;

teaching faculty, in relation to a unit of study, means the faculty specified in a University handbook as being responsible for the teaching of that unit for the year for which the handbook is published;

teaching period, in relation to a unit of study, means the period occupied by the teaching of the unit;

unit of study means a component of a course of study that is taught and examined as a discrete entity but does not include a thesis or alternative research component for a higher degree by research;

University handbook means a handbook published annually by the University specifying courses of study and units of study to or in which students may be admitted or enrolled during the year for which it is published;

university librarian means the staff member of the University responsible for the overall supervision and conduct of the university library;

university library means any physical or virtual space or system used for the purpose of:

- (a) holding, managing or providing access to library materials; or
- (b) providing any services or offering or presenting any activities or programmes under the auspices of the university librarian;

VCE means the Victorian Certificate of Education;

VCE aggregate score means the total of a student's scaled study scores for VCE English and the student's other 3 best VCE subjects, together with a 10% increment for the 5th subject and 6th subject, if any, or a university enhancement studies unit, used by the Victorian Tertiary Admissions Centre to calculate the student's ATAR;

working day means a day other than:

- (a) a day that is a university holiday under Part 9 of the Monash University (Vice-Chancellor) Regulations; or
- (b) in relation to an Australian campus, a Saturday or a Sunday or a day appointed as a public holiday in the whole of Victoria under the **Public Holidays Act 1993**; or
- (c) in relation to an international campus, a day that is a public holiday in the place where that campus is located;

year means calendar year.

Monash University (Academic Board) Regulations

Amendment	Sections Amended	Commencement Date (Promulgation)
Monash University (Academic Board) Amendment No.1 Regulations	Regulations 4, 7, 11, 13, 30, 31, 32, 36 and Dictionary	25 August 2014
Monash University (Academic Board) (Amendment No. 3 of 2014) Regulations	Regulations 4 and 31	1 December 2014
Monash University (Academic Board) (Amendment No. 2 of 2014) Regulations	Regulations 42, 43, 48-58, and 61	1 January 2015
Monash University (Academic Board) Amendment No.1 of 2015 Regulations	Regulations 5, 7 and 9	1 July 2015
Monash University (Academic Board) Amendment No.2 of 2015 Regulations	Regulation 22	31 August 2015
Monash University (Academic Board) Amendment No.1 of 2016 Regulations	Regulations 14-16, 21-22, and 24	16 May 2016
Monash University (Academic Board) Amendment No.2 of 2016 Regulations	Regulation 5 and 37	14 October 2016
Monash University (Academic Board) Amendment No.3 of 2016	Regulation 5, 10, 11, 14, 41, 42, 43, 44, 48, 50, 51, 53, 54, 55	10 January 2017
Monash University (Academic Board) Amendment No.1 of 2017	Regulation 15(6)	4 October 2017
Monash University (Academic Board) Amendment No.1 of 2018	Regulation 23 and 33(4)	25 May 2018
Monash University (Academic Board) Amendment No. 2 of 2018	Regulation 9(6)	16 November 2018



FOCUS

FOCUS MONASH

Strategic Plan 2015–2020



Vice-Chancellor's Introduction

Over the last half century, Monash University has forged a path that reflects the ambitions of its beginnings and signals a thirst for further challenge. Monash has evolved to meet “...the necessities of the age” (Murray, 1958), as it was charged at its inception. In doing so, it has sought to develop its education and research on an international stage.

Monash exhibits the achievements and performance characteristic of a large, diverse research university. It also displays some distinctive traits that have resulted from the path it has taken so far. This strategy seeks to strengthen those achievements and performance to equip the University for a more competitive and globalised future. It also seeks to emphasise those traits that distinguish Monash from others and will reinforce the University’s excellence for the betterment of its communities.

At the heart of this strategy is a commitment to excellence measured by the highest international standards.

That excellence is enhanced through the truly international reach of Monash, its students, staff, campuses and partners, including its particular focus in the Asia-Pacific. It is enhanced by its enterprising approach to partnerships and collaboration with industries and governments to maximise the impact of its research and education. And it is enhanced by the inclusive approach the University takes to forming its student and staff bodies.

