

8 > RULES OF THE UNIVERSITY

Table of 2008 changes to the Rules of the University

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GENERAL RULES OF THE UNIVERSITY

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TABLE OF 2008¹ CHANGES TO THE RULES OF THE UNIVERSITY

The table below reflects changes to the Student and Related Rules and the General Rules of the University that were made in 2008¹, with recent changes appearing at the top of the table.

Further information on changes to the Student and Related Rules and the General Rules of the University is available at: www.gsu.uts.edu.au/rules/ruleschanges.html

Rule	Changes	Effect date
8.6	Review of final subject assessment results	amended 23.02.09
8.7	Student Assessment Review Committee	amended 23.02.09
7.5	Variation of enrolment	7.5.4 and 7.5.5 amended 23.02.09
11.7	Period of candidature	11.7.1 amended 23.02.09
11.8	Extension of candidature	11.8.3 amended 23.02.09
9.3	Conduct of examinations	9.3.6 amended 23.10.08
13.2	Completion of requirements	13.2.2 amended 23.10.08
G3	Rules relating to Academic Board	amended 23.10.08
3.10	Appeals procedure	amended 20.08.08
5.6	Withdrawal of offer of admission and cancellation of admission or enrolment	amended 20.08.08
9.1	Examination timetables	amended 20.08.08
11.21	Appeal against discontinuation of candidature	amended 20.08.08
17.3	Professional Experience Appeals Committee	amended 20.08.08
17.4	Appeals Committee (Non-disclosure)	amended 20.08.08
Sch 2	Relevant Legislation	amended 20.08.08
Sch 3	Results and Grades	Grade point average score included 20.08.08
G2	Rules on Election of Chancellor and Deputy Chancellor	amended 15.07.08
G3	Rules relating to the Academic Board and Faculty Boards	amended 15.07.08
13	Awards and Graduation	13.4, 13.9 and 13.10 amended 14.07.08
Sch 1	Definitions	'award <i>in absentia</i> ' and 'graduation' deleted 14.07.08

Footnote

1. Early 2009 changes to the Student and Related Rules have been included.

STUDENT AND RELATED RULES

SECTION 1 — GENERAL

1.1 General

- 1.1.1 These Rules shall be known collectively as the 'Student and Related Rules' and are made pursuant to Section 29 of the *University of Technology, Sydney, Act 1989* and clause 44 of the *University of Technology, Sydney, By-law 2005*.
- 1.1.2 The date of commencement of these Rules shall be the 25th of February 2005.
- 1.1.3 These Rules shall apply to all students of the University, including persons who were students prior to the specified date of commencement of the Rules and anyone who becomes a student after the date of commencement of the Rules.
- 1.1.4 For the purposes of these Rules, unless the contrary intention is apparent, the definitions as provided for in Schedule 1 apply. Where appropriate, specific definitions may also be contained within the relevant Section of the Rules.

1.2 Relevant legislation

- 1.2.1 These Rules cannot override the state or Commonwealth legislation, and to the extent that there is any inconsistency between the Rules and legislation, the latter prevails.
- 1.2.2 For the purposes of these Rules and for the academic administration of the University, the major known relevant legislation is set out in Schedule 2 of these Rules. Other legislation may also apply and the legislation specified may be amended from time to time or be revoked.

1.3 Application of these Rules

1.3.1 General

Subject to the provisions of Rules 1.3.2 and 1.3.3 below, these Rules apply to all students who have been admitted to a course of study by the University, and who are enrolled in a UTS course including a UTS course conducted by, or in partnership with, another institution.

1.3.2 Conduct of students

The Rules of the University that relate to the conduct of a student in various circumstances apply to the conduct of an individual that occurs while he or she is a student of the University.

1.3.3 Course conducted in conjunction with another university or educational institution

- (1) The application of some or all of these Rules may be excluded in the case of students who are enrolled in a UTS course which is conducted in conjunction with another university or educational institution of an appropriate standing whether in Australia or offshore in the following circumstances:
- (a) this is provided for in a formal agreement between UTS and the university or institution and that agreement also provides that the

rules, documented requirements or regulations, or specified components of them, of the other university or institution are expressly made to apply to the students undertaking the UTS course;

- (b) the Vice-Chancellor certifies that the rules, documented requirements or regulations of the other university or institution to be so applied are appropriate and will adequately protect the interests of UTS and the students undertaking the course;
- (c) the formal agreement specified in (a) above provides for the Registrar of UTS to be supplied with a copy of the specified rules, documented requirements or regulations of the other university or institution as certified by the Vice-Chancellor. The Registrar shall maintain an up-to-date Register of such rules, documented requirements or regulations of the relevant provisions of all agreements relating to this Rule, and of the Vice-Chancellor's certification under (b) above.
- (2) Students will be subject to the rules, documented requirements or regulations of the approved institution for the duration of their studies at that institution only and in the specified UTS course(s). Students who transfer to UTS to continue study in the specified course(s) will then be subject to the Rules of UTS from the time of transfer.
- (3) In cases where the provision of 1.3.3(1) apply, the rules, documented requirements or regulations of the other university or other institution which have been specified to apply will have the full force and effect as Rules of UTS for the purposes of the students in the relevant courses. Responsibility for the administration of such rules, documented requirements or regulations shall be specified in the respective agreement between UTS and the other university or institution, including responsibility for each university or institution to notify the other of the application of particular rules, documented requirements or regulations to particular students, and of all changes to such rules, documented requirements or regulations.
- (4) Notwithstanding anything to the contrary, the Council of UTS, on the advice of the Academic Board, may where the circumstances are sufficiently serious to warrant it, revoke or modify any specification of Rules made under Rule 1.3.3(1), above. Details of any such revocation must be kept on the Register specified in 1.3.3(1)(c) above. All agreements between UTS and another university or institution which provide for the application of rules, documented requirements or regulations under 1.3.3(1) above must also provide for their possible revocation under this clause.

1.4 Designation

- 1.4.1 The Vice-Chancellor may make a written designation that an organisational unit, position or body is equivalent to a 'Faculty', 'Dean' or 'Faculty Board', respectively, for the purposes of these Rules. The designation may be for the purpose of specific Rules, groups of Rules, or these Rules generally. Any such designation will be recorded in a register maintained by the Registrar.

SECTION 2 — STUDENT REQUIREMENTS

2.1 General conduct

- 2.1.1 Each student has individual responsibility to comply with the Act, By-law, Rules, Codes of Conduct, Policies and Procedures of the University and is required to acknowledge, by means of a signed statement or electronic confirmation, agreement to abide by the Act, By-law, Rules, Codes of Conduct, Policies and Procedures of the University.
- 2.1.2 Each student is required to maintain an acceptable standard of conduct at all times while on University premises, while undertaking any work in relation to his or her University course, while engaged in any activity related to his or her study at or through the University, and in relation to both academic and non-academic matters.
- 2.1.3 Each student is required to maintain an acceptable standard of conduct that does not prejudice the good name or academic standing of the University.
- 2.1.4 Whilst on the premises of the University, undertaking any work in relation to his or her University course, or engaged in any activity related to study at or through the University, a student shall comply with any reasonable directive from an officer of the University.
- 2.1.5 A student undertaking an offshore course or participating in a period of offshore study as part of an international studies program or overseas exchange program must comply with the conditions of participation as determined by the University and with all rules or regulations of the host institution or place of business.
- 2.1.6 A student participating in clinical practice, fieldwork, professional, industry or other practical experience must comply with any rules, requirements, guidelines or code of conduct relating to such participation as determined by the University.
- 2.1.7 A student participating in learning experiences that are part of the course and that involve laboratories or similar University facilities or situations must comply with any code of conduct relating to such facilities or situations as determined by the University.
- 2.1.8 A student, potential student or such person who is acting on behalf of or in relation to a student or potential student, must not knowingly submit to the University a document or any item that:
- (1) is falsely signed; or
 - (2) contains any forged signature; or
 - (3) contains a false, untrue or misleading statement.
- 2.1.9 If the Vice-Chancellor or the Vice-Chancellor's delegate considers on the basis of past conduct, threatened conduct or other reasonable basis that the conduct of a student may prejudice the good order and government of the University or may interfere with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of the University, the Vice-Chancellor or delegate may (irrespective of whether misconduct proceedings have been instituted) require the student to comply from

a date specified by the Vice-Chancellor or the Vice-Chancellor's delegate with such conditions as are notified in writing by the Vice-Chancellor or delegate.

2.1.10 Failure to:

- (1) comply with the University Act, By-law, Rules, Codes of Conduct, Policies and Procedures of the University; or
- (2) maintain an acceptable standard of conduct; or
- (3) comply with conditions set by the Vice-Chancellor or Vice-Chancellor's delegate under Rule 2.1.9 above; or
- (4) comply with reasonable directives of an officer of the University; or
- (5) comply with any of the other requirements specified in Rule 2.1.1 to 2.1.8 above may be considered to be an act of misconduct and may be dealt with under the provisions of Section 16 (Student Misconduct and Appeals).

2.2 Identification

2.2.1 Student Identity Card

- (1) Enrolled students shall each be issued with an Identity Card showing their University student identification numbers and photographs.
- (2) A student will retain the same UTS student identification number during all periods of study at the University.
- (3) Student Identity Cards remain the property of the University and are not transferable.
- (4) Students are under an obligation to take reasonable steps to ensure that the Student Identity Card issued to them is held in a secure way and is not made available whether deliberately or inadvertently for any other person to use.
- (5) A student who takes leave of absence, ceases to attend or withdraws from all study is obliged to return his or her Student Identity Card to the University.
- (6) A student is required to carry his or her Student Identity Card at all times while on University premises and at such other locations as may be prescribed in the requirements of his or her course.
- (7) A student is required to produce his or her Student Identity Card on demand of an officer of the University, including but not limited to when:
 - (a) gaining entry to an examination room;
 - (b) gaining entry to and borrowing books from the University Library;
 - (c) borrowing University equipment;
 - (d) proving his or her identity as a student of the University with current entitlement to, access to, and use of, the University's facilities, equipment and amenities.
- (8) A student who has lost or otherwise misplaced his or her Student Identity Card must arrange for a replacement card at the

earliest practicable opportunity. A fee will apply for replacement of a lost Student Identity Card.

- (9) Misuse of a Student Identity Card may constitute misconduct under Section 16 (Student Misconduct and Appeals).

2.2.2 Student PIN access

- (1) A student may be issued with a Student Personal Identification Number (PIN) that is used to control access to specific areas of the University and facilities directly related to the student's current subject enrolment.
- (2) Each Student PIN is for the personal use of that student only and is not transferable.
- (3) Each student is responsible for maintaining the confidentiality of his or her own Student PIN, and must take reasonable steps to ensure that it is not made known to any other person whether deliberately or inadvertently.
- (4) If a student becomes aware that his or her Student PIN has been compromised he or she must take steps immediately to have the compromised PIN deactivated and a replacement issued.
- (5) The Student PIN is to be used in accordance with the approved 'Student Personal Identification (PIN) Use and Conditions'.
- (6) Misuse of a Student PIN or of the University Access Control System may constitute misconduct under Section 16 (Student Misconduct and Appeals).

2.2.3 Commonwealth Higher Education Student Support Number (CHESSN)

- (1) Under the provisions of relevant legislation (refer Schedule 2), specified students will be allocated a Commonwealth Higher Education Student Support Number (CHESSN).
- (2) This number will:
 - (a) only be activated if the student accesses Commonwealth higher education assistance;
 - (b) be limited in its use as provided for in relevant legislation (refer Schedule 2);
 - (c) have its use protected under relevant legislation (refer Schedule 2).
- (3) A student who is required to provide a CHESSN and fails to do so, or who provides a number that is invalid or false, may have his or her admission to the course and enrolment in subjects cancelled or changed to another status in appropriate circumstances.

2.2.4 Tax File Number (TFN)

- (1) Under the provisions of relevant legislation (refer Schedule 2), students who are eligible to make payments for fees, loans or other contributions through the Australian taxation system, may be required to provide the University with a Tax File Number (TFN).

- (2) This number will:
 - (a) be limited in its use to the reporting of financial liability to the relevant Commonwealth offices
 - (b) have its use protected under relevant legislation (refer Schedule 2).
- (3) A student who is required to provide a valid Tax File Number and fails to do so, or who provides a number that is invalid or false, may have his or her registration in the course and enrolment in subjects cancelled or changed to another status in appropriate circumstances.

2.3 Communication

- 2.3.1 Official University notices shall be displayed by the Registrar on official noticeboards on each campus and on the official student noticeboard on the UTS website.
- 2.3.2 The UTS email address allocated to students at the time of first enrolment is an authoritative channel for specific official University communications with students, as specified by the Registrar from time to time. If a student uses a different email address as his or her primary address it is the student's responsibility to arrange automatic forwarding of mail from the official UTS email address to the alternate email address.
- 2.3.3 The use of Short Message Services (SMS) by voice or text to a telephone number provided by a student for such purposes is an acceptable channel for official University communications with students for specific purposes approved by the Registrar.
- 2.3.4 Notices sent by mail to the mail address provided by a student, whether standard or registered mail or by email to a student's UTS email address for matters specified by the Registrar, will be presumed by the University to have been received by the student.
- 2.3.5 Students have a responsibility to acquaint themselves with official University notices communicated generally via noticeboards and correspondence communicated in print or electronically to specific individual students. Failing to read, misreading or misunderstanding official information or correspondence will not be accepted as a reason for students being unaware of matters so notified.
- 2.3.6 Students have a responsibility to respond to official communication from the University in a timely manner.
- 2.3.7 Unless otherwise instructed, all correspondence to the University from a student shall be addressed to the Registrar. Students should quote their student identification number in all correspondence.
- 2.3.8 Students have a responsibility to make and retain a copy of all documents, forms and correspondence lodged with the University, including copies of electronic transactions submitted to designated modes of electronic student administrative services or support as prescribed by the Registrar from time to time.

- 2.3.9 Students shall notify the Registrar of any change in their contact details as soon as possible, either in writing or by online access to a designated mode of electronic student administrative services or support as prescribed by the Registrar from time to time. The University will not accept responsibility if official communications fail to reach a student who has not notified the Registrar directly in writing or via online access of a change of contact details.

2.4 Relevant documentary evidence

- 2.4.1 In particular circumstances students are required to provide relevant documentary evidence in support of requests, including but not limited to requests for special consideration of disruption to assessment made under Rules 8.3.1, 8.3.2 and 8.3.3.
- 2.4.2 Medical or other professional certificates alone do not constitute adequate supporting evidence for such requests. Medical or other professional evidence must be provided by the relevant authority on the relevant official University request form as prescribed by the Registrar.
- 2.4.3 The submission of falsified medical or other certificates or of false statements on relevant official University request forms will be treated as a matter of student misconduct and handled in accordance with Section 16 (Student Misconduct and Appeals).

2.5 Study management

- 2.5.1 Each student has responsibility for completion of all requirements associated with admission, enrolment, assessment and academic progression in compliance with the relevant specific Rules, including, but not limited to:
 - (1) provision of all relevant personal information to the University or its agents, including statistical information, contact information and a current mailing address; and
 - (2) disclosure of all previous academic information; and
 - (3) payment of fees and charges by the due date; and
 - (4) re-enrolment at the University each year or at other times as required; and
 - (5) submission of an appropriate enrolment program and rectification of any known discrepancies with the enrolment program in the required timeframes.
- 2.5.2 All students must comply with any requirements for enrolment or study at the University specified in relevant legislation (refer Schedule 2) and, in particular, international students must comply with legislative requirements relating but not limited to:
 - (1) any requirements relating to attendance or study mode; and
 - (2) any conditions for enrolment and progress through an award course; and
 - (3) any conditions relating to student load; and
 - (4) any conditions relating to leave of absence.

SECTION 3 — COURSE AND SUBJECT REQUIREMENTS

3.1 Availability of courses and places

- 3.1.1 Courses of study are made available by the University under the authority of the University Council and Academic Board, pursuant to the UTS Act and By-law.
- 3.1.2 The University shall publish details of approved courses of study in the *UTS: Calendar* and other official publications of the University and otherwise from time to time. Such publication does not constitute an offer or undertaking of the availability of any course at any particular time.
- 3.1.3 The University reserves the right not to make offers of admission to any course for either a specific or indeterminate period of time.
- 3.1.4 The University reserves the right to discontinue or vary courses, arrangements for courses or staff allocations at any time without notice.
- 3.1.5 Available places in courses are limited and also subject to the availability of resources, facilities, staff and supervisors. It may not be possible to make offers of admission to all applicants who satisfy the requirements for admission. Where this is the case, the University will take reasonable measures to ensure that admission is made on the basis of academic merit, comparative aptitude and such other criteria as are approved and published from time to time.

3.2 General course requirements

- 3.2.1 Academic Board shall approve in principle the languages other than English in which coursework programs of the University may be offered. Such languages will be listed in the schedule of approved course delivery languages. Where a course has been approved for delivery in a language other than English, course and subject information, Rules and other relevant information as prescribed by the Registrar must be provided in the language approved for delivery of the course.
- 3.2.2 Course requirements, including course structures, and arrangements for courses, are published in the official publications of the University and are authoritative as at the time of publication. The University reserves the right to discontinue or vary course requirements and arrangements for courses at any time.
- 3.2.3 Course and subject information provided to students and prospective students by faculties and other academic units of the University must be consistent with and, wherever possible, cross referenced to and linked online to the course and subject information published in the official publications of the University.
- 3.2.4 Each subject, and the associated details about it to be included in the official publications of the University, must be approved by the relevant Faculty Board before publication of those details takes place.

3.3 Legislative requirements

- 3.3.1 Special conditions may need to be specified in respect of certain courses offered by the

University because of requirements of State or Commonwealth legislation (refer Schedule 2).

- 3.3.2 Where a course offered by the University requires students to undertake professional experience and practical training components that may involve direct contact with children under the age of eighteen, the following conditions will apply:
- (1) all students admitted to these courses will be required to complete certain declarations and have certain personal information checked by Government authorities
 - (2) eligibility for commencement and continuing participation in these courses is determined on the basis of information obtained through these checks
 - (3) the provision of inaccurate or unsatisfactory information or refusal to undergo these checks can result in withdrawal of an offer of admission to that course and/or cancellation of enrolment in that course.