To be truly international requires ambition. To make an impact on the world through collaboration with others requires openness. As a great university, we recognise our obligation not only to develop talent in individuals but to actively seek talent wherever it may lie. To be inclusive of all is part of our commitment to excellence.

To enable this international, enterprising and inclusive University to fulfil its vision for excellence, we must ensure that our finances remain robust, that our workforce is optimally shaped and that we act responsibly in relation to our environment. The great research challenges of our age are social and environmental ones, and we must practice what we preach.

Institutional sustainability also involves making sure that the shape of the University supports its goals: that each campus contributes appropriately, that we have the right proportions of students at each level and across faculties and courses. Implicit in this is the notion of focused growth: in the long-term interests of the institution, we should not become larger in every element, but should instead target growth to those areas that support our long-term ambitions.

On its own, Monash is great; by reaching out to the community – by being international, enterprising and inclusive – we will be truly exceptional.



Professor Margaret Gardner AO
President and Vice-Chancellor



Mission

“ Through excellent research and education, Monash will discover, teach and collaborate with partners to meet the challenges of the age in service of national and international communities. ”

Vision


Monash will strive to achieve excellence in research and education, built through a deep and extensive engagement with the world, to serve the good of our communities and environment.

Underpinned by deep and enduring relationships with partners in industry, government, non-governmental organisations and other universities, our research will solve grand challenges and set global agendas.

Our education will be infused with internationalism and enterprise. It will seek out and embrace the talented, without regard to their social or economic circumstances.

Our staff and students will reflect the world we are working towards: diverse, inclusive, innovative and sustainable.

Monash guiding principles



The following principles will underpin the actions and decisions of the University. They will be evident in both the way we treat each other and in the way we conduct ourselves with external partners.

Discovery

We nurture curiosity and innovation in the pursuit of new knowledge.

Ambition

We aim to be outstanding in all we do, constantly pushing ourselves both to improve our performance and deepen our understanding of what excellence means.

Respect

We act ethically, fairly, transparently and with generosity of spirit.

Openness

We seek out new ideas and opportunities, share our knowledge widely, embrace differing perspectives and work to build enduring collaborations.

Service

We act inclusively and responsively, and orient our research and education to the benefit of the whole community.

Goals

Monash will be:

Excellent

To undertake research and education of the highest international quality that addresses the great challenges of the age.

International

To build the strength, networks and scale of our international research and education across campuses and faculties to ensure they respond to the issues and opportunities of our region and the world.

Enterprising

To build enduring partnerships with industry, government and other organisations that will enrich our ability to innovate, to infuse our students and staff with enterprising capabilities and provide opportunities to apply our research to make a significant impact for the betterment of our communities.

Inclusive

To seek talented students and staff, irrespective of social or economic circumstances and build a connected community of students and staff in a diverse University that is deeply engaged with the wider community.

Excellent



Priorities

Excellent research

We will maintain and strengthen the strategies that have proven effective in enhancing research performance. Our excellence in this area will be distinguished by:

- a. **Talent:** World-class research requires world-class talent. We will develop and recruit high-performing researchers and graduate research students from across the globe.
- b. **Focus:** We will invest in areas where Monash has or is capable of having impact and research expertise of high international standing.
- c. **Infrastructure:** We will invest in and maintain world-class research infrastructure that aligns with our research priorities and supports engagement with our research partners.
- d. **Interdisciplinarity:** We will foster research that leverages the breadth of our expertise, bringing together disciplines to tackle major research challenges.

Excellent education

We will work to ensure our curricula are highly relevant. We will also transform our pedagogy to reflect the best available thinking and incorporate appropriate technology. Our excellence in this area will be distinguished by:

- a. **Talent:** World-class education requires world-class talent. We will develop and recognise education excellence and ensure that we have roles that support innovation in curriculum and pedagogy.
- b. **Focus on student outcomes:** We will increase our focus on the outputs as well as the inputs of education, including retention, timely completion, career success and the enhancement of our graduates' skills.
- c. **Learning and teaching environment:** We will support the best in pedagogy and flexible delivery through contemporary technologies and learning spaces and effective management of our education.