3.4 Professional experience requirements

- 3.4.1 A number of courses offered by the University require students to undertake practical professional experience.
- 3.4.2 The University and the provider of the professional experience opportunity may appoint a suitably qualified supervisor who is external to the University to supervise a student's practical professional experience.
- 3.4.3 While undertaking practical professional experience, a student may be summarily excluded from participating in such activities for a specified period of time as provided for in Rule 16.10 (Exclusion from facilities and/or participation in activities).
- 3.4.4 If a student is assessed as not ready to proceed with, or unsuitable to continue, the required professional experience, it may be determined that the student is unable to complete the course requirements. Prior to such a determination being made, the following process will apply:
- (1) where the Dean has reason to believe it is necessary in relation to a student who is enrolled in a course which includes required professional experience, the Dean shall have the student's preparedness to participate in, or his or her suitability to continue to participate in, such professional experience assessed by the relevant Responsible Academic Officer, in consultation with the appropriate external supervisor (if any) as provided for in Rule 3.4.2;
 - (2) where the Responsible Academic Officer, in consultation with the appropriate external supervisor (if any), considers that a student so assessed is not ready to proceed with or is unsuitable to continue any part of the required professional experience on its scheduled commencement, the Responsible Academic Officer may defer or re-schedule the student's participation;
 - (3) The Responsible Academic Officer must advise the student in writing of the decision within three (3) business days of making it.

- 3.4.5 Where the deferral of a student's participation in any part of the required professional experience would have the effect of preventing the student from continuing his or her course the Responsible Academic Officer, with the agreement of the Dean, may refer the matter, with an appropriate recommendation, to the Vice-Chancellor, who shall take such action as he or she deems appropriate.
- 3.4.6 The Vice-Chancellor must advise the student in writing of any decision he or she makes within three (3) business days of making it.
- 3.4.7 A student may appeal to the Professional Experience Appeals Committee against any decision taken by the Vice-Chancellor pursuant to Rule 3.4.6 (refer Rule 3.10 Appeals Procedure).

3.5 Occupational requirements

- 3.5.1 A number of courses offered by the University require students to obtain suitable concurrent occupational experience. In these courses progression beyond the first year is normally dependent on the student being in suitable employment. In special cases, consideration will be given to experience obtained prior to admission to a course.
- 3.5.2 Where students have not satisfied the required occupational requirements prescribed for the particular course within the time limits for completion of the particular course, or as otherwise specified for that course, the matter will be considered in the first instance by the relevant Responsible Academic Officer for an appropriate recommendation to the Dean.

3.6 Changes to courses

- 3.6.1 When the Academic Board approves the phasing out and discontinuation of a course or approves a revision of an existing course structure, it must ensure that the approved course documentation:
- (1) states the reasons necessitating such a change;
 - (2) in the case of a revision of a course structure:
 - (a) specifies the revised course structure; and
 - (b) states whether students shall be given the option to complete the existing version of the course or shall be obliged to transfer to the revised version of the course; and
 - (c) in the case where students are given the option to complete the existing version of the course specifies the time period in which students must complete the course in accordance with the existing course structure
 - (3) in the case of the phasing out and discontinuation of a course specifies the period for which students enrolled in the course will be able to continue their studies in accordance with the existing course structure.
- 3.6.2 If a student is required to undertake a revised version of a course, the relevant Responsible Academic Officer, in consultation with the student, must provide a transitional or revised program to

be completed by the student which will satisfy the requirements of the revised version of the course. Details of this program must be provided to the Registrar who shall ensure that it is recorded and used as the basis for determining the student's academic progress and completion of course requirements.

- 3.6.3 If a student who is enrolled in a course that has been approved for discontinuation does not complete the course within the approved phasing out period, the relevant Responsible Academic Officer will provide advice to the student on alternative arrangements that the student may wish to pursue at the University or elsewhere.

3.7 Subject requirements

- 3.7.1 Deans, Responsible Academic Officers or Subject Coordinators as appropriate, shall ensure that by the end of the first teaching week in the subject, students are provided with a published subject outline for each subject in which they are enrolled.
- 3.7.2 If it becomes necessary after teaching has commenced for the University to change subject requirements and/or assessment procedures, the change shall:
- (1) be reasonable in all the circumstances;
 - (2) occur after the Subject Coordinator has made a serious attempt to consult with all students enrolled in that subject;
 - (3) be confirmed in writing by the Subject Coordinator to all students enrolled in that subject.
- 3.7.3 If a student is unable to undertake particular prescribed subject requirements as a result of illness or other circumstances beyond the student's reasonable control, the student may apply to the relevant Faculty Board to vary particular subject requirements. The application must include details of the individual circumstances necessitating such a request and details of the proposed study which must be equivalent in standard and scope to the particular prescribed subject requirements. The application may include other supporting documentation.
- 3.7.4 Approval by the relevant Faculty Board of a variation to subject requirements for an individual student does not imply exemption from payment of any fees or charges, nor does it imply exemption from, or concessions relating to, assessment or examinations. Study thus approved will be subject to normal assessment grading.

3.8 Attendance and/or participation requirements

- 3.8.1 If there are any attendance and/or participation requirements for a subject, they must be prescribed in the relevant subject outline.
- 3.8.2 If a student does not satisfy the prescribed attendance and/or participation requirements for a subject, the Responsible Academic Officer may:
- (1) refuse permission for the student to be considered for assessment;
 - (2) refuse permission for the student to attempt an assessment task;

- (3) refuse permission for the student to undertake an examination in that subject;
 - (4) record a final result of 'Fail' for the student's enrolment in that subject.
- 3.8.3 If a student is prevented from meeting prescribed attendance or participation requirements as a result of illness or other circumstances beyond the student's reasonable control, the student may apply to the Responsible Academic Officer for consideration of alternative arrangements.
- 3.8.4 Where appropriate, the Responsible Academic Officer in consultation with the Subject Coordinator may approve suitable alternative arrangements.
- 3.8.5 Approval of alternative arrangements for attendance and/or participation does not imply exemption from payment of any fees or charges, nor does it imply exemption from, or concessions relating to, assessment or examinations. Study thus approved will be subject to normal assessment grading.

3.9 Retention of students' work

- 3.9.1 The University reserves the right to retain the original or one copy of any work executed and/or submitted by a student as part of the course including, but not limited to, drawings, models, designs, plans and specifications, essays, programs, reports and theses, for any of the purposes designated in Rule 3.9.2. Such retention is not to affect any copyright or other intellectual property right that may exist in such student work.
- 3.9.2 An item of a student's work may be retained by the University for any internal or external purpose including, but not limited to, the following:
- (1) evaluation, assessment and/or marking;
 - (2) teaching case study material;
 - (3) review of final assessment results (pursuant to Rules 8.6 and 8.7);
 - (4) checking for plagiarism or other forms of academic misconduct, either by the student submitting the work or by any other student;
 - (5) student misconduct proceedings (pursuant to the Section 16 Student Misconduct and Appeals);
 - (6) where otherwise necessary to satisfy the University's quality assurance requirements;
 - (7) accreditation, quality assurance and external examination;
 - (8) exhibition, publication, promotions (subject to the University's Intellectual Property Policy);
 - (9) where otherwise necessary to protect the legal interests and obligations of the University.
- 3.9.3 In cases where the University exercises, or wishes to exercise, its right under Rule 3.9.2(2) or Rule 3.9.2(8) above, the student shall be given notice of the intended period of retention of the student's work and the purpose, or purposes, for which the work may be retained, and the opportunity to consent or object to the use of the student's work. Notice is deemed to be sufficient if reference to Rule 3.9 and the notice under it is contained in the subject outline.

- 3.9.4 In cases where a student objects to the retention of an item of work for any purpose, and the University still wishes to exercise its right to retain the work, the student's objection shall be referred to the Responsible Academic Officer or Dean of the relevant Faculty for resolution.

- 3.9.5 Except in the case of examination scripts or other designated work, the University will make available the student's work for return to the student when it is no longer required pursuant to Rule 3.9.3, and will provide a reasonable opportunity to the student to collect the work.

3.10 Appeals procedure

- 3.10.1 A student may appeal to the Professional Experience Appeals Committee against any decision taken by the Vice-Chancellor pursuant to Rule 3.4.6.

- 3.10.2 An appeal must be in writing, specify and substantiate the grounds of the appeal and be lodged with the Registrar within four (4) weeks of the date of notification.

- 3.10.3 In normal circumstances the grounds for appeal are:

- (1) procedural irregularities which are of such a nature and extent that they are likely to have had a significant negative impact on a decision in relation to the student's ability to continue or participate in the required professional experience;
- (2) the existence of mitigating circumstances, supported by documentary evidence, which directly and significantly affected the student's performance which were not known at the time of making the decision, which are of such a nature and extent to make it likely that the student could complete the professional experience in the future;
- (3) the decision was based on factual errors of such magnitude as to invalidate the decision;
- (4) the conclusion as to the student's suitability for further professional experience was manifestly unreasonable, taking account of all the circumstances of the matter and the relevant professional standards and practices.

- 3.10.4 The Registrar shall refer the appeal to the Vice-Chancellor for any written comment that the Vice-Chancellor wishes to make. The Vice-Chancellor may seek advice from the relevant Dean and other relevant members of staff. The Vice-Chancellor shall then forward his or her comments, and the advice received, to the Registrar.

- 3.10.5 The Registrar shall then refer the Vice-Chancellor's comments to the student for the student to provide a written response. The student's response must reach the Registrar within ten (10) days of the date of notification. The Registrar shall then refer the student's appeal, the Vice-Chancellor's comments and the student's response to the Professional Experience Appeals Committee, constituted under Rule 17.3, for consideration and decision.

SECTION 4 — FEES, CHARGES AND OTHER FINANCIAL OBLIGATIONS

4.1 Liability for payment

4.1.1 A student is liable for and required to pay all due fees, charges, debts and any other specified amounts properly incurred, including but not limited to:

- (1) for Commonwealth supported students and within the provisions of relevant Commonwealth legislation, any part of the student contribution amount that the student has elected to pay directly to the University;
- (2) course tuition fees;
- (3) non-award course single subject tuition fees;
- (4) student service fees and charges as determined by Council or the Vice-Chancellor, including any components for membership of student organisations;
- (5) any charge for administrative services as determined by the University;
- (6) repayment of any loan made by the University;
- (7) any specified amount determined under Section 18 (Use of the University Library);
- (8) any specified amount determined under Section 16 (Student Misconduct and Appeals);
- (9) any specified amount determined under Section 15 (UTS Equipment Loans).

4.1.2 An applicant for admission, user of the Library, former student or other person is liable for and required to pay all due fees, charges, debts and any other specified amounts properly incurred, including but not limited to:

- (1) any charge for administrative services as determined by the University;
- (2) any specified amount determined under Section 18 (Use of the University Library);
- (3) any specified amount determined under Section 16 (Student Misconduct and Appeals).

4.1.3 In exceptional circumstances and subject to the provisions of legal and regulatory requirements the Registrar, or a member of staff designated by the Registrar, may waive liability for payment by a student of a particular fee or charge.

4.2 Payment due date

4.2.1 A Commonwealth supported student is required to discharge his or her responsibility for payment of the student contribution in accordance with relevant Commonwealth legislation.

4.2.2 All other fees, charges and financial obligations must be paid on or before the due date specified by the University.

4.2.3 Delay in notification or payment to the student of any scholarship or other form of financial support does not alter the student's responsibility for payment of all due fees, charges, financial obligations, debts and any other specified amount by the due date.

4.2.4 In exceptional circumstances and for good reason the Registrar (or nominee) may grant an extension of the payment due date. Applications for such an extension must be directed to the Registrar, or the officer designated by the Registrar for the receipt of such applications, must normally be received prior to the payment due date, state the reasons why payment cannot be made by the due date and be accompanied by such relevant documentary evidence of the exceptional circumstances as is required by the Registrar.

4.3 Allocation of payment

4.3.1 The University will allocate payments received in accordance with the payment allocation schedule determined by the Deputy Vice-Chancellor (Resources) and advised to Council. The payment allocation schedule will be published in the appropriate official publications of the University.

4.4 Failure to pay

4.4.1 Failure to pay all fees, charges, financial obligations and any other specified amount imposed and/or required by the University to be paid by the due date for payment will be deemed to be a debt to the University.

4.4.2 If a student has not paid all due fees, charges, financial obligations, debts and any other specified amount by the due date for payment or has not been granted an extension of time to pay in accordance with Rule 4.2.4, the Registrar may, or when required by Commonwealth legislation must:

- (1) require the student to pay a penalty for late payment; or
- (2) take steps to initiate debt recovery action; or
- (3) exclude the student from any examination; or
- (4) exclude the student from any class; or
- (5) exclude the student from the University Library or any other facility of the University; or
- (6) withhold from the student the results of any examination or other assessment; or
- (7) withhold from the student the student's official academic transcript; or
- (8) withhold eligibility for the conferral of an academic award; or
- (9) cancel the student's enrolment in a course; or
- (10) do any combination of those things until the indebtedness has been discharged or the repayments or payments made or alternative arrangements have been made to the satisfaction of the Registrar.

4.4.3 A student may request re-consideration of a decision taken pursuant to Rule 4.4.2. Such requests must be in writing, state the grounds for the request and be lodged with the Registrar.

4.4.4 Where the University has provided that an application for service must be accompanied by payment of an administrative charge for the

service requested and the person requesting the service fails to make such payment by the due date, officers of the University are under no obligation to provide the requested service.

4.5 Refund of tuition fees and charges

- 4.5.1 Where a student withdraws from enrolment in a course or subjects the University may retain all or a proportion of fees paid by the student as a charge for cancellation of enrolment, and may impose different cancellation charges for different categories of students.
- 4.5.2 A student who wishes to request a refund of fees must apply in writing by the date specified by the Registrar.
- 4.5.3 Decisions relating to eligibility for a refund, the quantum of any refund and other related matters should be made in accordance with relevant legislation and regulations and with the University's Statement of Protocol on Refund of Fees as approved from time to time.

4.6 Refund of student contribution debt

- 4.6.1 In circumstances prescribed by law or regulation a Commonwealth supported student may apply for a refund of a student contribution paid to the University or for removal of a debt to the Commonwealth Government. An application must be made on the prescribed form and in the required timeframes and a decision will be made in accordance with the provisions of the relevant Commonwealth legislation.

SECTION 5 — ADMISSION

5.1 Application for admission

- 5.1.1 An application for admission to a course shall be made on the prescribed form, shall be lodged in accordance with directions on that form and by the specified closing date, as published by the University from time to time.
- 5.1.2 Applicants for admission to a course are required to provide accurate and complete information, including disclosure of all their previous academic information and study as required on the application form. Applicants who fail to do so may have their application cancelled, the offer withdrawn and their admission and enrolment cancelled (refer Rule 5.6).
- 5.1.3 An applicant who has a record of failure or exclusion at this University or at another tertiary institution may be required to provide additional documentation to demonstrate why he or she should be considered for admission to a course at the University, and in particular, provide documentation of any information that is relevant to the assessment of the applicant's chances of successfully completing the course.
- 5.1.4 Acceptance by the University, or its agents, of an application for admission to a course, is not to be taken as an offer of admission or an undertaking of availability of that course in any particular year.

5.2 Offer of admission

- 5.2.1 A valid offer of admission to a course can only be made in writing by the University. Except where otherwise provided for by the Rules, an offer of admission can only be made by the Registrar (or nominee). The Registrar must maintain a Register of the persons or bodies authorised to make an offer of admission.
- 5.2.2 The University may make an offer of admission to an applicant for a course that is different from the course for which the application was made.
- 5.2.3 Unless stated otherwise in the offer document, an offer of admission to a course will lapse within four (4) weeks of the date of the offer unless the University is notified in the prescribed way that the offer has been accepted.
- 5.2.4 Any offer of admission, admission to or enrolment in a course that is made conditional upon the provision of relevant academic or personal information may be withdrawn in accordance with Rule 5.6 if the required information is not provided to the University within the time specified by the University.

5.3 Provisional admission

- 5.3.1 An applicant who has been offered a place in an undergraduate course and
 - (1) whose basis for admission is other than the NSW HSC or approved course of the NSW Department of Technical and Further Education; or
 - (2) who has been admitted under an Educational Access or Special Admission Scheme; or

- (3) who has a record of failure at UTS or another tertiary institution; or
- (4) who has been admitted under the general authority accorded to Academic Board;

may be admitted to the course on a provisional basis.

5.3.2 A student who has been admitted to a course on a provisional basis will have his or her academic progress reviewed at the end of one year of enrolment in accordance with specified requirements. If progress is considered unsatisfactory, the provisional admission will be withdrawn by Academic Board and no further enrolment by that student in that course will be permitted (refer Section 10 Academic Progression).

5.4 Acceptance of offer

5.4.1 Applicants who wish to accept an offer of admission to a course must do so by the means specified in the offer document. When the acceptance is received by the University, the student will be deemed to have been admitted to the course and will be provided with information on enrolment procedures.

5.4.2 If an applicant who has accepted an offer of admission does not enrol in the specified enrolment period, he or she will be deemed to have forfeited the place in the course for which the offer has been made, unless he or she has applied for and been granted an extension of the time to enrol or a deferral of commencement (refer Rule 5.5).

5.5 Deferral of commencement

5.5.1 Unless Academic Board has resolved otherwise in respect of a particular course, an applicant who has been offered a place in an undergraduate course will be eligible to apply for deferral of commencement of studies for a period normally no greater than twelve (12) months.

5.5.2 Unless Academic Board has resolved otherwise in respect of a particular course, deferral of commencement of study is not available for Bachelor Honours degrees, graduate courses or non-award courses.

5.5.3 An application for deferral must be made in writing to the Registrar by the specified closing date.

5.5.4 An applicant who has had a deferral of commencement approved must re-apply in accordance with procedures as specified from time to time and in accordance with the normal timeframes for admission and commencement of study at the end of the deferral period.

5.5.5 In exceptional circumstances, an application for extension of the deferral period may be approved by the relevant Dean or nominee. Approval of extension to the period of deferral is not automatic.

5.6 Withdrawal of offer of admission and cancellation of admission or enrolment

5.6.1 The University reserves the right to withdraw an offer of admission and cancel the student's admission or enrolment in cases where:

- (1) an applicant for admission to a course has not provided true and complete information, including:
 - (a) failure to disclose full details of all previous academic information and study as required on the application form; or
 - (b) failure to disclose full details as proof of identity and citizenship status as required on the application form;
 and where the provision of untrue or incomplete information results in:
 - (c) contravention of any legislative provisions; or
 - (d) the advantage of the applicant and/or inequitable treatment of other applicants; or
 - (e) an incorrect assessment of the application in relation to meeting admission requirements or standards.
- (2) an applicant, who has been granted approval of deferral of commencement in a course, enrolls in any other undergraduate or graduate courses (including diplomas, advanced diplomas and associate degrees at post secondary level) at any tertiary institution during the period of approved deferral;
- (3) a student, who has been re-admitted to a course with conditions relating to his or her future conduct at the University set by the Vice-Chancellor (or delegate), fails to satisfy those conditions.