To undertake research and education of highest international quality that addresses the great challenges of the age.

International



To build the strength, networks and scale of our international research and education across campuses and faculties to ensure they respond to the issues and opportunities of our region and the world.

Priorities

International research

We will build our international partnerships and offshore campuses into a global research network.

- a. We will identify areas of collaboration across our networks and pay particular attention to linkages between higher degree by research students and supervisors.
- b. All offshore campuses and partnerships will contribute to our research performance.
- c. We will develop our institutional alliances with key international university partners to further the opportunities for international research and education.

International education

We will ensure that our students graduate with an international outlook and capabilities that reflect the international character of the University and prepare them for a globalised world.

- a. We will diversify the countries from which we recruit students and the courses those students study.
- b. We will work with our institutional partners and others to encourage greater student mobility, physical and virtual, and increase interaction between students from different countries.
- c. We will ensure that both the curriculum and pedagogy inculcate the intercultural competence that will be a hallmark of a Monash education.



Enterprising

To build enduring partnerships with industry, government and other organisations that will enrich our ability to innovate, to infuse our students and staff with enterprising capabilities and provide opportunities to apply our research to make a significant impact for the betterment of our communities.

Priorities

Enterprising research

We will build deep partnerships with organisations that have the national and international reach necessary to address major challenges and have impact across regions and populations.

- a. We will ensure our internal structures make it easy to collaborate with us.
- b. We will foster a culture of innovation and align incentives to encourage engagement with external partners.
- c. We will support the translation of our fundamental research to increase its impact.

Enterprising education

We will engage deeply with government, industry and alumni to ensure that the skills Monash students learn prepare them for a successful and varied career.

- a. We will make direct engagement between students and industry and government partners – including projects and internships – a hallmark of a Monash education.
- b. We will draw upon our research strengths and our partnerships to initiate a systematic process to help shape the professions of the future.
- c. We will connect student skills development, both undergraduate and postgraduate, to practical issues and provide opportunities for students to develop their leadership and entrepreneurial skills and business models for commercial and not-for-profit ventures.



Inclusive

To seek talented students and staff, irrespective of social or economic circumstances and build a connected community of students and staff in a diverse university that is deeply engaged with the wider community.

Priorities

Inclusive education

In order to ensure we are educating the most talented students, we will develop and employ a highly targeted admissions program including pathways, transition approaches, and quotas and scholarships for students from disadvantaged backgrounds to increase access and success.

Connection and belonging

We need to support a superb experience for students and staff that enhances cohesion in a diverse community.

- a. We will offer a broad range of co-curricular activities to develop student talents and community.
- b. We will develop and reinforce student communities through increasing opportunities to live on campus or participate in virtual colleges.
- c. We will foster in our students a sense of responsibility to change the world for the better and equip them with the skills to do so.

- d. We will encourage student and staff interaction and innovation through effective digital environments and through well-planned campuses featuring formal and informal spaces that create vibrant, thriving social and cultural life.

Embracing alumni

Alumni have much to offer to help us build a stronger University. We will work to foster mutually beneficial relationships with them by building a global alumni network that leverages their expertise, perspectives and connections.

Public outreach and understanding

We will draw the wider community into dialogue with us by building on and expanding our proactive contribution to public discourse. We will open the life of our campuses to the surrounding community through high quality arts and sports precincts.



Enabling elements

If we are to fulfil the major goals laid out in this strategy, the University itself must be healthy. We will ensure that the University supports and draws the best from its people, that it is financially and environmentally sustainable, and that we reflect our values and the level of our ambition in the way we operate.

Staff

We will continue to attract, develop and retain the best academic and professional staff and support them to achieve excellence.

- a. **Strengthen the academy:** We will continue to support our academic staff (including our sessional staff) to develop, ensuring recognition and reward for education and research.
- b. **Build a contemporary professional workforce:** We will support initiatives to foster a skilled workforce that is able to respond to the University's needs and priorities and offers clear and attractive career paths.
- c. **Shape the workforce profile:** We will review the way we research and teach and the ways in which academic and professional staff work to undertake and support these activities and we will work to achieve an equity and diversity in our workforce that reflects the equity and diversity we aim for in our students.
- d. **Leadership:** We will develop effective leaders capable of identifying and recruiting talent and of creating an environment in which it will thrive.

Sustainability

Each campus and major program must be environmentally, socially and financially sustainable.

- a. Our campuses will become exemplars of environmental practice.
- b. We will attain a core operating surplus that allows us to invest in our future. This will require effective and efficient use of resources, as well as the ability to generate funds from new sources, including philanthropy.
- c. We will focus growth in those areas that best support the goals articulated in this plan. This will involve growing the number of graduate students, both research and coursework, to enhance our research and respond to the demands for lifelong learning. It will also involve growing the diversity of our cohorts of international students. Some of our smaller campuses have room to grow, which will be achieved by building areas of specialisation on those campuses.
- d. We will ensure that our campuses and presences offshore are financially sustainable.



Indicators

The Strategic Plan will be underpinned by:

1. Delivering an annual core operating margin of 5 per cent.
2. Sustaining the current strong credit rating of Monash University.
3. Maintaining an engaged, effective, and talented workforce and leadership.
4. Investing, over the planning period, \$1 billion in capital infrastructure, including facilities, equipment and information technology.
5. Lowering our impact on the environment through sustainable building and infrastructure development and renewal.

We will demonstrate our commitment to being *excellent* by:

1. Research Strength:
 - A 20 per cent improvement in our ranking internationally.
 - Being rated, in 100 per cent of fields submitted, as above or well above world class standard in the national Excellence in Research for Australia.
 - Growing total research expenditure per annum.
 - Increasing our citations to be among the top three nationally.
2. Education Strength:
 - Continuing to have high demand from talented students.
 - Having timely completion rates for undergraduates, postgraduates and higher degrees by research equivalent to top three in Australia.
 - Producing improved career success for our graduates.
3. Developing a set of benchmarks with an international panel of universities to assist in assessing international quality outcomes.

We will demonstrate our commitment to being *international* by:

4. Increasing the diversity of our student population and cultivating a multi-cultural student body studying a range of courses.
5. Increasing the number of interactions between students from different cultures through increased student mobility (both physical mobility and virtual interaction) and opportunities to participate in intercultural competence programs.
6. Increasing international research income by 40 per cent by 2020.
7. Increasing the proportion of quality international co-authored publications to 45 per cent by 2020.

We will demonstrate our commitment to being *enterprising* by:

8. Generating a 10 per cent year on year increase in student participation in industry-based experiences.
9. Increasing invention disclosures and licences, options and assignments (LOAs), as well as commercial revenues.
10. Increasing research revenue from sources other than Federal Government competitive grant schemes by 50 per cent by 2020.

We will demonstrate our commitment to being *inclusive* by:

11. Attracting and retaining talented students regardless of background, with a particular emphasis on increasing the number of able students recruited from low socio-economic backgrounds.
12. Improve, year on year, the impact of alumni giving, for example, through student scholarships, mentoring and internship opportunities as well as the positive impact we can create for our alumni by building an effective alumni network.
13. Increasing the academic contribution published in the media and the level of media citations of academic contributions to major public or industry reports.
14. Being rated in the top quartile, in Australia, for student experience as demonstrated through the QILT Student Experience survey (due to be rolled out in 2015).
15. Monitoring and improving the levels of student engagement and cohesion as demonstrated by student participation in co-curricular activities.



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Enterprise Agreements Academic-Professional 2014

10. UNIVERSITY POLICIES

10.1.1 All staff members are subject to University Policies and procedures (including business rules and guidelines) however such policies and procedures do not form part of this Agreement.

10.1.2 All University forms and policies dealing with matters covered by this Agreement must conform to the provisions of this Agreement and not diminish any staff member's entitlements in any way.