5.6.2 Appeal

- (1) An appeal may be lodged by an applicant against decisions made in accordance with Rule 5.6.1(1) in relation to withdrawal of an offer of admission and cancellation of admission and/or enrolment.
- (2) An appeal must be in writing, specify and substantiate the grounds of the appeal and be lodged with the Registrar within four (4) weeks of the date of notification.
- (3) In normal circumstances, the grounds for appeal are:
 - (a) procedural irregularities; and/or
 - (b) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the applicant's ability to provide complete and true information.
- (4) The Registrar shall refer the appeal to the Senior Deputy Vice-Chancellor. The Senior Deputy Vice-Chancellor may seek the recommendation of the Dean and other relevant members of staff. The Senior Deputy Vice-Chancellor shall then forward his or her recommendation, and the advice received, to the Registrar.

- (5) If the recommendation of the Senior Deputy Vice-Chancellor is that the appeal be upheld, the cancelled offer of admission and/or enrolment will be reinstated and the applicant will be advised of this by the Registrar. If the recommendation is to dismiss the appeal, the Registrar shall refer the appeal to an Appeals Committee (Non-disclosure), constituted under Rule 17.4, for consideration and decision.
- (6) Where an appeal is dismissed the withdrawal of offer and cancellation of admission and enrolment will be confirmed by the Registrar.

5.7 Requirements for admission

- 5.7.1 To be eligible for admission to a course an applicant:
- (1) must satisfy the general requirements for admission to that course; and
 - (2) must satisfy the language requirements if applicable for that course; and
 - (3) may also be required to satisfy other specific requirements for the particular course.
- 5.7.2 Notwithstanding any of the provisions of Rules 5.8 to 5.10, Academic Board may approve admission for any applicant who, in the opinion of the Board, has reached an acceptable standard.
- 5.7.3 Notwithstanding any of the provisions of Rules 5.8 to 5.10, the Senior Deputy Vice-Chancellor may recommend to Academic Board approval of provisional admission for specified applicants on a case-by-case basis.

5.8 General requirements for admission

5.8.1 Undergraduate Bachelor degree

(1) Prerequisite knowledge

There are no formal course or subject prerequisites for admission to undergraduate courses. However most courses are taught on the assumption that students have attained an appropriate level of knowledge in certain subjects. Relevant information can be obtained from the Faculty offering the course.

(2) General requirements

- (a) Applicants will be considered for admission on the basis of meeting the general requirements in one of the following categories:
 - (i) completion of the NSW Higher School Certificate (NSW HSC) course at the required level;
 - (ii) completion of an approved course of the NSW Department of Technical and Further Education (NSW TAFE) at the required level;
 - (iii) possession of equivalent qualifications to (i) and (ii) above at the required level;
 - (iv) mature age and attainment of a specified educational standard.
- (b) Applicants may also be eligible for consideration under UTS Educational Access or Special Admission Schemes.

- (3) Applications for admission to an undergraduate degree will be assessed in accordance with the University's Admissions Policy as approved by Academic Board from time to time.

5.8.2 Bachelor Honours degree

- (1) The general requirement for admission to a Bachelor Honours degree is completion of a Bachelor degree in a relevant discipline at an appropriate level.
- (2) Applications will be assessed in accordance with the University's Admissions Policy as approved by Academic Board from time to time.

5.8.3 Graduate Certificate, Graduate Diploma, Masters degree by coursework

- (1) The general requirement for admission to a Graduate Certificate, Graduate Diploma or Masters degree by coursework is:
 - (a) completion of a Bachelors degree of the University of Technology, Sydney in a related field of study; or
 - (b) completion of an equivalent qualification; or
 - (c) completion of a higher qualification; or
 - (d) submission of such other evidence of general and professional qualifications which satisfies the relevant Faculty Board that the applicant possesses the educational preparation and capacity to pursue graduate studies.
- (2) Applications for admission to graduate coursework study will be assessed in accordance with the University's Admissions Policy as approved by Academic Board from time to time.

5.8.4 Graduate research degree

- (1) The minimum general requirement for admission to a Masters degree by research course is:
 - (a) completion of a Bachelors degree of this University; or
 - (b) completion of an equivalent qualification; or
 - (c) completion of a higher qualification; or
 - (d) submission of such other evidence of general and professional qualifications which satisfies the University Graduate School Board that the applicant possesses the educational preparation and capacity to pursue graduate research studies at this level.
- (2) The minimum general requirement for admission to a Doctoral degree course is:
 - (a) completion of a Bachelor Honours degree of this University with First Class or Second Class Division 1 Honours or a Masters by research degree of this University; or

- (b) completion of an equivalent qualification; or
 - (c) completion of a higher qualification; or
 - (d) submission of such other evidence of general and professional qualifications as will satisfy the University Graduate School Board that the applicant possesses the educational preparation and capacity to pursue graduate research studies at this level.
- (3) Applications for admission to graduate research degrees will be assessed in accordance with the University's Admissions Policy as approved by Academic Board from time to time.

5.8.5 Doctoral degree by publication

- (1) An applicant for admission to a Doctoral degree by publication must:
- (a) satisfy the requirements of Rule 5.8.4(2); and
 - (b) provide prima facie evidence of appropriate publications which can form the body of a thesis to the satisfaction of the relevant Faculty.
- (2) Applications for admission to a Doctoral degree by publication will be assessed in accordance with the University's Admissions Policy as approved by Academic Board from time to time.

5.8.6 Non-award course

- (1) Application can be made for non-award study which is study that does not lead to a formal award of the University. Such study may consist of single subjects that are normally taken as part of an award course and may also consist of a set of subjects that can result in recognition by a professional accreditation authority.
- (2) Applications will be assessed in accordance with the University's Admissions Policy as approved by Academic Board from time to time.
- (3) An applicant who has been excluded from this University or any other tertiary institution will not be permitted to undertake non-award study during the specified period of exclusion.

5.8.7 Cross-institutional study

- (1) A student from another tertiary education institution in Australia may apply to undertake a subject or subjects from this University as part of the requirements of the award course at his or her home institution.
- (2) Applications for cross-institutional study require approval of the student's home institution.
- (3) Applications for cross-institutional study will be assessed in accordance with the University's Admissions Policy as approved by Academic Board from time to time.

5.8.8 Study Abroad

- (1) A student from a higher education institution outside Australia may apply to undertake up to one year of study at the University that may be counted towards the requirements for an award at his or her home institution.
- (2) Applications for Study Abroad require approval by the student's home institution.
- (3) Applications for Study Abroad will be assessed in accordance with the University's Admissions Policy as approved by Academic Board from time to time.

5.8.9 Student exchange

- (1) From time to time, and as part of exchange agreements between the University and other overseas higher education institutions, applications for exchange study at the University will be received in accordance with the terms of an agreement between both universities.
- (2) Applications for student exchange will be assessed in accordance with the University's Admissions Policy as approved by Academic Board from time to time.

5.9 Language requirements for admission

5.9.1 An applicant for a course where the subjects are taught or where research is to be undertaken in English is expected to be proficient in English comprehension and expression. An applicant whose prior education was not undertaken in English, may be required to take a special test and attain a designated standard in that test as set out in the University's Admissions Policy as approved by Academic Board from time to time.

5.9.2 An applicant for a course where the subjects are taught or where research is to be undertaken in a language other than English (LOTE) is expected to be proficient in comprehension and expression in the other language. An applicant may be required to take a special test in that language as set out in the University's Admissions Policy as approved by Academic Board from time to time.

5.10 Specific course requirements for admission

5.10.1 Academic Board will determine policy in relation to specific course requirements for particular courses from time to time on the advice of the relevant Faculty Board or University Graduate School Board.

5.10.2 Applicants who satisfy both the general requirements for admission and language requirements for admission may also have their application assessed in accordance with specific course requirements as recommended by the relevant Faculty Board and approved by Academic Board.

5.10.3 Academic Board, on the advice of the relevant Faculty Board or University Graduate School Board, may require the applicants for admission to a particular course to submit a personal statement or other questionnaire, undertake an

examination or interview, submit portfolios or other additional information. In such circumstances, such information and material may be taken into account by the staff of the relevant Faculty according to criteria approved by the Board of the relevant Faculty for the purposes of determining whether or not to make an offer of admission.

5.11 Readmission

5.11.1 A former student who has:

- (1) discontinued enrolment in a course in accordance with Rule 7.8 or Rule 11.20.1; or
- (2) had enrolment in a course discontinued in accordance with Rule 7.8 or Rule 11.20.2(1); or
- (3) been withdrawn from a course by a Faculty Result Ratification Committee in accordance with Rule 7.8.3; or
- (4) been excluded from a course for a set period in accordance with Rule 10.4.1 or Rule 16.3.1(4); or
- (5) had enrolment in a course cancelled in accordance with Rule 4.4.2 (Failure to pay), Rule 2.2.4(3) failure to provide Tax File Number, or Rule 5.6 (Withdrawal of offer of admission and cancellation of admission or enrolment);

and who wishes subsequently to undertake further study at the University, whether in the same course or a different course, must meet the general requirements for admission as specified in Rule 5.7.1 above, and apply for admission in accordance with standard admissions procedures.

5.11.2 Readmission to a course is not automatic.

5.11.3 An application for readmission from a former student who has previously been excluded or had enrolment discontinued due to failure to maintain satisfactory academic progress, must be submitted in accordance with standard admission timeframes that apply for commencement of study after the specified period of exclusion or discontinuation has elapsed.

5.11.4 A former student who has been excluded from further study at the University for a set period of time as a penalty for misconduct and who subsequently wishes to undertake further study at the University, whether in the same or a different course, may:

- (1) be required to show cause why he or she should be readmitted; and
- (2) have conditions relating to his or her future conduct at the University set by the Vice-Chancellor and will be required to satisfy those conditions once readmitted to the course.

5.11.5 Where a student is readmitted to a course in which he or she has been enrolled previously the Responsible Academic Officer shall determine the maximum period of time for completion of the course by the student.

5.11.6 In cases where an application for readmission has been declined, the applicant may request review of that decision by the Senior Deputy Vice-Chancellor.

SECTION 6 — RECOGNITION OF PRIOR LEARNING

6.1 General

6.1.1 Subject to these Rules, the recognition of prior learning as credit towards a UTS undergraduate or graduate coursework program of study will be undertaken in accordance with the Policy on Recognition of Prior Learning approved by Academic Board from time to time.

6.1.2 Prior learning will be considered for credit towards a UTS undergraduate or graduate coursework program where the prior learning is related to assessable components of the course.

6.1.3 In recognising prior learning, faculties shall have due regard for the academic standards of the University, and the principles of equity and consistency in the application of the Rules and policy between faculties and across courses.

6.1.4 Determination of eligibility for recognition of prior learning towards a particular course does not imply or guarantee that a place is available in that course for the particular applicant.

6.2 Limit

6.2.1 The maximum amount of credit in recognition of prior learning which may be approved by a Faculty Board is two-thirds of the total course credit point requirements for a course where the total course credit point requirements are equal to or less than 144 credit points and three-quarters of the total course credit point requirements for a course where the total course credit point requirements are greater than 144 credit points.

6.2.2 In exceptional circumstances and on a case-by-case basis, the Faculty may recommend to Academic Board that credit in recognition of prior learning be approved in excess of the limits defined in 6.2.1 above.

6.3 Application

6.3.1 In normal circumstances an application for recognition of prior learning should be lodged with the University at the same time as an application for admission to a course, in which case the applicant may be admitted to the course with such credit in recognition of prior learning as the relevant Faculty Board determines.

6.3.2 In exceptional circumstances, the relevant Responsible Academic Officer may accept applications for recognition of prior learning at other times and only prior to the final re-enrolment in the course.

6.3.3 The Registrar shall notify in writing all applicants of all decisions made in relation to applications for recognition of prior learning.

6.4 Application to challenge

6.4.1 Students who believe that they have knowledge of a subject by reason of experience or previous informal studies may, with the written approval of the Subject Coordinator of the subject concerned, apply to the relevant Responsible Academic Officer to challenge the subject.

6.4.2 If the application is approved the student will be permitted to undertake approved assessment requirements for the subject, as determined in each case by the Subject Coordinator, and shall receive exemption on the basis of successful performance in such requirements.

6.5 Review of decision

6.5.1 An applicant may request a review of a decision made in relation to an application for recognition of prior learning. Such an application will be determined in accordance with the following criteria:

- (1) the decision was based on a serious misunderstanding of the substance or content of the applicant's prior learning; or
- (2) a failure of procedural fairness occurred which affected the decision; or
- (3) a mistake was made in the assessment of subject equivalence and calculation of the credit points granted in recognition of prior learning.

6.5.2 Such requests must be made in writing, be accompanied by relevant supporting documentation and be lodged with the Dean of the relevant Faculty within one (1) month of the original notification of decision.

6.5.3 The relevant Responsible Academic Officer will review the application and decisions in consultation with the relevant Subject Coordinator.

6.5.4 The Faculty will notify the student in writing and as soon as possible of all decisions and actions taken.

6.6 Course requirements

6.6.1 Where credit towards a course has been approved in recognition of a student's prior learning, the requirements necessary for the student to complete the course and the maximum time permitted to complete the course shall be determined in each case by the relevant Responsible Academic Officer. Details of any such approval must be provided to the Registrar (or the person designated by the Registrar) who shall ensure that it is recorded and used as the basis for determining the student's academic progress and completion of course requirements.

SECTION 7 — ENROLMENT

7.1 Enrolment procedures

7.1.1 The Registrar may prescribe particular enrolment procedures and closing dates for completion of the enrolment procedures and may prescribe different procedures and different closing dates for enrolment for different programs or courses, for different classes of students and for different teaching periods.

7.1.2 Students are required to:

- (1) complete the required enrolment procedures by the closing date as notified by the Registrar (or nominee); and
- (2) be enrolled in one or more subjects, or in time-based study, in each standard teaching period unless they have applied for and had leave of absence approved for a particular teaching period in accordance with Rule 7.6; and
- (3) enrol at the start of the academic year in all subjects that they intend to study in that year. Subsequently, students may vary their enrolment in accordance with the provisions of Rule 7.5.

Students who are not enrolled in any subjects in a particular teaching period and who are not on approved leave of absence will be withdrawn from the course by the Registrar in accordance with the provisions of Rule 7.8.

7.1.3 Students who wish to complete the required enrolment procedures after the specified enrolment period will, if permitted to do so, be liable for payment of the late enrolment fee prescribed by the Registrar unless:

- (1) approval for late enrolment has previously been obtained from the Registrar; or
- (2) they are able to show, to the satisfaction of the Registrar, that their late enrolment is caused by circumstances beyond their reasonable control.

7.1.4 The University reserves the right to change, cancel or discontinue a student's enrolment in a course, program of study or individual subjects under any relevant provision contained in these Rules.

7.2 Concurrent enrolment at another tertiary education institution

7.2.1 A currently enrolled undergraduate or graduate coursework student who wishes to enrol in subjects at another tertiary education institution and have these subjects credited towards the award course at the University must complete the application processes as prescribed by the Registrar.

7.2.2 A student enrolled concurrently at another tertiary education institution who wishes to vary enrolment by undertaking additional or different subjects at the host institution must make application to the Responsible Academic Officer and in sufficient time to provide for consideration of the application according to the requirements of both the University and the other tertiary educational institution.

7.3 Cross-institutional enrolment

7.3.1 A student who is enrolled in a course leading to an award at another tertiary educational institution may be permitted to enrol in subjects that will count towards an award at the other tertiary education institution.

7.3.2 Admission and enrolment in cross-institutional study requires approval of the University and of the other tertiary education institution and is subject to the availability of subjects and class places.

7.3.3 A student enrolled in cross-institutional study who wishes to vary his or her enrolment by undertaking additional or different subjects must lodge his or her application with the Registrar, who shall refer it to the appropriate Officer of the University for decision. The application, which must be in accordance with the schedule of dates for Variation of Enrolment (refer Rule 7.5.2), must include evidence of formal approval to undertake the additional subjects from the student's home institution.

7.3.4 A student who is enrolled in cross-institutional study and who fails a subject for a third time will not be permitted further enrolment in that subject.

7.4 Non-award subject enrolment

7.4.1 Enrolment in subjects as a non-award student is subject to the approval by the relevant Responsible Academic Officer and to the availability of subjects and class places.

7.4.2 A student enrolled in subjects on a non-award basis who wishes to vary his or her enrolment by undertaking additional or different subjects must lodge his or her application with the Registrar who shall refer it to the appropriate officer of the University for decision. The application must be in accordance with the schedule of dates for Variation of Enrolment (refer Rule 7.5.2).

7.4.3 A student who is enrolled in a subject on a non-award basis and who fails the subject for a third time will not be permitted further enrolment in that subject.

7.5 Variation of enrolment

7.5.1 A student who wishes to vary enrolment in subjects in his or her approved program of study must complete the Variation of Enrolment processes as prescribed by the Registrar.

7.5.2 The standard schedule of dates for Variation of Enrolment is as follows:

- (1) For subjects conducted in standard semester teaching periods:
 - (a) the last day for addition of a subject is the end of the second week of the semester;
 - (b) the last day for withdrawal from a subject is the census date for the semester;
 - (c) withdrawal from a subject after the census date for the semester will be recorded as a result of 'Withdrawn Fail'.

- (2) Any variation to the standard schedule of dates for Variation of Enrolment processes for particular courses, particular subjects or particular groups of students will be notified to students by the relevant faculty and in accordance with Rule 3.7.

- (3) For subjects conducted in other than standard semester teaching periods the schedule of dates for Variation of Enrolment shall be prescribed and published by the Registrar.

7.5.3 Enrolment in a subject after the last date for addition of a subject will be permitted only in exceptional circumstances and only with permission of the relevant Responsible Academic Officer.

7.5.4 Where a student wishes to withdraw from a subject in the current teaching period after the census date or other prescribed date (refer Rule 7.5.2(3)) for that teaching period as a result of illness or other circumstances beyond his or her reasonable control, the student may lodge with the Registrar a written report of the circumstances, supported by a medical certificate or other relevant evidence. The Registrar's nominee shall determine whether the withdrawal shall be permitted without academic penalty ('Withdrawn') or with academic penalty ('Withdrawn Fail').

7.5.5 If an application for withdrawal from a subject is refused by the Registrar's nominee, the student is expected to complete the assessment requirements for that subject.

7.5.6 A student who, in the opinion of a Result Ratification Committee, has ceased to attend and/or participate in subject(s) in a course and has not sought permission to withdraw, may be withdrawn from these subject(s) by the Registrar on the recommendation of the Result Ratification Committee.