10.2 Intellectual Freedom

10.2.1 Without derogating from or limiting the employment obligations of staff, including the obligations to comply with reasonable and lawful directions and requests, the parties to the Agreement are committed to act in a manner consistent with the protection and promotion of intellectual freedom.

10.2.2 Intellectual freedom includes:

- a) the rights of all staff to:
 - i. participate in public debates and express opinions about issues and ideas related to their discipline area or areas of professional expertise and about the institution within which they work or higher education issues more generally;
 - ii. make other comment outside their discipline or areas of professional expertise as long as they do so on their own behalf and do not claim to represent the University;
 - iii. express unpopular or controversial views, but this does not mean the right to harass, vilify or defame or intimidate;
- b) the rights of academic staff to pursue critical and open inquiry and to freely discuss, teach, assess, develop curricula, publish and research;
- c) the right of all staff to participate in professional and representative bodies, including unions, and engage in appropriate community service;
- d) the rights of all staff to express opinions about the operations of the University and higher education policy more generally.

10.2.3 The University will encourage staff to actively participate in the operation of the University and in the communities it serves.

Monash University Student Charter

Monash University is a community of students and staff dedicated to the pursuit of knowledge. Monash University's motto *Ancora Imparo* (I am still learning) reflects this commitment to scholarship and growth.

A learning community is productive when it demonstrates fairness, inclusion, **respect for difference and value of diversity of people and ideas**. Monash students contribute to this community by acting with honesty, integrity and respect for others and taking care of University facilities and resources.

The Student Charter sets out the key expectations of students and by students to foster this learning community. Many of these expectations derive from University statutes, policies and procedures.

The expectations of students may be enforced by informal action or formal misconduct processes under the University statutes. Students concerned that the University has not met their expectations can access student grievance or appeal mechanisms.

The Student Charter applies to all students of Monash University at the University or using its resources (including online), and outside of the University where undertaking any official activity whether course-related or not. **The University also expects students to behave respectfully and responsibly in all communications, including the use of social media.**

Academic engagement and integrity

As a Monash student, you are expected to:

- undertake your studies with honesty and integrity
- credit the work of others, seek permission to use that work where required and not plagiarise or cheat
- understand your rights and obligations in relation to copyright and the intellectual property generated by your own and others' research
- use University resources and services responsibly to support your learning
- fulfil course attendance and assessment requirements
- ensure the University has your current contact details
- regularly read University correspondence
- be informed about and follow University policy.

Students can expect that Monash will:

- **include students in an academic culture of debate and inquiry**
- offer programs that are academically rigorous and up-to-date
- seek student input to improve courses and services
- communicate course and assessment requirements
- provide feedback on students' academic work
- provide reasonable access to University library, IT, equipment and other facilities and resources
- respect student copyright
- assist students to understand rights and obligations in relation to copyright and the intellectual property generated by their own and others' research

- address student complaints and appeals fairly and according to established processes.

Behaviour and wellbeing

As a Monash student, you are expected to:

- act with consideration and courtesy to other students, staff and visitors
- behave appropriately to the context and without non-consensual sexual advances, including in professional placements, volunteering, sporting and cultural events
- respect the rights of others to study and work free from discrimination and harassment
- express your views respectfully and responsibly and accept the rights of others to do the same
- act safely, and not endanger others
- not damage or misuse University property (including library, IT, equipment and other facilities and resources)
- not misuse the University's resources or name, including for personal gain
- comply with reasonable and lawful directions from University staff.

Students can expect that Monash will:

- require that students are treated with consideration and courtesy by University staff
- seek to provide a safe learning environment that is free from discrimination and harassment
- encourage student representation or consultation prior to University decision-making about student-related matters
- establish University procedures that require fair treatment of students
- provide academic and general services
- assist students to become aware of government regulations affecting their student experience, for example visas and student income support
- maintain student records in a manner that protects the privacy of personal information.

Approved University Council meeting 8/17, 6 December 2017

ETHICS STATEMENT POLICY

PURPOSE

Monash is a leading global university, with campuses in Australia and overseas. The members of the Monash community come from diverse backgrounds, religions, cultures and countries.

Values of honesty, fairness and mutual respect underpin everything we do. Core to our education and research endeavour is a focus on creating respectful relationships within the greater community. This means it is essential we are able to act with integrity in facing with ethical issues.

At all times we embrace true diversity and equal opportunity while respecting the human rights and legally protected attributes of all individuals. Our mandate is to continually challenge ourselves when resolving ethical questions in evaluating what is right (ethical) and wrong (unethical).

This Ethics Statement details the ethical values and principles that are expected of all staff and students as members of the Monash community. It is comprised of general principles, which guide individuals in their decision-making. It should inspire us, and challenge us to identify, consider, discuss and resolve ethical questions.

SCOPE

This policy applies to all employees.

POLICY STATEMENT

Ethics Statement

All employees and students at Monash are expected to adopt the following ethical approaches in their actions, communications and work/study activity as a Monash staff member or student:

Monash as a Place for People to Work and Study

- Treat each other with honesty, fairness, mutual respect and be responsible in the exercise of power.
- Harness each person's diversity promoting equality and inclusivity. Be open to different perspectives and attitudes. We respect the inherent dignity, beliefs and human rights of all individuals.
- Be responsible and accountable for our decisions and actions as individuals and as an organisation.

Monash as a Learning, Teaching and Research Institution

- Act with integrity, transparency and professionalism at all times, as these are fundamental to the University's endeavours in learning, teaching and research.
- Submitting outputs only when founded on honest effort and personal achievement.
- Value freedom of thought and of expression.
- Acknowledge our responsibility to treat both humans and animals humanely and ethically.
- Promote the empowerment of individuals through learning, and the empowerment of society through research.

Monash in Society

- In advancing knowledge, strive to achieve social justice for all and to redress past wrongs.
- Act responsibly to promote, and to contribute to the achievement of, environmental sustainability.
- Acknowledge our responsibility to contribute to the communities in which we operate.

Application

These core values and principles help us to challenge any preconceptions and to ensure we lead by example when resolving ethical questions.

By committing to our values we are able to drive deep and enduring relationships with students, staff, partners in industry and the wider community.

This Ethics Statement is designed to support our community when faced with ethical issues. It does not replace specific University policies and procedures, or applicable rights and obligations.

The University acknowledges that many staff and students have concurrent allegiances to their profession, discipline, community, employers, and religious and cultural traditions.

Guidance

Ethical decision making - things to think about

When dealing with an ethical issue, staff and students should think about the following:

Making the decision

- Does any specific legislation or University policy/procedure apply?
- What values are relevant from the Ethics Statement?
- Whose interests are potentially affected? (Mine, other people, the University's) etc...
- What are my options and the consequences to stakeholders?
- What are my duties and obligations?
- Which option treats people equally or fairly?
- Should I discuss the issue with my supervisor or another senior staff member.

Final Check

Once an approach is identified, to check it is appropriate, staff and students should ask themselves:

- Is my decision consistent with the Ethics Statement?
- How would I feel if someone did this to me?
- Will this decision bring about a good result?
- Would I be happy for this decision to be on the public record, or on the cover of a newspaper?
- What would the University be like if everyone made decisions like this?
- Would I be happy if my family knew what I am about to do?
- How will taking this action affect my character, or the character of Monash University?

Further information

Students

Coordinator, Diversity and Inclusion
Campus Community Division
diversity-inclusion@monash.edu

+61 3 9905 9499

Staff

Manager, Ethical Conduct
Monash HR
ethical.conduct.queries@monash.edu

+61 3 9902 4945

DEFINITIONS

Ethical issue A problem or situation that requires a person or the University to choose between alternatives that must be evaluated as right (ethical) or wrong (unethical).