7.5.7 A student who has been placed on academic caution in accordance with Rule 10.7 and who has enrolled in more than his or her credit point limit (refer Rule 10.7.4 (3)) may be withdrawn from one or more subjects by the Registrar on the recommendation of the relevant Responsible Academic Officer.

7.6 Leave of absence

7.6.1 Leave of absence requirements for graduate research students are provided for in Section 11 (Graduate Research Study).

7.6.2 An undergraduate or graduate coursework student who wishes to withdraw temporarily from a course must lodge an application for leave of absence on the appropriate form and in accordance with procedures prescribed by the Registrar.

7.6.3 Applications for leave of absence are normally made prior to the start of the first teaching period for which leave is being sought and must be received no later than the census date for the teaching period (refer Rule 7.5.2).

7.6.4 Leave of absence will not normally be granted unless the student has completed satisfactorily the requirements of at least one subject of the course.

7.6.5 Leave of absence from enrolment in a specific course shall not normally be granted for a total period exceeding two (2) years.

7.6.6 A student resuming a course after a period of approved leave of absence shall be subject to the course requirements in operation at the time of resumption of study and will be required to re-enrol as directed by the Registrar.

7.7 Course transfer

7.7.1 An undergraduate or graduate coursework student who wishes to transfer from one UTS course to another must complete the application processes prescribed by the Registrar, for approval by the relevant Responsible Academic Officer. These processes may be either:

- (1) application for course transfer for nominated groups of students; or otherwise
- (2) application for admission via standard admission processes.

7.7.2 Course transfer requirements for graduate research students are provided for in Section 11 (Graduate Research Study).

7.8 Withdrawal from a course

7.8.1 A student who wishes to withdraw permanently from a course must lodge an application for withdrawal in accordance with procedures prescribed by the Registrar.

7.8.2 An application for withdrawal from a course will be treated as an application for withdrawal from all subjects in accordance with Rules 7.5.2 to 7.5.5.

7.8.3 A student who, in the opinion of a Result Ratification Committee has ceased to attend all subjects in a course, and who has not sought permission to withdraw from the course, may have enrolment in that course withdrawn by the Registrar on the recommendation of the Result Ratification Committee unless, in response to a written request from the Registrar, the student confirms, in writing to the Registrar by a prescribed date, that he or she wishes enrolment in the course to continue.

7.8.4 An undergraduate or graduate coursework student who has not enrolled in any subjects and who has not applied for and had a period of leave of absence approved in accordance with Rule 7.6 or who has not re-enrolled as required after a period of approved leave of absence is considered to have abandoned his or her study in the course and will be withdrawn from the course by the Registrar.

SECTION 8 — ASSESSMENT OF COURSEWORK SUBJECTS

8.1 Assessment requirements

8.1.1 Subject to these Rules, assessment of coursework subjects will be undertaken in accordance with policies and procedures as set out in the Coursework Assessment Policy and Procedures Manual approved by Academic Board from time to time.

8.1.2 Details of assessment requirements and the final grading scheme will be provided for each subject in the subject outline as required under Rule 3.7.

8.1.3 Students have a responsibility to ensure they are fully informed of all aspects of the subject assessment requirements and of the assessment processes.

8.2 Learning and assessment arrangements

8.2.1 General

- (1) A student with a disability or special needs may be permitted to undertake particular learning and assessment arrangements as specified in Rule 8.2.2 and 8.2.3 in order to ensure that the assessment is on the basis of academic merit and has parity with the assessment of other students.
- (2) Conditions may be set to make the particular arrangements comparable to the standard arrangements and any such conditions must be strictly observed by the student and all other relevant parties.

8.2.2 Students with disability or ongoing illness

- (1) A student with temporary or permanent disabilities or ongoing illnesses that impact upon his or her ability to undertake assessment tasks including written examinations may lodge a written application for adjustment to the learning and assessment arrangements with the Academic Liaison Officer of the relevant faculty.
- (2) Applications must include medical certificates or other relevant supporting documentation.
- (3) Applications are determined by the Academic Liaison Officer in the faculty offering the subject, following consultation with the Subject Coordinator. Applications should be lodged no later than the teaching period census date.

8.2.3 Students with carer responsibilities

- (1) A student whose responsibilities as a primary carer impact upon his or her ability to undertake assessment tasks including written examinations may lodge a written application for adjustment to the learning and assessment arrangements with the Academic Liaison Officer of the relevant faculty.
- (2) Applications must include relevant supporting documentation.

- (3) Applications are determined by the Academic Liaison Officer in the faculty offering the subject, following consultation with the Subject Coordinator. Applications should be lodged no later than the teaching period census date.

8.2.4 Students from non-English speaking backgrounds

- (1) A student from a non-English speaking background who is in his or her first year of study at UTS, who has been studying in English for a limited time and who believes that this disadvantages his or her ability to undertake written examinations may lodge a written application for adjustment to assessment arrangements with the ELSSA Centre.
- (2) Applications should be lodged thirty days before the centrally-conducted examinations period and thirty days before the faculty-based examination.

8.3 Special consideration of disruption to assessment

8.3.1 During the teaching period

- (1) Students may experience a disruption to their assessment in a subject as a result of circumstances beyond their control, including but not limited to serious illness, psychological conditions, significant loss, bereavement, hardship or trauma.
- (2) Students who consider that their work during a teaching period or likely performance in an assessment task or written examination has been thus affected may request to have these factors considered.
- (3) Such requests for special consideration must include relevant documentary evidence from an appropriate professional authority (refer Rule 2.4).
- (4) Such requests for special consideration are to be lodged with the Registrar (or nominee)
 - (a) in the case of a written examination prior to the commencement of the examination; or
 - (b) in the case of an assessment task other than a written examination prior to the due date.
- (5) In special circumstances the relevant Responsible Academic Officer may extend the due date for submission of such requests.
- (6) Requests are considered and determined by the relevant Faculty Responsible Academic Officer, the Subject Coordinator and by the relevant Faculty Result Ratification Committee.

8.3.2 During an examination

- (1) Students who have commenced an examination and who consider that their performance in the examination has been significantly disrupted by illness or other circumstances beyond their control that occurred during the examination or on the day of the examination:
 - (a) may request to have these factors taken into account; and if so
 - (b) must consult with a doctor or student counsellor at the University immediately after leaving the examination; or
 - (c) may consult their own doctor or counsellor if the examination is at a time when doctors or student counsellors are not available at the University.
- (2) Such requests must include relevant documentary evidence from an appropriate professional authority (refer Rule 2.4).
- (3) Requests are to be lodged with the Registrar (or nominee) no later than one working day after the examination for consideration by the relevant Faculty Result Ratification Committee.
- (4) In exceptional circumstances the Registrar (or nominee) may extend the due date for submission of such requests.
- (5) The Faculty will notify the student of the outcome and of any special arrangements that are to be made to provide for further examination or assessment.

8.3.3 Absence from entire examination

- (1) Students who, through illness or other circumstances beyond their control on the day of the examination, are absent from an entire examination, may request to have these factors taken into account.
- (2) Failure by a student to inform him or herself of the time or place of an examination is not an acceptable ground for special consideration under these Rules.
- (3) Such requests must include relevant documentary evidence from an appropriate professional authority (refer Rule 2.4).
- (4) In relation to a centrally conducted examination:
 - (a) requests are to be lodged with the Registrar (or nominee) by no later than two (2) days after the scheduled examination date;
 - (b) in exceptional circumstances the Registrar (or nominee) may extend the due date for submission of such requests;
 - (c) the Registrar (or nominee) will consider the request and notify the student of the outcome and of any special arrangements to provide for further examination.

- (5) In relation to a faculty-based examination:
 - (a) requests are to be lodged with the relevant Faculty by a date to be determined by the relevant Faculty Board;
 - (b) the relevant Faculty Responsible Academic Officer and the Subject Coordinator or the relevant Faculty Result Ratification Committee will consider the request and notify the student of the outcome and of any special arrangements to be made to provide for further examination.

8.4 Subject assessment results

- 8.4.1 Faculties are required to keep appropriate records in relation to all assessment tasks for an appropriate period of time in accordance with University policy.
- 8.4.2 Final subject assessment results will be provided to students in the form specified in the subject outline and in accordance with the table of Results and Grades as approved by Academic Board (refer Schedule 3).
- 8.4.3 Final subject assessment results may not be released to students prior to the official release of results.
- 8.4.4 Final subject assessment results will be released officially in a manner prescribed by the Registrar from time to time following ratification by the relevant Faculty Result Ratification Committee.

8.5 Supplementary assessment in final teaching period

- 8.5.1 Where a student enrolled in an undergraduate award course is awarded a final assessment result of 'fail' in one subject only in his or her final teaching period of the course and where that 'fail' is within the borderline result range, the relevant Faculty Result Ratification Committee may make provision for the student to undertake an additional assessment task within a specified time period.
- 8.5.2 If the student fails to complete the additional assessment task in the specified time period and to the appropriate standard the original 'fail' result is final.

8.6 Review of final subject assessment results

8.6.1 Grounds for review

A student may apply for a review of final assessment result by the relevant Faculty Student Assessment Review Committee. The only grounds on which a student may request a review are that there were procedural irregularities in the determination of the final assessment result for a subject.

8.6.2 Review application

- (1) An application for review of a final assessment result must be in writing, specify and substantiate the grounds for a review and be lodged with the Registrar (or nominee) by the published deadline.

- (2) Requests for review of assessment results lodged with the Registrar (or nominee) will be referred for consideration by the Student Assessment Review Committee of the relevant Faculty Board.

8.7 Student Assessment Review Committee

8.7.1 Composition

- (1) Each Faculty Board shall each year elect members of the academic staff of the Faculty to the positions of Chair and Alternate Chair of the Faculty's Student Assessment Review Committee.
- (2) Each Student Assessment Review Committee shall consist of:
 - (a) the Chair or Alternate Chair elected by the Faculty Board; and
 - (b) one of the academic staff members of the Faculty, not being a person involved in the teaching of the subject concerned, appointed by the Chair of the Committee for a particular meeting/s from the panel appointed under (3) below; and
 - (c) one student member, appointed by the Chair of the Committee for a particular meeting/s from the panel appointed under (3) below.
- (3) The Faculty Board shall appoint panels of persons, nominated by the Dean, in category (b) and (c) every year.

8.7.2 Conduct of meetings

- (1) The Student Assessment Review Committee shall be convened by the Chair of the Committee as required.
- (2) The quorum at any meeting of a Student Assessment Review Committee shall consist of all three members appointed under 8.7.1(2) (a), (b) and (c) above.
- (3) A Student Assessment Review Committee shall determine how to handle the matters before it, consistent with any guidelines that have been approved by Academic Board.

8.7.3 Committee determination

- (1) If the Committee finds procedural irregularities in the determination of the final assessment result for a subject, as provided in Rule 8.6.1, the findings and the student's application are to be referred to the relevant Subject Coordinator and Responsible Academic Officer to be handled in accordance with the Rules and Coursework Assessment Policy and Procedures Manual as approved by Academic Board from time to time.
- (2) In all other cases where an application is dismissed the Chair (or nominee) will advise the student of the reasons.

8.7.4 Notification

- (1) The Responsible Academic Officer will notify the student in writing as soon as possible of all decisions and actions taken in relation to Rule 8.7.3(1).
- (2) The Chair of the Student Assessment Review Committee and the Responsible Academic Officer will provide the Faculty Board with an annual report on all matters referred to the Student Assessment Review Committee, including decisions made in relation to the findings of the Committee and recommendations on any Faculty procedural matters and the outcomes of those recommendations.

8.8 Student misconduct

- 8.8.1 Student misconduct is defined in Rule 16.2 (definition of misconduct).
- 8.8.2 Academic or non-academic misconduct that occurs in relation to assessment of a student's performance in a coursework subject will be dealt with in accordance with the provisions of Section 16 (Student Misconduct and Appeals).

SECTION 9 — EXAMINATION OF COURSEWORK SUBJECTS

9.1 Examination timetables

- 9.1.1 The examination timetable showing the location of all centrally conducted examinations should be available on the University website, or as otherwise determined by the Registrar and advised to students by an appropriate means, at least five (5) weeks before the commencement of an official examination period and will continue to be available until the end of the examination period.
- 9.1.2 Information concerning examination timetables will not be provided by the University to students by telephone.
- 9.1.3 For faculty-based examinations, the faculty is required to take all reasonable steps to minimise clashes with both other faculty-based examinations and centrally conducted examinations. Where clashes occur, faculties are responsible for making reasonable alternative arrangements for students in the faculty-based examinations.
- 9.1.4 When an unavoidable clash occurs in the scheduling of a centrally conducted examination for a particular student, the Registrar (or nominee) will notify the student as soon as possible after the release of the final examination timetable of the special arrangements made to resolve the scheduling clash.
- 9.1.5
- (1) Where a student considers that he or she has a serious individual scheduling difficulty with the examination timetable, the student shall advise the Registrar (or nominee) immediately in the manner prescribed by the Registrar and request that alternative arrangements be made.
 - (2) Acceptable grounds for serious individual scheduling difficulty requests include but are not limited to:
 - (a) three examinations occurring consecutively in any twenty-four hour period;
 - (b) sporting or cultural representative commitments at state, national or international level;
 - (c) observance of significant religious events for which the student can demonstrate ongoing personal commitment;
 - (d) significant personal or family events or business commitments for which the student can provide documentary evidence which satisfies the Registrar that the commitment could not be undertaken outside the examination period.
 - (3) Unacceptable grounds for serious individual scheduling difficulty requests include:
 - (a) holiday arrangements;
 - (b) sport and leisure activities;
 - (c) travel arrangements including those for overseas study.

- (4) The Registrar (or nominee) must consider such requests and make alternative arrangements where this is appropriate and practicable. The Registrar (or nominee) must notify the student as soon as possible of any decision and any special arrangements made in relation to the individual scheduling difficulty.

9.2 Student responsibilities

- 9.2.1 Official examination periods are part of the officially designated teaching periods of the University. All students undertaking coursework subjects have a responsibility to make themselves available for assessment and or examination during the official examination periods.
- 9.2.2 Students have responsibility for informing themselves of both the provisional and the final examination timetables.
- 9.2.3 Students have responsibility for ensuring that clashes and potential clashes in their examination timetable are identified and for advising the Registrar of serious individual scheduling difficulties arising from the final examination timetable.
- 9.2.4 Students are required to be present at examinations at the correct location and at the correct time. Students should be at the correct location at least ten (10) minutes prior to the published commencement time for each examination.
- 9.2.5 Not reading, misreading or misunderstanding the final examination timetable will not be accepted as a valid reason for failing to attend an examination.
- 9.2.6 Each student is required to produce his or her valid current Student Identity Card before being permitted to enter the examination room. Students who have lost or misplaced their Student Identity Card must obtain a replacement card prior to the examination commencement.
- 9.2.7 Material or equipment other than that specified in the subject outline and on the examination paper must not be brought into the examination room, or be in the student's possession at any time during the examination, in the examination room or in any other room or place visited by the student for any reason during the examination.
- 9.2.8 A student must not access or attempt to access during the examination any material or equipment other than that specified in the subject outline and on the examination paper.
- 9.2.9 Material or equipment shall be deemed to not be in contravention of Rule 9.2.7 above if it is left, whether in a bag or other container or otherwise, at a location specified by the Examination Supervisor for the duration of the examination and the student does not gain, or attempt to gain, access to it during the examination. Students are advised not to bring unauthorised or unnecessary items to examinations. The University does not accept any responsibility for student possessions left in any location during an examination.
- 9.2.10 A student must not communicate or attempt to communicate in any way with any person or receive or attempt to receive any communication from any person during the examination, in the examination room or in any other room

or place visited by the student for any reason during the examination other than officers of the University with responsibility for the examination or other officers as approved by the Examination Supervisor. Such forms of communication include but are not limited to:

- (1) oral communication;
- (2) written or visual communication;
- (3) any form of electronic or telephonic communication.

- 9.2.11 A student must not send, receive or access any source of stored electronic information or attempt to send, receive or access any source of stored electronic information during the examination, in the examination room including at any place visited by the student for any reason during the examination.
- 9.2.12 Material or equipment that is permitted in the examination room according to the subject outline and/or examination paper must not be used for any purposes other than that specified in the subject outline and/or examination paper.
- 9.2.13 Students must take notice of and comply with all directives of the Examination Supervisor.
- 9.2.14 A student must not do anything to distract or disadvantage other students during an examination.
- 9.2.15 A student must not do anything to disrupt an examination in any way and is required to behave in an orderly manner during an examination.
- 9.2.16 Students are not permitted to smoke any substance during an examination.
- 9.2.17 Students are not permitted to eat or drink during an examination unless permission has been given by the Examination Supervisor or approved for individual students as a special condition of examination in accordance with Rule 9.4.
- 9.2.18 If a student fails to observe any of the requirements specified in Rules 9.2 and 9.3, behaves in an unacceptable or disorderly manner, disrupts an examination or is suspected of academic misconduct or any other misconduct, action may be taken by the University as provided for in Rule 9.8 and in Section 16 (Student Misconduct and Appeals).

9.3 Conduct of examinations

- 9.3.1 Centrally conducted examinations are organised and conducted in accordance with Rules 9.2 to 9.8 inclusive and with policies and procedures as set out in the Coursework Assessment Policy and Procedures Manual as approved by Academic Board from time to time.
- 9.3.2 Unless otherwise specifically provided for in guidelines approved by the relevant Faculty Board, faculty-based examinations will be organised and conducted in accordance with Rules 9.2 to 9.8 inclusive and with policies and procedures as set out in the Coursework Assessment Policy and Procedures Manual as approved by Academic Board from time to time.
- 9.3.3 Material or equipment that is permitted to be brought into an examination room must be specified in the subject outline and in the examination paper. Where a variation to the approved material or equipment shown in the

subject outline becomes necessary during the teaching period, the variation must be approved by the Subject Coordinator and notified to all students enrolled in the subject at least two (2) weeks before the commencement of the examination period.

- 9.3.4 A student who is unable to produce his or her valid current Student Identity Card shall not be admitted to an examination room.
- 9.3.5 No student shall be admitted to an examination room after one (1) hour from the time of commencement of the examination.
- 9.3.6 A student shall not normally be permitted to leave the examination room until at least one and a half hours after the commencement of the examination. In exceptional circumstances, where a student is authorised to leave an examination during the first hour and a half and does not wish to be re-admitted to the examination, the student will be required to sign an undertaking not to communicate any information about the examination paper to any other student until the period of the examination is over. The student will not be permitted to remove the examination paper or any other workbook or written material from the examination room.
- 9.3.7 A student shall not normally be permitted to leave the examination room during the last fifteen (15) minutes of the examination.
- 9.3.8 Students who leave an examination room permanently before the end of the examination time are responsible for handing in their examination scripts, booklets and any other working material to the Examination Supervisor before leaving the room.
- 9.3.9 Students shall not be re-admitted to the examination room after they have left it unless during the full period of their absence they have been under the supervision of an officer of the University approved by the Examination Supervisor.
- 9.3.10 Additional examination time will not be allowed to any student as compensation for examination time lost due to any individual circumstance. In exceptional circumstances, an examiner may authorise a delayed start to an examination, an examination restart or additional time for all students or for particular groups of students affected by specific circumstances.
- 9.3.11 A period of ten (10) minutes at the start of the scheduled time of the examination may be designated by the examiner as reading time. Writing is not permitted during reading time.
- 9.3.12 At the conclusion of an examination all students are required to remain seated until all papers have been collected and permission to leave is given by the Examination Supervisor.
- 9.3.13 Failure to comply with any of the requirements specified in Rule 9.3.1 to Rule 9.3.12 above may be considered to be an act of misconduct and may be dealt with in accordance with Rule 9.8 and Section 16 (Student Misconduct and Appeals).

9.4 Special conditions for examinations

- 9.4.1 A student with disabilities or special needs may be permitted to undertake particular assessment arrangements in order to ensure that the assessment is on the basis of academic merit and has parity with the assessment of other students.

- 9.4.2 A student may be eligible for particular examination arrangements as provided for in Rule 8.2 (Learning and assessment arrangements).

9.5 Special examinations

- 9.5.1 In special circumstances approval may be given by the Registrar for a centrally conducted examination to be held for specific students at a time other than the published time, on such conditions as the Registrar shall prescribe. These examinations will be held during the official examination period or as soon as possible after the official examination period at a time approved by the Registrar.
- 9.5.2 Such special circumstances include but are not limited to:
- (1) an unavoidable clash in the examination timetable;
 - (2) an individual scheduling difficulty with the final examination timetable;
 - (3) where special consideration has been approved for unavoidable absence from an entire centrally conducted examination (refer Rule 8.3.3).
- 9.5.3 Special examinations will be arranged by the Student Administration Unit in consultation with the Subject Coordinator.
- 9.5.4 Students for whom special examinations are being conducted will be advised of the arrangements as soon as possible, must make themselves available at the designated time and must observe the conditions prescribed for them by the Registrar in addition to the Rules and requirements for examinations generally.

9.6 Disruption to examination performance

- 9.6.1 A student who has commenced an examination may consider that his or her performance in the examination has been significantly disrupted by illness or other circumstances beyond his or her control that occurred during the examination or on the day of the examination. Such matters may be dealt with in accordance with Rule 8.3.2 (Special consideration of disruption to assessment – during an examination).

9.7 Absence from entire examination

- 9.7.1 A student who does not attend an examination as a result of failure to inform him or herself of the time or place of an examination is not eligible to be considered for a special examination as defined in Rule 9.5 and will be considered to have failed the examination.
- 9.7.2 A student who, through illness or other circumstances beyond his or her control on the day of the examination, is absent from an entire examination, may request to have these factors taken into account, in which case the matter will be dealt with in accordance with Rule 8.3.3 (Special consideration of disruption to assessment — absence from entire examination).

9.8 Student misconduct during examinations

9.8.1 General

- (1) Student misconduct is defined in Rule 16.2 (Student misconduct and appeals).

9.8.2 Academic misconduct during centrally conducted examinations

- (1) If an Examination Supervisor suspects a student of academic misconduct during an examination, the Examination Supervisor shall take prompt action to prevent the continuance of the suspected academic misconduct. The student shall be allowed to complete the examination or assessment task in question.
- (2) All action taken by the Examination Supervisor will be in accordance with the principles of procedural fairness outlined in Schedule 4 (Guidelines relating to Student Misconduct and Appeals).
- (3) The Examination Supervisor shall, as soon as possible, provide a written report to the Director, Student Administration Unit (or nominee). The Director, Student Administration Unit (or nominee) shall take immediate steps to contact the Subject Coordinator and, after consultation, make a decision concerning any further action to be taken.
- (4) If no further action is to be taken, the Director, Student Administration Unit (or nominee) shall notify the student and the Examination Supervisor, if possible, at the conclusion of the examination.
- (5) If further action is considered necessary, the Examination Supervisor shall be instructed to inform the student at the conclusion of the examination or as soon as possible thereafter that an allegation of academic misconduct has been made, and shall then note on the subject listing sheet that the student's examination paper has been sent to the Director, Governance Support Unit (or nominee) because of alleged academic misconduct.
- (6) The written report of the Examination Supervisor on the alleged academic misconduct shall be submitted without delay to the Director, Governance Support Unit (or nominee), together with the student's examination paper or assessment task in question.
- (7) The Director, Governance Support Unit (or nominee) shall then:
 - (a) report the matter to the Registrar; and
 - (b) send a copy of the report to the Dean of the Faculty responsible for the subject and the Responsible Academic Officer.
- (8) The Registrar shall deal with the allegation in accordance with Rule 16.15.

9.8.3 Academic misconduct during faculty-based examinations

- (1) The person responsible for supervising a faculty-based examination shall be referred to as the Monitoring Staff Member.

- (2) If the Monitoring Staff Member suspects a student of academic misconduct during an examination, the Monitoring Staff Member shall take prompt action to prevent the continuance of the suspected academic misconduct. Refer Section 16 (Student Misconduct and Appeals) for definitions of misconduct.
- (3) The student shall be allowed to complete the examination or assessment task in question.
- (4) All action taken by the Monitoring Staff Member will be in accordance with the principles of procedural fairness outlined in the Guidelines relating to Student Misconduct and Appeals (refer Schedule 4).
- (5) The Monitoring Staff Member shall, as soon as possible, provide a written report to the Responsible Academic Officer. The Responsible Academic Officer shall refer the matter to the Dean who shall deal with the matter in accordance with Rule 16.11.

9.8.4 Non-academic misconduct during examinations

- (1) Any student who behaves in an unacceptable or disorderly manner or otherwise disrupts an examination:
 - (a) is liable for immediate expulsion from the examination room for the remainder of the examination; and
 - (b) must leave the examination room immediately if directed to do so; and
 - (c) is subject to such other actions and penalties as provided for in Section 16 (Student Misconduct and Appeals).
- (2) The Examination Supervisor or Monitoring Staff Member shall, as soon as possible, provide a written report on the alleged non-academic misconduct to the Director, Student Administration Unit (or nominee). The Director, Student Administration Unit (or nominee) shall in consultation with the Examination Supervisor or Monitoring Staff Member make a decision concerning any further action to be taken.
- (3) The Director, Student Administration Unit (or nominee) shall notify the student and the Examination Supervisor or Monitoring Staff Member of any action to be taken.
- (4) The written report on the alleged non-academic misconduct shall be submitted without delay to the Director, Governance Support Unit (or nominee) who shall then:
 - (a) report the matter to the Registrar; and
 - (b) send a copy of the report to the Dean of the Faculty responsible for the subject and the Responsible Academic Officer.
- (5) The Registrar shall deal with the allegation in accordance with Rule 16.15.

SECTION 10 — ACADEMIC PROGRESSION

10.1 Application of these Rules

This Section of the Rules applies to all students enrolled in undergraduate and graduate coursework award courses.

10.2 Assessment of rate of progress

10.2.1 In the assessment of a student's progress in a course, account may be taken of work completed in the laboratory and in class exercises, tests or assignments given throughout the relevant teaching periods, as well as results obtained in any examinations.

10.2.2 Assessment of rate of progress of a student enrolled in an undergraduate award course shall normally occur at the end of the calendar year and shall normally be for study undertaken in no less than a full year.

10.2.3 A Faculty Board may determine specific requirements for the timing and calculation of assessment of rate of progress for students enrolled in particular graduate coursework award courses. Information on these requirements will be published by the faculty in official course information and handbooks.

10.3 Minimum rate of progress — undergraduate courses

10.3.1 In order to satisfy the required minimum rate of progress a student must gain no less than fifty per cent of the credit points for the subjects in which the student has been enrolled since the commencement of enrolment in the course.

10.3.2 Students who have been granted provisional admission to a course in accordance with Rule 5.3.1 and who satisfy the required minimum rate of progress in a course as specified in Rule 10.3.1 shall be permitted to re-enrol in the course and shall be eligible to have their admission to the course considered by Academic Board for confirmation.

10.3.3 Students who have been granted provisional admission to a course in accordance with Rule 5.3.1 and who fail to achieve the required minimum rate of progress in a course as specified in Rule 10.3.1 shall not be permitted to re-enrol in the course and shall have their enrolment in the course discontinued.

10.3.4 Any of the provisions of Rules 10.3.1 and 10.3.3 may be waived in particular cases by the relevant Faculty Board, which must set conditions for further enrolment. Non-compliance with such conditions will constitute failure to satisfy the minimum rate of progress requirements.

10.4 Failure to maintain minimum rate of progress

10.4.1 A student who fails to achieve the required minimum rate of progress in a course as specified in Rule 10.3.1 or as specified by a Faculty in accordance with Rule 10.2.3 shall be excluded from further study at the University by the relevant Faculty Board for a period of at least one (1) academic year and may not apply for or enrol in any subjects or courses of study at the University that are conducted during the period of exclusion.

10.4.2 A student may appeal against exclusion from study at the University for the determined period in accordance with procedures outlined in Rule 10.8.

10.4.3 A student may apply for re-admission for further study at the end of the period of exclusion and must meet requirements and comply with procedures as set out in Rule 5.11.1. Re-admission is not automatic.

10.5 Maximum time to complete course requirements

10.5.1 Students are required to complete course requirements within an approved maximum time limit from the time of first enrolment.

10.5.2 Except where otherwise provided, the maximum time to complete a course shall not be greater than fifty (50) per cent in excess of normal completion time laid down for that course.

10.5.3 The calculation of the time taken by a student is a calculation of elapsed time. Periods of approved leave of absence or periods of exclusion/discontinuation from the course are counted as elapsed time.

10.5.4 Where credit towards a course has been granted in recognition of prior learning, the maximum time in which the student is required to complete the course requirements may be reduced by the relevant Responsible Academic Officer.

10.5.5 In exceptional circumstances, the relevant Faculty Board may approve an extension of the maximum time to complete course requirements for a particular student. Before it grants any such approval, the Faculty Board must be satisfied of the academic currency of the subjects completed by the student during the initial periods of enrolment in the course which will, if the extension is granted, be outside the normal maximum time period.

10.5.6 In respect of specific courses, the maximum time to complete a particular course may be reduced by resolution of the relevant Faculty Board (subject to approval by Academic Board) and where such a reduction in maximum time has been approved, the Faculty must include this information in all course prospectus and publicity material and must advise students enrolling in such a course for the first time of the approved maximum time to complete.

10.5.7 Where a student has failed to complete the requirements of a course within the maximum time the relevant Faculty Board may determine that the student be excluded permanently from that course.

10.5.8 Written notification of any such exclusion will be sent to relevant students by the Registrar.

10.5.9 A student may appeal against permanent exclusion from the course in accordance with procedures outlined in Rule 10.8.

10.6 Repeated failure in a subject

10.6.1 For the purposes of Rules 10.6.2 and 10.6.3 a Faculty Board may deem different subjects to be the same subject if the subjects are substantially similar in content and/or learning objectives.

- 10.6.2 A student who fails a subject for a second time shall be advised that:
- (1) he or she must seek advice from an appropriate academic adviser from the relevant faculty before being permitted to enrol again in that subject; and
 - (2) a third failure in the same subject will require the student to seek the permission of the Responsible Academic Officer for any further enrolment in that subject.
- 10.6.3 A student who fails a subject for a third time must receive permission from the Responsible Academic Officer for any further enrolment in that subject. If such permission is granted the student must seek continuing assistance throughout that teaching period from an appropriate academic adviser in the relevant faculty.
- 10.6.4 A student who is refused permission for a third or subsequent enrolment in a subject in accordance with Rules 10.6.2 or 10.6.3, may request a review of that decision by the relevant Faculty Board.
- 10.6.5 Where a student is unable to complete a course as a result of being refused permission to enrol in a subject under Rule 10.6.2 or 10.6.3, and if no other course of action is appropriate, the student's enrolment in the course will be discontinued permanently.
- 10.6.6 Written notification of any such discontinuation will be sent to the student by the Registrar.
- 10.6.7 Where a student's enrolment has been discontinued under Rule 10.6.5 and the decision has been considered by the relevant Faculty Board in accordance with Rule 10.6.4, the student may appeal against permanent discontinuation from the course in accordance with procedures outlined in Rule 10.8.
- 10.7 Academic caution**
- 10.7.1 A student may be placed on academic caution by the relevant Faculty Board if:
- (1) at the end of any half year of study in any year of the student's enrolment in a course, the student gains less than fifty per cent of the credit points for which he or she was enrolled in that half year; and/or
 - (2) the student has been excluded for failure to meet the minimum rate of progress as outlined in Rule 10.4.1 and he or she has appealed against the exclusion and that appeal has been upheld, unless the appeal was upheld on the basis that the original decision to exclude was invalid as a result of factual errors, pursuant to Rule 10.8.3 (3).
- 10.7.2 The period of academic caution shall normally have a duration of one half year and shall occur in the next half year of study following the decision to place the student on academic caution.
- 10.7.3 A student who is placed on academic caution shall be advised in writing of the arrangements and requirements for academic caution.
- 10.7.4 During a period of academic caution the student must:
- (1) consult with the designated academic course advisers from the relevant faculty for advice on the student's study plan;
 - (2) attend a study skills workshop program organised by the Student Services Unit;
 - (3) enrol in no more than 24 credit points for the half year of study to which the period of academic caution applies, and/or no more than 6 credit points for the immediately following summer or July teaching period. The maximum number of credit points in which a student may enrol may be reduced to 18 credit points by the relevant faculty Responsible Academic Officer. Students attempting to enrol in credit points above the permitted maximum may be withdrawn from the subject/s in accordance with Rule 7.5.7;
 - (4) attend an ELSSA English language workshop if directed to do so by the relevant faculty Responsible Academic Officer.
- 10.7.5 Failure to meet any or all of the requirements as set out in Rule 10.7.4 will be taken into account in any subsequent appeal against exclusion submitted in accordance with Rule 10.8.
- 10.7.6 The provisions of Rule 10.7.1 may be waived by the relevant Faculty Board in particular cases.
- 10.8 Appeals**
- 10.8.1 A student may appeal to the Registrar in respect of decisions of a Faculty Board under Rules 10.4.1, 10.5.7 and 10.6.5.
- 10.8.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Registrar within four (4) weeks of the date of notification of the decision.
- 10.8.3 Late appeals which are submitted after the date provided in 10.8.2 will not be accepted unless the student is able to provide satisfactory documentary evidence of circumstances of a personal or medical nature that were beyond the student's control and that significantly affected the student's ability to submit an appeal by the due date.
- 10.8.4 In normal circumstances, the grounds on which a student may appeal against a decision of a Faculty Board in relation to exclusion or discontinuation are:
- (1) procedural irregularities which have resulted in substantial unfairness to the student;
 - (2) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the student's performance, an awareness of which might have reasonably led to a decision other than exclusion;
 - (3) the decision was based on factual errors of such magnitude as to invalidate the decision.
- 10.8.5 The Registrar shall refer the appeal to the relevant Dean.
- 10.8.6 The appeal shall be considered by the appropriate Course Director or other nominee of the Dean in the first instance, who shall seek the advice of other relevant members of staff.
- 10.8.7 The Course Director or other nominee of the Dean shall submit a report to the Responsible Academic Officer or other nominee of the Dean, with a recommendation as to whether to uphold or dismiss the appeal.

- 10.8.8 The Responsible Academic Officer or other nominee of the Dean will consider the report and recommendation and the following provisions will apply:
- (1) Where the Course Director or other nominee of the Dean has recommended that the appeal be upheld, and the Responsible Academic Officer or other nominee of the Dean after considering the report and recommendation agrees with the recommendation, the recommendation will be forwarded to the Dean who shall make a decision.
 - (2) Where the Course Director or other nominee of the Dean has recommended that the appeal be upheld and the Responsible Academic Officer or other nominee of the Dean after considering the report and recommendation disagrees with the recommendation to uphold the appeal, he or she will invite the student to respond to the recommendation, as provided for in Rule 10.8.8 (3).
 - (3) Where the Course Director or other nominee of the Dean has recommended that the appeal be dismissed, the Responsible Academic Officer or other nominee of the Dean will invite the student to respond to the recommendation to dismiss the appeal. A student will be permitted to respond in writing and may be required to attend an interview with the Responsible Academic Officer. The student's response must reach the Faculty within such time as the Registrar may specify from time to time. The Responsible Academic Officer or other nominee of the Dean will consider the response and make a recommendation to the Dean as to whether to uphold or dismiss the appeal.
- 10.8.9 The Dean shall consider the recommendations and reports of the Course Director or other nominee of the Dean and the Responsible Academic Officer or other nominee of the Dean as provided in 10.8.8. Where the Dean disagrees with the recommendations of the Course Director or other nominee of the Dean and the Responsible Academic Officer or other nominee of the Dean to uphold the appeal, and where the University has not done so already, the Dean will invite the student to respond to the Dean's recommendation as provided in Rule 10.8.8 (3). The matter will then be referred to the Registrar for final decision.
- 10.8.10 In the event that the Course Director or other nominee of the Dean, or the Responsible Academic Officer or other nominee of the Dean believes that his or her involvement in the appeal would lead to a conflict of interest, he or she will be required to consult with the Dean. If the Dean believes that his or her involvement in the appeal would lead to a conflict of interest, he or she will be required to refer the matter to the Registrar for final decision.
- 10.8.11 Following the conclusion of the processes provided for in 10.8.8, 10.8.9 and 10.8.10, the Dean and/or Registrar shall reconsider the recommendation and determine the final decision. The final decision will be conveyed to the student by the Registrar.
- 10.9 Result of appeal**
- 10.9.1 Where an appeal under Rule 10.8 is successful the student:
- (1) shall have his or her enrolment in the course re-instated;
 - (2) shall be placed on academic caution in the next half year of study following the successful appeal, where the exclusion resulted from failure to maintain minimum rate of progress. A student must meet the requirements for academic caution in accordance with Rule 10.7.4.
 - (3) shall be notified by the Responsible Academic Officer of the period of time allowed for completion of the course where the exclusion has resulted from failure to complete within the approved maximum period.
- 10.9.2 Where an appeal under Rule 10.8 is unsuccessful the student:
- (1) shall have his or her exclusion or discontinuation from the course confirmed;
 - (2) may seek guidance from the Responsible Academic Officer on those things that the student may wish to undertake in order to enhance opportunities for re-admission after the period of exclusion has elapsed.
- 10.9.3 A student whose appeal is unsuccessful may request a review of the decision by the Coursework Students' Exclusions Review Committee.
- 10.9.4 The only grounds on which a student may request a review under 10.9.3 are that there were procedural irregularities in the management of the appeal.
- 10.10 Coursework Students' Exclusions Review Committee**
- 10.10.1 Composition**
- (1) A Coursework Students' Exclusions Review Committee shall consist of:
 - (a) a Deputy Chair, Academic Board (Chair);
 - (b) Alternate Chair appointed by the Chair of Academic Board;
 - (c) two academic staff members with relevant expertise appointed by the Chair of Academic Board;
 - (d) a student of the University who has been enrolled at the University for at least two semesters, appointed by the Chair of the Committee for a particular meeting/s from a panel nominated by the Deans;
 - (e) up to two academic staff members with relevant expertise co-opted by the Chair for particular meetings.
 - (2) The Committee membership term shall be two years consistent with the term of membership for elected members of the Academic Board. Members may serve not more than two consecutive membership terms.
 - (3) The Academic Board shall appoint panels of persons in category (d) above every two years.
 - (4) Nomination of panel members in category (d) above shall be made by the Dean of each Faculty.