ADMINISTRATION

Supporting policies	All University policies
Supporting procedures	Behaviours in the Workplace
Related documents	Focus Monash
Legislation mandating compliance	Charter of Human Rights and Responsibilities Act 2006
Responsibility for implementation	All staff
Approval body	Chief Operating Officer & Senior Vice-President
Endorsement body	Chief Human Resources Officer
Policy Owner	Director, Workplace Relations
Date effective	29 January 2018
Review date	3 years from effective date
Category	Human Resources
Version number	2
Content enquiries	ask.monash or phone Monash HR on (03) 990 20400

MEDIA AND PUBLIC COMMENT PROCEDURE

SCOPE

- All media communications
- All staff, casuals, honoraries, adjuncts or affiliates who are connected with the University herein collectively referred to as 'staff' for the purpose of this procedure.

Students (including HDR students who are not employed by the University) must comply with the [social media policy](#) and [social media student use procedures](#).

PROCEDURE STATEMENT

To provide the Monash community with requirements and parameters regarding their responsibilities and obligations in dealing with and communicating with the media and making public comment.

1. Who is an authorised spokesperson?

- 1.1 Media matters relating to communicating on behalf of the University are the responsibility of the Vice-Chancellor or their authorised representative.
- 1.2 The following individuals are authorised by the Vice-Chancellor as spokesperson(s) for the University on University policies, management and operational matters within their specific portfolio or Faculty responsibility areas:
 - Chief Operating Officer;
 - Chief Marketing Officer;
 - Provost;
 - Deputy Vice-Chancellors and Senior Vice Presidents in their area of management responsibility;
 - Any other individual authorised by the Vice Chancellor or Chief Marketing Officer.
- 1.3 In the event of a crisis, the University's Crisis Management Policy and Procedure will apply.

2. Comment on official University matters

- 2.1 The Vice Chancellor or an authorised spokesperson is the principal spokesperson for the University on matters within the scope of their authority and may deal with the media in their official capacity.
- 2.2 University media releases will only be issued (and authorised) via Strategic Marketing and Communication, unless any other individual is authorised to do so by the Vice-Chancellor in a particular circumstance.

3. Making personal public comment

- 3.1 All staff, honoraries, adjuncts, affiliates and students have the right to express their personal views publicly (including on social media channels, verbally and in editorials) on any matter of public interest provided that, when doing so, they do not associate themselves with the University and do not pass official comment about the University's position on a particular matter. It is the responsibility of the staff member making such comment, to take all reasonable steps to ensure their comment is not associated with the University or their position with the University.
- 3.2 Where they become aware that there may be a potential association that could be made between their comments and the University, they must make clear that such views are their personal views, and are not connected to and do not represent the University. They must also inform the Chief Marketing Officer immediately they become aware that such an association has occurred.

- 3.3 Staff, honoraries, adjuncts, affiliates and students expressing their personal view publicly must:
- do so from a private address when doing so in writing (whether postal or email or social media);
 - not identify themselves as a University staff member;
 - not pass official comment about the University's position on a particular matter; and
 - be mindful that they show respect for the opinion of others.
- 3.4 The University does not assume responsibility for defending any defamation claim made against an individual associated with an expression of opinion arising from personal public comment.

4. Expert comment and intellectual freedom

- 4.1 The University recognises and affirms the important role of academic staff engaging in public debate about matters within their area of academic disciplinary expertise and is committed to acting in a manner consistent with the protection and promotion of intellectual freedom.
- 4.2 The University also recognises that professional staff may be qualified to provide public comment in their area of expertise as a representative of Monash (for example speaking or delivering papers at conferences). However, professional staff wishing to provide public comment (for example, by delivering a paper at a conference) must first formally seek their supervisor's approval to do so. If the paper or conference topic is in an area likely to draw public or media attention, the supervisor must seek the advice of the Chief Marketing Officer prior to granting such approval.
- 4.3 Expert comment and intellectual freedom to communicate with the public and/or the media in their area of academic disciplinary expertise does not automatically extend to professional staff and must be approved as per 4.2 above.
- 4.4 Academics who hold affiliate, adjunct and/ or honorary status, may also engage in public debate about matters within their area of academic disciplinary expertise and they may use their Monash University affiliation or association in their expert comment. Academics who hold affiliate, adjunct and/ or honorary status who engage in personal public comment must adhere to the requirements under section 3 of this procedure, Making Personal Public Comment.
- 4.5 Academic and senior professional staff making expert comment:
- should only comment in their area of academic disciplinary expertise or professional expertise;
 - should not purport to represent the views of the University (unless approved by the Vice Chancellor or Chief Operating Officer);
 - may identify as University staff; and
 - should act with honesty, integrity, in good faith, and ensure comments are fair and do not misrepresent their expertise or the University.
- 4.6 Academic staff engaging with the media must where practicable give prior notice to Strategic Marketing and Communication Division of such engagement (including when and where it will occur) or advise Strategic Marketing and Communication as soon as possible after the contact to ensure management and oversight of the University's media activities.
- 4.7 Staff must take all reasonable steps to guard against making any comment or communication that may be defamatory or is otherwise contrary to law or values and behaviours of Monash University.
- 4.8 The University will consider the provision of legal support to staff who are the subject of an allegation or legal claim for defamation or other action contrary to law connected to public comments they have made, on a case by case basis. In that consideration, the University will take into account all relevant factors including their compliance with these procedures.