- (5) Panel members in category (d) may be appointed for not more than two consecutive terms.
- (6) The Alternate Chair shall serve as Chair in a case/s where the Chair has an involvement with the case/s being heard, or is otherwise not able to act as Chair.
- (7) The appointment of co-opted members in category (e) above shall be made by the Chair in consultation with the Chair, Academic Board.
- (8) The quorum will be three members including either the Chair or Alternate Chair. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.

10.10.2 Terms of reference

- (1) The Coursework Students' Exclusions Review Committee shall review Deans' decisions to dismiss coursework student appeals:
 - (a) against exclusion for failure to maintain the required minimum rate of progress pursuant to Rule 10.4.1;
 - (b) against exclusion from the course for failure to complete the course requirements within the approved maximum time limit pursuant to Rule 10.5.7;
 - (c) against permanent discontinuation from a course resulting from inability to complete course requirements pursuant to Rule 10.6.5.
- (2) If the Committee finds a procedural irregularity, as provided in Rule 10.9.4, the appeal is to be referred back to the relevant Dean to be handled in accordance with these Rules.

10.10.3 Procedures for the Coursework Students' Exclusions Review Committee:

- (1) The Coursework Students' Exclusions Review Committee shall be convened by the Registrar as required in accordance with the relevant Standing Orders of Academic Board.
- (2) Each review must be dealt with on its own terms and merits and in accordance with its own circumstances.
- (3) Consistent with procedural fairness, senior administrative staff may assist the Committee, act as advisers and attend meetings as required including: Director Student Administration Unit or nominee and Director, Student Services Unit.

SECTION 11 — GRADUATE RESEARCH STUDY

11.1 Application of these Rules

- 11.1.1 These Rules apply to all students enrolled in graduate research courses.

11.2 Course requirements

- 11.2.1 Students admitted to doctoral degrees are required to:

- (1) undertake a program of study and research which demonstrates the capability for substantial independent research or creative activity and which has made an original and distinct contribution to knowledge and/or professional practice in the relevant field; and
- (2) undertake a research component which is to comprise no less than two-thirds of the total course requirement; and
- (3) submit a thesis, which may include a product and/or artefact, in a format according to requirements specified by the University Graduate School Board.

- 11.2.2 Students admitted to masters degrees by research are required to:

- (1) undertake a program of study and research which demonstrates competence in research or creative activity as well as an understanding of and contribution to knowledge; and
- (2) undertake a research component which is to comprise no less than two-thirds of the total course requirement; and
- (3) submit a thesis, which may include a product and/or artefact, in a format according to requirements specified by the University Graduate School Board.

- 11.2.3 Students admitted to a doctoral degree by publication are required to:

- (1) submit a thesis consisting of their published works, which may include a product and/or artefact; and
- (2) submit an extended overview paper which together demonstrate that the collective publications form an original and significant contribution to knowledge.

11.3 Enrolment

- 11.3.1 Prior to initial enrolment:

- (1) each student who has been admitted to a graduate research course is required to certify that he or she can devote sufficient time to the advanced study and research such that he or she is likely to complete the program within the approved period of candidature determined by the University Graduate School Board;
- (2) the relevant faculty is required to certify that it will provide appropriate resources and facilities for the student to undertake the research and will undertake responsibility for supervision of the student and the student's work;

- (3) in cases where all or part of the research and study will be undertaken at a site external to the University, a certificate of support must be provided by the external site management stating the student will be provided with the appropriate resources and facilities to undertake the research and study and that the site management is willing to support the work of the student.

11.3.2 Students are required to enrol in the components of the course as specified by the relevant faculty and published relevant official publications of the University.

11.3.3 Students are required to enrol in and complete such prerequisite or concurrent coursework as may be considered appropriate to their individual circumstances by their supervisory panel and Responsible Academic Officer.

11.4 Research work

11.4.1 All research work and related activities for graduate research courses shall be carried out at locations and under conditions approved by the University Graduate School Board.

11.4.2 Students are required to participate in such colloquia, research seminars and other work of the University as may be considered appropriate by their supervisory panel and Responsible Academic Officer.

11.5 Course transfer

11.5.1 A student who wishes to transfer from one graduate research degree to another shall apply to the Dean, University Graduate School on the appropriate form. Such applications would normally be received at the time of the candidature assessment and no later than the end of the third half year of study.

11.5.2 A student is not usually considered eligible for course transfer until he or she has completed at least one half year of full-time study (or equivalent) in the enrolled course.

11.5.3 A student who wishes to transfer between graduate research degree courses must demonstrate to the satisfaction of the University Graduate School Board and in accordance with guidelines approved by the University Graduate School Board with respect to:

- (1) evidence of progress to date in the enrolled course;
- (2) the way in which the research project will be re-defined to satisfy the requirements of the course into which transfer is sought;
- (3) suitability of the research and study undertaken in relation to the requirements of the course into which transfer is sought;
- (4) certification from the student, the relevant Faculty and any external site management in accordance with the requirements of Rule 11.3.1.

11.5.4 The University Graduate School Board will approve or reject the application for transfer on advice from the relevant Responsible Academic Officer.

11.5.5 Where a transfer is approved the new period of candidature will be determined taking into account the contribution of the current research and study towards the requirements of the course into which transfer has been approved.

11.6 Recognition of prior study and research

11.6.1 A student who has undertaken a course of study and research at this University or another university or institution but has not submitted that work for examination at this University or another institution may be given recognition for work done while undertaking that course of study and research.

11.6.2 Recognition of prior study and research including the extent of any such recognition shall be approved by the University Graduate School Board after consideration of a report by the Responsible Academic Officer which is to include advice on:

- (1) the nature, duration and quality of the prior work;
- (2) the suitability of the prior work relative to the subject of the UTS graduate research course;
- (3) the recommended period of candidature as a consequence of the recognition of prior study and research.

11.7 Period of candidature

11.7.1 The maximum time to complete a research degree is as follows:

- (1) Doctoral degree by research, professional Doctoral degree and Doctoral degree by creative works:
 - (a) four years for a full-time student; or
 - (b) eight years for a part-time student.
- (2) Doctoral degree by publication:
 - (a) one year for a full-time student;
- (3) Masters degree by research:
 - (a) two years for a full-time student; or
 - (b) four years for a part-time student.

11.7.2 Notwithstanding the provisions of 11.7.1 above, a student who has had prior study and research recognised as contributing to the requirements of the current course may be required by the University Graduate School Board to complete the program in less than the normal time.

11.8 Extension of candidature

11.8.1 A student who wishes to extend the period of his or her research candidature is required to seek approval from the University Graduate School Board.

11.8.2 An extension of the approved period of candidature granted by the University Graduate School Board shall not include periods of approved leave of absence.

11.8.3 The maximum period of extension shall not normally exceed:

- (1) One calendar year for a doctoral degree by research, a professional Doctoral degree and a Doctoral degree by creative works.
- (2) One half calendar year for a Masters degree by research.

11.8.4 Where an extension of candidature means that a local student will exceed the maximum period for which Commonwealth support is normally provided the student may be liable for course fees for any period of time that is outside the maximum period of time normally covered by such Commonwealth support.

11.9 Leave of absence

11.9.1 A research student who wishes to withdraw temporarily from a course must lodge an application for leave of absence on the appropriate form no later than the census date of the first teaching period for which leave is being sought.

11.9.2 Leave of absence shall not normally be granted in the first half year of candidature.

11.9.3 Leave of absence shall not normally be granted for a total period exceeding one (1) year.

11.9.4 In exceptional and documented special or mitigating circumstances a student may request variations to the provisions of Rules 11.9.2 and 11.9.3. Any such variation will require approval by the University Graduate School Board.

11.9.5 Students resuming a course after leave of absence shall be subject to the course requirements in operation at the time of resumption and will be required to be enrolled as directed by the Dean, University Graduate School.

11.10 Failure to complete

11.10.1 A student who does not submit a thesis for examination within the approved period of candidature including any approved extension will normally have his or her candidature discontinued due to unsatisfactory progress (refer Rule 11.20.2).

11.11 Supervision

11.11.1 The criteria necessary for appointment as a supervisor of research students shall be approved by Academic Board on the recommendation of the University Graduate School Board.

11.11.2 The University Graduate School Board shall be responsible for maintaining a register of research student supervisors and for the appointment of suitably qualified staff to the register.

11.11.3 All students shall have a supervisory panel appointed by the University Graduate School Board, and the composition of the supervisory panel shall be in accordance with the guidelines as approved by Academic Board from time to time.

11.11.4 All members of supervisory panels shall operate in accordance with the Code of Practice for Research Supervisors.

11.11.5 Where the student undertakes a major portion of his or her research at sites external to the University, the University Graduate School Board may appoint an external principal supervisor or advisor.

11.11.6 Where the student has been approved at admission to undertake a program of study in a language other than English, the principal supervisor must be competent in that language.

11.12 Thesis title

11.12.1 The student shall submit the title of his or her thesis to the University Graduate School Board for approval in accordance with the following time frames:

(1) Doctoral degree not later than one year after initial enrolment; or

(2) Masters degree by research not later than one half year after initial enrolment.

11.12.2 Any change to the approved thesis title requires the approval of the University Graduate School Board.

11.13 Progress reports

11.13.1 A student is required to submit to the relevant Faculty each half year a progress report in accordance with the schedule and procedures approved by the University Graduate School Board from time to time. A progress report shall not be required in respect of a student who has submitted their thesis to the Faculty.

11.13.2 The principal supervisor shall submit each half year to the relevant Responsible Academic Officer who will in turn submit to the University Graduate School Board a report on the student's progress and, where applicable, on the suitability of the student's research work environment.

11.13.3 The relevant Responsible Academic Officer will consider the progress reports, take any necessary action within the faculty and make recommendations to the University Graduate School Board on overall progress.

11.13.4 Upon receipt of an unsatisfactory progress report the University Graduate School will provide:

(1) notification to the student that includes a request that the student attend an interview with the Responsible Academic Officer to discuss a suitable progress plan and also includes details of any other action or advice the student may wish to consider; and

(2) notification of a warning to the student that further unsatisfactory progress reports may result in discontinuation of candidature; or

(3) notification of discontinuation of candidature due to unsatisfactory progress (refer Rule 11.20.2).

11.13.5 Failure to submit a progress report in a particular half year will normally be deemed as unsatisfactory progress for that half year.

11.14 Candidature assessment

11.14.1 Each student is required to undertake a candidature assessment to ensure that he or she is equipped with the knowledge to carry out his or her research program, and has made sufficient progress to make it likely that he or she will finish within the prescribed time.

11.14.2 The candidature assessment will be completed in normal circumstances by the end of the first year of candidature for full-time students or by the end of one and one half years of candidature for part-time students.

- 11.14.3 In exceptional circumstances, the University Graduate School Board may approve an extension of time for a student to complete the candidature assessment by no more than one half year.
- 11.14.4 The requirements of the candidature assessment for each course will be determined by each faculty, subject to the approval of the University Graduate School Board and in accordance with guidelines as approved by the University Graduate School Board from time to time. Such requirements will be published in relevant official University publications.
- 11.14.5 Any variation to the candidature assessment requirements in a particular course for an individual student or more generally must be approved by the University Graduate School Board. Students must be notified in writing of any approved variation to their candidature assessment requirements.
- 11.14.6 A student who does not satisfy the requirements of the candidature assessment:
- (1) may be permitted by the University Graduate School Board on advice from the Responsible Academic Officer to undertake a second candidature assessment within a specified period of time; or
 - (2) will have his or her candidature discontinued due to unsatisfactory progress (refer Rule 11.20.2).

11.15 Thesis requirements

- 11.15.1 The nature and format of a thesis shall reflect international practices in the discipline or field and provide evidence of completion of substantial research or creative work in the form of:
- (1) a written document which may include previously published work as appropriate; or
 - (2) material which is not 'print on paper' but which gives evidence of a scholarly or creative work; or
 - (3) a combination of (1) and (2); or
 - (4) in the case of a Doctoral degree by publication, the published works and an extended overview paper of normally between 5,000 and 10,000 words, which incorporates:
 - (a) details of sources from which the works were derived;
 - (b) details of the extent to which the work of others has been utilised;
 - (c) details of the extent to which the applicant was responsible for the initiation, conduct and direction of any joint works submitted;
 - (d) evidence that the publications have standing as significant contributions to knowledge;
 - (e) a declaration identifying any of the submitted works that have been submitted for a qualification of any tertiary institution; and
 - (f) all works, apart from quotations, to be presented in, or translated into English, unless otherwise approved.
- 11.15.2 A thesis shall comply with the following requirements:
- (1) it must be in English or in a language approved in accordance with the guidelines of Academic Board approved from time to time; and
 - (2) it must reach a satisfactory standard of presentation; and
 - (3) it must consist of the student's own account of his or her work, except that in special cases work done conjointly with other persons may be accepted provided the University Graduate School Board is satisfied as to the extent of the student's part in the joint work; and
 - (4) it must be embodied in a format as approved by the University Graduate School Board; and
 - (5) it must contain an abstract of not more than 400 words and written in a form suitable for publication; and
 - (6) it must not include any work or material previously submitted in full or in part for another award, except as fully acknowledged within the text of the thesis; and
 - (7) it may include work previously published by the student only if it bears on the subject of the thesis. Joint publications will be acceptable provided the University Graduate School Board is satisfied with the graduate research student's part in the joint work.

11.16 Oral presentation of thesis

- 11.16.1 Doctoral research students are required to make an oral presentation of the thesis to an audience drawn from within the broad disciplinary area.
- 11.16.2 The oral presentation shall normally be made during the final six months prior to the submission of the thesis.
- 11.16.3 The oral presentation may form part of the approved examination process as provided for in procedures approved by the University Graduate School Board.

11.17 Submission of thesis

- 11.17.1 A student shall provide two (2) months prior notice in writing to the Dean, University Graduate School of his or her intention to submit the thesis for examination.
- 11.17.2 A student may, when submitting a thesis for examination, indicate that the thesis contains restricted or confidential information that the student does not wish to be disclosed freely and may apply to the University Graduate School Board for consideration of restriction to access.
- 11.17.3 The student may, to the extent that it is possible, place such information in an appendix to the thesis.
- 11.17.4 The University Graduate School Board may approve such restriction indefinitely or for a specified period not normally exceeding two (2) years and may impose conditions on disclosure of such information. If the requested restriction is approved by the University Graduate School

Board, such information shall not be disclosed to other persons unless the Dean, University Graduate School, after consultation with the Responsible Academic Officer and the student, has authorised such disclosure or the period of restriction approved by the University Graduate School Board has expired.

11.17.5 The student shall submit to the relevant Responsible Academic Officer:

- (1) the required number of copies of the thesis including a certificate of authorship and originality; and
- (2) a student statement to confirm that the work has not been submitted previously for a degree or other award; and
- (3) if appropriate, a statement for consideration by the University Graduate School Board identifying any parts of the thesis the student considers should have restricted distribution or disclosure and the period of any such restriction.

11.17.6 Submission of any other part of the thesis which is not 'print on paper' shall be in accordance with guidelines approved by the University Graduate School Board from time to time.

11.17.7 The thesis and other works shall be transmitted to the Dean, University Graduate School by the Responsible Academic Officer with a certificate signed by the principal Supervisor certifying that:

- (1) the thesis has been completed and is ready for examination; and
- (2) in the case of a Doctoral degree, the student has made an oral presentation of the thesis.

11.17.8 If the principal Supervisor and the Responsible Academic Officer decline to certify that a thesis is ready for examination the student may request a review of this decision by the University Graduate School Board.

11.18 Examination of thesis

11.18.1 Under certain circumstances the procedures and arrangements for examination of a thesis may, with the approval of the University Graduate School Board be varied from those prescribed in Rules 11.18.3 to 11.18.5. These circumstances include but are not limited to:

- (1) theses produced as a result of research candidature conducted jointly with another university as part of a 'cotutelle' arrangement;
- (2) research degrees where part of the work is not 'print on paper' that necessitates a variation in examination procedures.

11.18.2 In cases where a variation of thesis examination procedures and arrangements is required, the proposed procedures and arrangements must be documented and submitted for approval by University Graduate School Board on advice from the Responsible Academic Officer no later than six (6) months prior to the expected thesis submission date.

11.18.3 On the recommendation of the Responsible Academic Officer the University Graduate School Board shall appoint examiners, as follows:

- (1) in the case of a Doctoral degree, at least three examiners two of whom must be external examiners;
- (2) in the case of a Masters degree, at least two examiners one of whom must be an external examiner;
- (3) a member of the student's supervisory panel is not normally permitted to be an examiner.

11.18.4 Where restricted distribution or disclosure of certain parts of the thesis has been approved by the University Graduate School Board, the principal Supervisor, the Responsible Academic Officer, the University Librarian and the examiners shall be informed which parts are classified and the period, if any, of restriction. If further precautions are required in the handling or transmission of the thesis the costs incurred are to be borne by the student.

11.18.5 Should examiners or any other parties to the examination process question whether the work is that of the student, the Dean, University Graduate School will consider the matter and take action as provided for in the procedures approved by the University Graduate School Board from time to time.

11.18.6 A student may be required to undertake an oral examination of his or her thesis as provided for in procedures approved by the University Graduate School Board.

11.18.7 The reports of the examiners shall be forwarded to the University Graduate School Board which shall consult the Responsible Academic Officer and may decide:

- (1) to recommend to Academic Board that the student has satisfied requirements for the award of the degree; or
- (2) to recommend to Academic Board that, subject to minor changes being made to the thesis as required in Rule 11.18.8, the student has satisfied requirements for the award of the degree; or
- (3) that the student be permitted to re-submit a revised thesis within a specified period of normally twelve (12) months for re-examination by one or more examiners; or
- (4) that the student has failed to satisfy requirements for award of the degree and that the student's candidature be discontinued; or
- (5) in the case of a Doctoral degree by research, that the student be advised to apply for admission to another degree; or
- (6) to take any other action it deems appropriate before making a decision.

11.18.8 After examination of the thesis, any minor changes to the thesis that do not require re-submission for re-examination, must be completed to the satisfaction of the Responsible Academic Officer within six (6) months of date of notification. The Responsible Academic Officer will report satisfactory completion of the changes to the University Graduate School Board.

11.18.9 If a student who has been given the opportunity to submit a revised thesis for re-examination fails to do so in the specified period the student will be deemed to have failed to satisfy requirements for the award of the degree consistent with Rule 11.18.7(4) and the student's candidature will be discontinued (refer Rule 11.20).

11.19 Deposit of thesis

11.19.1 A student is required to deposit with the University Library for permanent retention one complete copy of each thesis for which the award of a degree is recommended subject to the following requirements:

- (1) the original or an acceptable copy of the print component of the thesis shall be printed on quality acid-free paper as specified by the University Graduate School Board; and
- (2) any part of the thesis which is not 'print on paper' must be recorded or produced in a format approved by the University Graduate School Board on the advice of the University Librarian in regard to its preservation and maintenance.

11.19.2 Where an electronic copy of the thesis is required, it shall be provided in the format and in accordance with procedures approved by the University Graduate School Board.

11.19.3 The copy of the thesis deposited with the University Library will be available for consultation, loan or copying at the discretion of the University Librarian unless the University Graduate School Board on the application of the student determines that the thesis, or parts of the thesis, shall not be available until after the expiry of a period, which shall not normally exceed two (2) years.

11.20 Discontinuation of candidature

11.20.1 A student who wishes to withdraw permanently from candidature in a research course must lodge an application for withdrawal in accordance with procedures prescribed by the Registrar.

11.20.2 The University may discontinue a student's candidature in a research course in certain circumstances including but not limited to:

- (1) unsatisfactory progress
 - (a) where a student has not submitted a thesis for examination within the approved period of candidature as specified in Rule 11.7 (refer Rule 11.10);
 - (b) where a student has not satisfied progress requirements (Rule 11.13);
 - (c) where a student has not satisfied candidature assessment requirements (Rule 11.14)

in which case the student's candidature in the course will be discontinued and the result for the thesis component will be recorded as withdrawn.

- (2) unsatisfactory examination
 - (a) where a student has not re-submitted a revised thesis for re-examination in the required time period (Rule 11.18.9);

- (b) where a student has failed to satisfy requirements for the award of the degree (Rule 11.18.7(4))

in which case the student's candidature in the course will be discontinued and the result for the thesis component will be recorded as a failure.

11.20.3 Where a student's candidature has been discontinued by the University, the student shall be notified in writing by the University Graduate School as soon as reasonably possible and giving the reason for the discontinuation.

11.21 Appeal against discontinuation of candidature

11.21.1 A student whose candidature is discontinued in accordance with Rule 11.20.2 may lodge an appeal against the discontinuation of candidature with the Registrar.

11.21.2 Under normal circumstances an appeal against discontinuation of candidature must reach the Registrar within four (4) weeks of the date of official notification.

11.21.3 A student may request the Registrar to consider an extension of time to submit an appeal against discontinuation. Any such request should normally be received within three (3) weeks of the date of official notification.

11.21.4 In normal circumstances, the grounds for appeal against a decision of discontinuation of candidature due to unsatisfactory progress made pursuant to Rule 11.20.2(1) are:

- (1) the existence of procedural irregularities in the candidature assessment, in the handling of progress reports or in the implementation of other requirements deemed necessary for satisfactory progress;
- (2) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the student's progress, an awareness of which would have reasonably led to a decision other than the discontinuation of candidature;
- (3) the decision was based on factual errors of such magnitude as to invalidate the decision.

11.21.5 In normal circumstances, the grounds for appeal against a decision of discontinuation of candidature due to an unsatisfactory examination made pursuant to 11.20.2(2) are:

- (1) procedural irregularities in the conduct of the examination;
- (2) documentary evidence of errors or irregularities on the part of one or more of the examiners.

11.21.6 The Registrar shall refer the appeal to the Dean of the relevant Faculty. The Dean should consult the appropriate Responsible Academic Officer and other academic staff members he or she considers relevant to enable a recommendation to be prepared.

11.21.7 The recommendation of the Dean of the relevant Faculty, together with any supporting documentation, must be forwarded to the Registrar.

- 11.21.8 The Registrar shall then refer the Dean's recommendation to the student for the student to provide a written response to the recommendation.
- 11.21.9 Under normal circumstances the student's response must reach the Registrar within ten (10) days of the date of notification.
- 11.21.10 In exceptional circumstances the Registrar may approve an extension of time for the student to respond to the Dean's recommendation.
- 11.21.11 The Registrar shall then refer the student's appeal, the Dean's recommendation and the student's response to the Graduate Research Students' Appeals Committee, constituted under Rule 17.2, for consideration and decision.

11.22 Result of appeal

- 11.22.1 Where an appeal against discontinuation due to unsatisfactory progress is upheld:
- (1) the student's candidature will be reinstated;
 - (2) the University Graduate School Board will, upon advice from the Responsible Academic Officer, determine the period of candidature remaining and any other requirements for the student to complete the course.
- 11.22.2 Where an appeal against discontinuation due to unsatisfactory examination is upheld:
- (1) the student's candidature will be reinstated;
 - (2) the University Graduate School Board will, upon advice from the Responsible Academic Officer, determine the steps and processes necessary for the re-examination to be conducted in an appropriate timeframe or for the examination to be repeated as appropriate.
- 11.22.3 Where an appeal against discontinuation is not upheld the discontinuation of candidature will be confirmed.

SECTION 12 — HIGHER DOCTORAL DEGREE REQUIREMENTS

12.1 Higher Doctoral degrees

- 12.1.1 The University Council has determined that there shall be the following Higher Doctoral degrees:
- (1) Doctor of Engineering (DEng);
 - (2) Doctor of Fine Arts (DFA);
 - (3) Doctor of Laws (LLD);
 - (4) Doctor of Letters (LittD);
 - (5) Doctor of Science (DSc).

12.2 Requirements for award

- 12.2.1 Any of the degrees referred to in Rule 12.1.1 may be conferred by the University Council on a candidate who has to the satisfaction of the Academic Board made a significant original contribution to a field of knowledge and whose scholarly works exhibit, among other things, a level of originality and creativity which marks them as a major authority in his or her field.

12.3 Eligibility

- 12.3.1 To qualify for consideration as an applicant for the award of a Higher Doctoral degree, an applicant must:
- (1) have been a full-time academic staff member of the University of Technology, Sydney for at least three consecutive years or the equivalent as a part-time academic staff member, or otherwise, in the opinion of the Dean of the relevant Faculty have had an equivalent connection with the University of Technology, Sydney; and
 - (2) hold a degree of the University of Technology, Sydney; or
 - (3) hold a degree from another tertiary institution, and be in the opinion of the Dean of the relevant faculty otherwise qualified to be a candidate for a Higher Doctoral degree by reason of eminence in learning or creative achievements.

12.4 Application

- 12.4.1 An applicant for Higher Doctoral degree candidature shall submit to the Dean, University Graduate School an application together with four copies of the published work that the applicant wishes to have examined.
- 12.4.2 The Dean, University Graduate School shall refer the application to the Dean of the relevant faculty for a recommendation as to:
- (1) whether the applicant satisfies the eligibility criteria in Rule 12.3.1;
 - (2) whether the published work is prima facie worthy of examination for the degree and if so for recommendation as to examiners.

12.5 Submitted works

- 12.5.1 The work submitted for examination for a Higher Doctoral degree must be published works of which the candidate is author or joint author.
- 12.5.2 In the case of works of which the candidate is a joint author, the candidate shall submit a written statement and such supporting material as the Higher Doctoral Degrees Committee requires,

indicating the extent of the contribution of the candidate to the works.

- 12.5.3 A candidate shall not submit any work for which the candidate has already been granted a degree by any university.

12.6 Examination of works

- 12.6.1 The Higher Doctoral Degrees Committee shall appoint no fewer than three examiners, none of whom shall be staff members of the University, to examine the submitted works.

- 12.6.2 Each examiner shall submit to the Higher Doctoral Degrees Committee an independent report in writing and shall recommend, on the basis of the submitted work, whether the candidate's work:

- (1) has demonstrated outstanding creative achievement or an outstanding contribution to the field of knowledge in which those works fall; and
- (2) has exhibited a level of originality and creativity that marks the candidate as a major authority in that field.

- 12.6.3 The Higher Doctoral Degrees Committee shall consider the reports of the examiners and shall formulate a recommendation to the University Graduate School Board that:

- (1) the candidate has satisfied requirements for the award of the degree; or
- (2) the candidate has not satisfied requirements for the award of the degree; or
- (3) the University Graduate School Board takes other action as recommended by the Higher Doctoral Degrees Committee.

- 12.6.4 The University Graduate School Board shall consider the recommendation of the Higher Doctoral Degree Committee and:

- (1) recommend to Academic Board that the candidate has satisfied the requirements for the award as specified in Rule 12.2; or
- (2) determine that the candidate has not satisfied requirements for the award of the degree; or
- (3) take other action as it deems appropriate.

- 12.6.5 The candidate shall be advised of the University Graduate School Board's action under 12.6.4.

12.7 Deposit of works

- 12.7.1 The provisions of Rule 11.19 (Graduate Research Study) shall apply in respect of published works submitted under this Section of the Rules and for which an award is conferred under this Section of the Rules.

12.8 Higher Doctoral Degrees Committee

- 12.8.1 The Higher Doctoral Degrees Committee shall consist of such persons as the University Graduate School Board may nominate and determine from time to time.

- 12.8.2 Any approval given or made by a majority of those members of the Higher Doctoral Degrees Committee, present and voting at a duly constituted meeting of the Committee shall, for the purposes of this Section of the Rules, be deemed to be an approval, recommendation, decision or other determination of the Higher Doctoral Degrees Committee.

SECTION 13 — AWARDS AND GRADUATION

13.1 Application of these Rules

This Section of the Rules applies to all those who are considered eligible to receive an academic award of the University.

13.2 Completion of requirements

13.2.1 Coursework

- (1) Coursework students must have:
 - (a) been enrolled in a course that leads to the award; and
 - (b) completed the educational and other approved requirements of the course as set out in official publications of the University in the year in which they commenced study in that course unless other requirements have been approved by the relevant Responsible Academic Officer in accordance with Rule 3.6.2; and
 - (c) satisfied the requirements of Rule 6.2 in relation to the limit of approved credit where credit has been granted towards a course in recognition of prior learning.
- (2) The relevant Faculty Board shall confirm that those students who have satisfied the approved course requirements have completed the course, and shall notify Academic Board of the names of all such students and recommend to Academic Board that those students are eligible to graduate.
- (3) Where, as a result of death or permanent incapacity, a student fails to complete the course requirements, but has completed a substantial proportion of them, the relevant Faculty Board may recommend to Academic Board that the student be deemed to have completed requirements of a course. Such a recommendation would normally be made within two (2) years of the student's last enrolled teaching period and must be supported by relevant documentary evidence.

13.2.2 Graduate research

- (1) Graduate research students must have:
 - (a) been enrolled in the course that leads to the award; and
 - (b) completed satisfactorily the educational, research and other requirements as approved for the student.
- (2) The University Graduate School Board shall determine those students who have completed the course requirements.
- (3) The University Graduate School Board shall notify Academic Board and recommend to Academic Board that those students, so notified, having completed course requirements satisfactorily are eligible to graduate.

- (4) Where, as a result of death or permanent incapacity, a student fails to complete the course requirements, but has completed a substantial proportion of them, upon recommendation from the relevant Faculty Board, the University Graduate School Board may recommend to Academic Board that the student be deemed to have completed requirements of a course. Such a recommendation would normally be made within two (2) years of the student's last enrolled teaching period and must be supported by relevant documentary evidence. Such evidence may include the completion of research work, papers and publications, literature reviews, or other tangible research related activities.

13.3 Eligibility to graduate

- 13.3.1 Academic Board shall recommend to Council the conferral of awards upon those students who have satisfactorily completed course requirements in accordance with Rule 13.2 and are considered eligible to graduate.
- 13.3.2 Notwithstanding Rule 13.3.1 above, the Registrar may determine that a student who has completed course requirements in accordance with Rule 13.2 is not eligible to graduate in particular circumstances including but not limited to:
 - (1) where proceedings relevant to the student are pending or have commenced in accordance with the provisions of Section 16 (Student Misconduct and Appeals); or
 - (2) where the student has not discharged all of his or her financial obligations to the University; or
 - (3) where the student has not returned all borrowed library books, University equipment and materials.

13.4 Conferral of award

- 13.4.1 Degree, Diploma and Graduate Certificate awards are conferred by a resolution of the University Council.
- 13.4.2 Degree and Diploma awards may be presented at a University graduation ceremony. Graduate Certificate awards may be presented at a faculty ceremony.
- 13.4.3 An award of the University may be conferred posthumously.

13.5 Rescission of award

- 13.5.1 In exceptional circumstances, the University may rescind the conferral of an award, including but not limited to situations where:
 - (1) the University Student Conduct Committee has determined that rescission of an award is an appropriate penalty as provided for in Rule 16.3.1(1); or
 - (2) significant fraudulent or deceitful activities have been identified and proven subsequent to the conferral of the award and which, had they been known at the time of conferral of the award, would have led to a decision not to confer the award; or

- (3) administrative error has resulted in incorrect conferral of an award.

13.5.2 In the case of 13.5.1(1) above:

- (1) no action will be taken to implement the University Student Conduct Committee decision until such time as any appeal against that decision has been considered as provided for in accordance with Section 16 (Student Misconduct and Appeals) or until the time limit for lodgment of such an appeal has expired;
- (2) if no appeal is lodged or the original decision of the University Student Conduct Committee to rescind the award is upheld, the Vice-Chancellor will notify Academic Board and Council of the decision to rescind the award.
- (3) the Registrar will provide notice of the decision and reasons for the decision to the recipient of the award.

13.5.3 In the case of 13.5.1(2) above:

- (1) the Vice-Chancellor will establish a panel with an appropriate membership:
 - (a) to investigate the alleged or suspected fraudulent or deceitful activities;
 - (b) to provide a report to the Vice-Chancellor which includes recommendations as to any further action including but not limited to whether:
 - (i) the matter relates to individual misconduct as provided for in Section 16 (Student Misconduct and Appeals) and if so, any further action should proceed under the terms of those Rules;
 - (ii) the matter relates to other circumstances in which case any further action will be determined relevant to the circumstances.
- (2) the Vice-Chancellor will provide notice to the award recipient of any decision to take further action and will provide appropriate opportunities consistent with basic fairness for the award recipient to address the issues involved and to make a submission to the Vice-Chancellor on the matter prior to any final decision being taken on the status of the award.
- (3) the Registrar will inform the award recipient of the outcome of the Vice-Chancellor's decision.

13.5.4 In the case of 13.5.1(3) above:

- (1) the student will be advised of the proposed corrective action and any relevant consequences and will be given the opportunity to comment on these prior to a recommendation being made to Academic Board under 13.5.4(2) below;
- (2) the Registrar will report the matter to Academic Board for recommendation to Council that the appropriate corrective action be taken.

13.5.5 The Registrar may provide information on a decision to rescind an award and reasons for the decision to any other person who has a legitimate reason for having access to such information and in accordance with the provisions of the University Policy on Management and Protection of Personal Student Information.

13.6 Award nomenclature

13.6.1 Award nomenclature including abbreviations shall be in accordance with official award nomenclature for the course, as approved by the University and published in official University publications.

13.6.2 Graduates are entitled to use the official award nomenclature once the award has been conferred by the University Council.

13.7 Level of award — classification and grading

13.7.1 Subject to the provisions of Rules 13.7.2 and 13.7.3 below, the relevant Faculty Board shall recommend to Academic Board the classification and grading of the award, if any, to be conferred upon individual students.

13.7.2 The level of award recommended for individual students shall be determined by the relevant Faculty Board in accordance with guidelines approved by Academic Board from time to time.

13.7.3 The classification and grading of awards for each course shall be in accordance with the following provisions:

- (1) For a Doctoral degree, the award shall not be classified.
- (2) For a Masters degree by research, the award shall not be classified.
- (3) For a Masters degree by coursework for which the award of Honours is available, the award shall be classified as:
 - (a) Masters degree with Honours; or
 - (b) Masters degree.
- (4) For a Bachelor Honours degree the award shall be classified as:
 - (a) Bachelor Honours degree with First Class Honours; or
 - (b) Bachelor Honours degree with Second Class Honours, which may be graded into Division 1 and Division 2 in those faculties that require such grading; or
 - (c) Bachelor Honours degree with Third Class Honours, which may be awarded in those faculties that require such grading.
- (5) For a Bachelor degree for which the award of Honours is available, the award may be classified as:
 - (a) Bachelor degree with First Class Honours; or
 - (b) Bachelor degree with Second Class Honours, which may be graded into Division 1 and Division 2 in those faculties that require such grading; or
 - (c) Bachelor degree.

(6) For a Bachelor degree for which the award of Honours is not available, the award may be classified as:

- (a) Bachelor degree with Distinction; or
- (b) Bachelor degree with Credit; or
- (c) Bachelor degree.

(7) For a Graduate Diploma, the award may be classified as:

- (a) Graduate Diploma with Distinction; or
- (b) Graduate Diploma with Credit; or
- (c) Graduate Diploma.

(8) For a Diploma, the award may be classified as:

- (a) Diploma with Distinction; or
- (b) Diploma with Credit; or
- (c) Diploma.

(9) For an Associate Diploma or a Graduate Certificate, the award shall not be classified.

13.8 University Medal

13.8.1 A University Medal may be awarded, in accordance with the guidelines approved by Academic Board from time to time, to a graduating student who is considered by the relevant Faculty Board to have demonstrated exceptional merit.

13.9 Testamurs

13.9.1 A testamur is the official certificate of the University that attests to a particular person having satisfied requirements for and graduated with a particular award of the University.

13.9.2 A testamur is a legal document issued under the seal of the University and is issued in original form only once for each specific award conferred.

13.9.3 A certificate of replacement for a testamur may be requested by a graduate and issued by the Registrar in the form and on such conditions as determined by the Vice-Chancellor from time to time.