5. Breach of procedure

- 5.1 Breaches of these procedures will be managed in accordance with the applicable Enterprise Agreement, contract terms or relevant student policy or procedure, and may result in disciplinary action being taken by the University against the individual concerned.

6. Further information

- 6.1 Training is available to spokespersons for the University and for staff who regularly are requested to provide expert commentary through SMC.
- 6.2 For further guidance on expert commentary or training, please contact Strategic Marketing and Communication Division at media@monash.edu.

DEFINITIONS

Media	means all forms of print, radio, television, film, online, digital and social media and can be represented in either a written, spoken or visual platform.
Personal public opinion	Means personal views expressed on any matter of public interest
Expert comment	Means any view expressed on a matter of academic disciplinary expertise for academics or area of identified professional expertise for professional staff

GOVERNANCE

Parent policy	Media and Public Comment policy
Supporting schedules	
Associated procedures	<ul style="list-style-type: none"> • Social Media: Staff and Associates Use procedures • Social Media: Student Use procedures • Brand Identity procedure • Crisis Management procedure • Conflict of interest procedure • Privacy procedure <p>Other supporting documents</p> <ul style="list-style-type: none"> • The Media Office website: www.monash.edu.au/news • Monash University Enterprise Agreement (Academic and Professional Staff) 2014 – Clause 10.2
Legislation mandating compliance	
Category	Marketing
Approval	Chief Operating Officer – 17 December 2018
Endorsement	Chief Marketing Officer – 11 December 2018
Procedure owner	Group Manager, Media, Social & Reputation
Date effective	17 December 2018
Review date	17 December 2021
Version	2
Content enquiries	media@monash.edu

MONASH UNIVERSITY VENUES STANDARD CONDITIONS OF HIRE

1. APPLICATION

1.5 The University reserves the right to refuse any booking without assigning a reason.

5. CANCELLATIONS BY THE UNIVERSITY

5.1 The University may prior to the event cancel any reservation previously made, notwithstanding that monies may have been paid in connection therewith and return to the Hirer all monies so paid which the Hirer hereby agrees to accept and to be held to have consented to such cancellation and to have no claim at law or in equity for loss or damage in consequence thereof

5.2 The University has the discretion to prohibit any event which is objectionable or dangerous or which would be detrimental to the reputation of the Venue or the University. It shall also be in the University's discretion to direct the return to the Hirer of any monies paid in respect of the hiring, less any expenditure undertaken on the Hirer's behalf, and the Hirer hereby agrees to accept the same and to be held to have consented to such cancellation and to have no claim at law or in equity for loss or damage in consequence thereof.

5.5 The Hirer hereby agrees to accept and to be held to have consented to any cancellation pursuant to Clauses 5.1, 5.2 and 5.4 and to have no claim at law or in equity for loss or damage as a consequence thereof.

5.6 The MUV Office may cancel events where the Hirer fails to meet the conditions stated by the University.

12. GOOD ORDER

12.3 Should Security personnel become necessary, the Hirer shall employ crowd control guards through University Security.