13.10 Academic dress

13.10.1 Academic dress is prescribed by the University Council for each award of the University, with the exception of Graduate Certificates.

13.10.2 Graduates who attend graduation ceremonies are required to wear the academic dress of the degree or diploma that is appropriate to the level of award obtained.

13.10.3 Graduates of the University are entitled to wear the academic dress, appropriate to the level of award obtained, at appropriate formal occasions.

SECTION 14 — HONORARY AWARDS OF THE UNIVERSITY

14.1 Honorary awards

14.1.1 The University Council has determined that there shall be the following honorary awards:

- (1) Honorary Doctor of Engineering (HonDEng);
- (2) Honorary Doctor of Laws (HonLLD);
- (3) Honorary Doctor of Letters (HonLittD);
- (4) Honorary Doctor of Science (HonDSc);
- (5) Honorary Doctor of the University (HonDUniv);
- (6) Fellow of the University;
- (7) UTS Distinguished Service Award.

14.2 Determination of recipients

14.2.1 Council may, on the recommendation of the Honorary Awards Committee, the Chancellor or the Vice-Chancellor, resolve to confer an honorary award upon a person who has satisfied the criteria determined by Council as being appropriate to the specific award in question.

14.2.2 Such determination shall be in accordance with the Policy on University Honours approved by Council from time to time.

SECTION 15 — UTS EQUIPMENT LOANS

15.1 Equipment availability

15.1.1 The University may make available University equipment for loan to a student to meet specific teaching, learning, or assessment requirements as specified in subject outlines or course requirements provided to students, or in relation to other academic-related activities.

15.2 Responsibilities of faculties and units

15.2.1 Faculties and units are responsible for:

- (1) ensuring that the conditions of equipment loans are clearly stated in written form and provided to students;
- (2) ensuring that borrowers present their University Student Identity Card and sign an undertaking to abide by the conditions of the equipment loan;
- (3) maintaining a register of equipment loans which includes at least the following:
 - (a) UTS asset number;
 - (b) the serial number, make and model of the equipment;
 - (c) student number shown on the University Student Identity Card;
 - (d) student's full name;
 - (e) date of loan;
 - (f) due date for return of equipment;
 - (g) amount of any conditional deposit imposed on the particular borrower;
- (4) reporting any breach of the conditions of an equipment loan to the relevant Dean or Director who shall act in accordance with Rule 15.4 below.

15.3 Responsibilities of borrowers

15.3.1 Equipment borrowers are responsible for:

- (1) ensuring that any UTS equipment item that they remove from University premises has been officially registered for borrowing with the relevant faculty or unit in accordance with Rule 15.2; and
- (2) the safekeeping and return of items borrowed by the due date and time.

15.3.2 Equipment borrowers must:

- (1) not carelessly or wilfully mutilate or damage UTS equipment;
- (2) take reasonable precautions to ensure the safekeeping of equipment and minimise the opportunity for theft, loss of, or damage to, the equipment;
- (3) not leave or attempt to leave UTS premises:
 - (a) with any UTS equipment item which is not registered for loan in the borrower's name with the relevant faculty or unit;
 - (b) with part of any UTS equipment item which is not registered for loan in the borrower's name with the relevant faculty or unit;

- (4) not use UTS equipment for any unauthorised purpose;
- (5) not use UTS equipment in any way which may infringe the rights or endanger the safety of others;
- (6) immediately report any malfunctions or existing damage to equipment to the relevant University officer within a faculty or unit;
- (7) immediately report any loss, theft or damage of or to the equipment to the relevant University officer.

15.4 Non-compliance

- 15.4.1 Where a Dean or Director believes on reasonable grounds that an equipment borrower has not complied with the specific conditions of loan as specified pursuant to Rule 15.2.1(1) above or has not complied with the requirements of Rule 15.3 above, the Dean or Director may do any or all of the following:
- (1) place restrictions on future use of the equipment;
 - (2) deny future loans to the borrower;
 - (3) request the Registrar not to permit the student to re-enrol or graduate, or to withhold assessment results, until the equipment is returned;
 - (4) require payment by the borrower of a specified amount not exceeding the amount of the value of the cost of replacement or repair of the equipment item;
 - (5) require the borrower to lodge a conditional deposit as part of the loan conditions of any subsequent loan(s);
 - (6) refer the matter to the Registrar who will deal with it in accordance with Section 16 (Student Misconduct and Appeals).
- 15.4.2 Where the Dean or Director believes one or more of the actions in Rule 15.4.1(1) to 15.4.1(6) are appropriate, the Dean or Director will notify and give reasons to the student and the Registrar. The Dean or Director may notify any other person of the decision and reasons on a need to know basis.

SECTION 16 — STUDENT MISCONDUCT AND APPEALS

Part A — General provisions

16.1 Application

- 16.1.1 The Rules in this Section apply to and in respect of all students of the University and in respect of misconduct by a person who was a student at the time of the misconduct, whether or not the person is currently enrolled (refer Rule 1.3.2 Conduct of students).
- 16.1.2 Nothing in these Rules precludes the University from initiating civil or criminal proceedings against a student or former student in respect of misconduct.

16.2 Definition of misconduct

- 16.2.1 **Student misconduct** includes both academic misconduct and non-academic misconduct.
- 16.2.2 **Academic misconduct** includes but is not limited to:
- (1)
 - (a) cheating or acting dishonestly in any way; or
 - (b) assisting any other student to cheat or act dishonestly in any way; or
 - (c) seeking assistance from others in order to cheat or act dishonestly; or
 - (d) attempting to do (a) or (b) or (c) in an examination under the supervision of the Registrar or an examination, test, assignment, essay, thesis or any other assessment task under the supervision of a Faculty that a student undertakes as part of the educational requirements of the course in which the student is enrolled;
 - (2) using, or attempting to use, any material or equipment that is not specified on an examination paper for use in the examination;
 - (3) plagiarising, i.e. taking and using someone else's ideas or manner of expressing them and passing them off as his or her own by failing to give appropriate acknowledgement of the source;
 - (4) contravening any provision of the Act, the By-law or a Rule dealing with student academic conduct;
 - (5) acting in contravention of any official statement that defines acceptable academic practice as approved by Council, Academic Board or a Faculty Board from time to time;
 - (6) engaging in any other improper academic conduct.
- 16.2.3 **Non-academic misconduct** includes but is not limited to:
- (1) contravening any provision of the University Act, the By-law or a Rule;
 - (2) acting in contravention of any official statement that defines acceptable standards of conduct and behaviour as approved by Council, Academic Board or a Faculty Board from time to time;

- (3) prejudicing the good name or academic standing of the University;
- (4) prejudicing the good order and government of the University;
- (5) a breach of confidentiality or privacy requirements or obligations in respect of the University or its staff, students or other relevant parties;
- (6) interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of the University;
- (7) harassing or engaging in any other form of improper or discriminatory behaviour towards another student, an officer of the University, a visitor to the University, or any other person whilst pursuing any activity related to his or her University purposes; such misconduct may relate, but is not limited, to race, ethnic or national origin, gender, marital status, sexual preference, disability, age, political conviction or religious belief;
- (8) intimidating or assaulting another student, officer of the University, a visitor to the University or any other person whilst pursuing any activity related to his or her University purposes;
- (9) failing to comply with any order or direction lawfully made or given under the Act, the By-law or a Rule;
- (10) refusing to identify himself or herself when asked lawfully to do so by an officer of the University;
- (11) failing to comply with any conditions set by the Vice-Chancellor under Rule 2.1.9 or under Rule 16.3.3;
- (12) breaching the terms or conditions of a penalty imposed for student misconduct;
- (13) obstructing any officer of the University in the performance of the officer's duties including preventing or attempting to prevent an officer of the University from occupying or using his or her assigned work area and/or refusing to leave such an area when instructed to do so;
- (14) behaving disgracefully, improperly or inappropriately:
 - (a) in a class, meeting or other activity in or under the control or supervision of the University, or
 - (b) on University premises, or
 - (c) on any other premises to which the student has access for his or her University purposes;
- (15) failing to comply with the prescribed provisions relating to the student's placement at another institution, place of learning or place of business;
- (16) acting dishonestly in relation to an application for admission to the University;
- (17) knowingly making any false or misleading representation about things that concern the student as a student of the University or breaching Rule 2.1.8;
- (18) altering or attempting to alter any document or record of the University, or causing or attempting to cause any unauthorised alteration of such a document or record;
- (19) accessing or using another student's academic work by theft or other unauthorised means;
- (20) misusing any facility in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- (21) without limiting, in any way, (20) above or the definition of 'facility', misusing any computing or communications equipment or capacity to which the student has access at or away from University premises for his or her University purposes in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- (22) stealing, destroying, damaging or causing loss or cost in respect of a facility or property of the University or for which the University is responsible.

16.3 Penalties

16.3.1 The penalty or penalties for student misconduct may be one or more of the following:

- (1) rescission of an academic award conferred by the University where the award is as a result of fraud or serious academic misconduct committed by the student before the award was conferred;
- (2) revocation of a recommendation to the Academic Board or the University Council that a student has satisfied the requirements for an award, effective for a period of up to twelve (12) months;
- (3) permanent exclusion from the University, in which case:
 - (a) the student's enrolment will be terminated;
 - (b) the student will be recorded as excluded from the University;
 - (c) the student will not be entitled to any benefits, advantages or privileges of the University;
 - (d) the student will not be permitted to enrol in any course of study whether for award or otherwise at the University;
 - (e) any further applications from the student for admission to any course of study at the University will not be considered;
- (4) exclusion from the University for a period of up to five (5) years in which case:
 - (a) the student's enrolment will be terminated;
 - (b) the student will be recorded as excluded from the University for the specified period of exclusion;
 - (c) the student will not be entitled to any benefits, advantages or privileges of the University for the specified period of exclusion;

- (d) the student will not be permitted to enrol in any course of study at the University whether for award or otherwise during the period of any exclusion;
 - (e) the student may re-apply for readmission to the course at the University at the end of the period of exclusion. Readmission is not automatic and conditions relating to the student's future conduct at the University may be set by the Vice-Chancellor;
- (5) suspension from the University for a specified period not exceeding twelve (12) months in which case:
- (a) the student will not be entitled to any benefits, advantages or privileges of the University during the period of suspension;
 - (b) the student will not be permitted to enrol in any course of study whether for award or otherwise at the University during the period of suspension;
 - (c) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension;
- (6) suspension from a course of the University for a period not exceeding twelve (12) months in which case:
- (a) the student will not be entitled to any course-related benefits, advantages or privileges of the University during the period of suspension;
 - (b) the student will not be permitted to enrol in the course from which the student has been suspended during the period of suspension;
 - (c) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension;
- (7) withholding of academic results for the relevant teaching period, and/or of an academic transcript, including deferral or withdrawal of permission to graduate, for a specified period not exceeding twelve (12) months;
- (8) imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding twelve (12) months, in which case if there is a further act of misconduct during the specified period the Vice-Chancellor or the Dean shall refer the matter to the University Student Conduct Committee or the relevant Faculty Student Conduct Committee, as the case may be, for a recommendation on the imposition of a more severe penalty;
- (9) if the misconduct constitutes academic misconduct in relation to a subject in which the student is enrolled:
- (a) a zero mark and 'Fail' result for any part or parts of the assessment of the subject;
 - (b) a requirement that the student re-submit a specific assessment task, with a reduction in marks to no more than a specified percentage of the maximum possible mark in the assessment task;
 - (c) a requirement that the student must undertake alternative assessment for the whole subject, for which the maximum possible mark can be no greater than a specified percentage of the total value of the assessment;
 - (d) a zero mark and 'Fail' result for the total assessment in the subject, in which case the zero mark and 'Fail' result will be denoted on the official record of the student in the same way as a 'Fail' result awarded in the usual way;
- (10) exclusion from attendance at specified classes or subjects for a specified period not exceeding twelve (12) months, provided that these do not include the entirety of classes or subjects for which the student is enrolled or is eligible to be enrolled;
- (11) exclusion from and prohibition from use of specified facilities of the University for a specified period not exceeding twelve (12) months;
- (12) payment to the University or a third party by a specified date of a specified amount not exceeding the amount of any loss or damage where an act of misconduct involves loss of or damage to property or facilities of the University or a third party, in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non payment of charges as are provided for in the Section 4 (Fees, Charges and Other Financial Obligations);
- (13) payment to the University by a specified date of a specified amount for its costs, not exceeding the amount of any costs incurred where an act of misconduct involves lengthy inquiries and proceedings, in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non payment of charges as are provided for in Section 4 (Fees, Charges and Other Financial Obligations);
- (14) payment to the University by a specified date of a fine up to \$5,000, with maximum fines for particular types of offences determined in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5), in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non payment of charges as are provided for in Section 4 (Fees, Charges and Other Financial Obligations);

- (15) imposition of specified conditions on attendance at specified classes or use of specified facilities of the University;
 - (16) a reprimand or caution.
- 16.3.2 Matters which may be taken into account in recommending or imposing a penalty in respect of instances of misconduct under these Rules include but are not limited to:
- (1) the nature and seriousness of the misconduct;
 - (2) a student's previous record of misconduct;
 - (3) previous penalties imposed for student misconduct including any penalty deferred in accordance with Rule 16.3.3;
 - (4) the fact that a student has admitted an alleged act of misconduct;
 - (5) the fact that a student came forward on the student's own initiative and admitted an act of misconduct.

Regard should also be had to the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct which are set out in Schedule 5 of the Rules, and which can be amended by the Vice-Chancellor from time to time, subject to notification of any change to Academic Board and Council.

- 16.3.3 The operation of a penalty may be deferred by the authority imposing the penalty for a period that will not normally exceed two (2) years, but may in appropriate cases continue for the duration of a student's enrolment in the course. During the period in which a penalty is deferred, as a condition of continued enrolment, the student must comply with any conditions prescribed by the Vice-Chancellor.

16.4 Designation

- 16.4.1 The Vice-Chancellor may at any time designate the Senior Deputy Vice-Chancellor or a Deputy Vice-Chancellor with appropriate portfolio responsibilities, to exercise all or part of the Vice-Chancellor's powers, duties and responsibilities under this Section of the Rules.
- 16.4.2 The Vice-Chancellor must advise Council of any such designation.

16.5 Procedural fairness

- 16.5.1 A student is entitled to procedural fairness in the handling of an allegation of student misconduct including any appeal.
- 16.5.2 Guidelines relating to Student Misconduct and Appeals which are set out in Schedule 4 of the Rules provide general guidance on procedural fairness and should usually be followed. A Conduct Committee or a Dean or the Vice-Chancellor may determine that there are sufficiently compelling circumstances to require different procedures in particular proceedings.
- 16.5.3 A student or an officer of the University including the Vice-Chancellor, Deans or member of a Conduct Committee must not hear or determine an allegation of student misconduct if he or she is personally involved in any aspect of the allegation.

- 16.5.4 For the purposes of Rule 16.5.3 a student or an officer of the University is not personally involved in any aspect of an allegation by reason only of the fact that he or she hears or deals with the allegation under these Rules.

16.6 Allegation of misconduct

- 16.6.1 An allegation of student misconduct must specify each individual act of alleged misconduct.
- 16.6.2 An allegation of student misconduct occurring within a faculty in relation to the teaching and conduct of courses and subjects within that faculty must be referred to the Dean of the relevant faculty and handled in accordance with Rule 16.11 below.
- 16.6.3 All other allegations of serious student misconduct must be referred to the Registrar and handled in accordance with Rule 16.15 below.

16.7 Admission of misconduct

- 16.7.1 A student may admit an act of misconduct at any time.
- 16.7.2 When a student admits both the occurrence and the substance of an act of misconduct:
- (1) any enquiry being undertaken by a relevant officer of the University or Committee in relation to that act of misconduct will cease;
 - (2) the relevant officer of the University or Committee will make recommendations only as to the penalty or penalties in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5).

16.8 Faculty policy

- 16.8.1 A Faculty Board may determine a policy for dealing with allegations of student misconduct other than those considered to be serious non-academic misconduct and dealt with under Rule 16.11.3. Any such policy must be consistent with University Rules and must be approved by Academic Board.
- 16.8.2 In dealing with an allegation of student misconduct the Dean has authority to determine whether in the first instance to deal with the matter in accordance with the approved faculty policy or to handle the matter under the procedures specified in these Rules.

16.9 Annual report of matters related to student misconduct

- 16.9.1 Each year the Dean of each Faculty will provide the Registrar with a written report on the recommendations of the Faculty Student Conduct Committees and on all actions he or she has taken in relation to student misconduct.
- 16.9.2 Each year the Registrar will provide the Vice-Chancellor, for the information of Academic Board and Council, with a report on all student misconduct matters, including decisions made in relation to the recommendations of the University Student Conduct Committee and the Faculty Student Conduct Committees.

- 16.9.3 The Vice-Chancellor will take whatever action he or she considers necessary to ensure reasonable consistency in respect of the handling of student misconduct matters between the faculties and in respect of the penalties imposed.

Part B — Temporary exclusion

16.10 Exclusion from facilities and/or participation in activities

- 16.10.1 An officer of the University may summarily exclude a student from facilities and/or participation in activities under this Rule in circumstances in which it is appropriate to do so. Such circumstances include, but are not limited to, where the officer believes:

- (1) the student is suspected of having committed an act of misconduct in, or in relation to use of facilities and/or participation in an activity; or
- (2) the student's behaviour is disrupting use of the facilities by others or participation in activities by others or likely to disrupt them; or
- (3) the student's behaviour is causing or encouraging others to disrupt use of the facilities and/or participation in activities; or
- (4) there is or may be a threat to the safety of persons or property.

- 16.10.2 For the purpose of Rule 16.10 facilities and participation in activities includes but is not limited to classes, laboratories, computer laboratories, Library, practicums, clinical practice or fieldwork excursions.

- 16.10.3 Guidelines on Exclusion of Students from Facilities and/or Participation in Activities consistent with this Rule should be approved by Academic Board from time to time for the purpose of providing guidance to students and officers of the University on the application of Rule 16.10 in various circumstances and situations.

- 16.10.4 Unless sooner revoked, an exclusion from facilities and/or participation in activities ceases to have effect:

- (1) in the case of the exclusion of a student from a class, at the end of the session of the class during which the student was excluded; or where appropriate, for a period up to seven (7) days from the day on which the alleged incident occurred;
- (2) in the case of the exclusion of a student from a fieldwork excursion, at the end of the excursion;
- (3) in any other case, at the expiration of seven (7) days from the day on which the alleged incident occurred.

- 16.10.5 An officer of the University who excludes a student from facilities and/or participation in activities under this Rule must notify the relevant Dean, the Librarian or the Registrar of the exclusion not later than seven (7) days after the exclusion takes place and at the same time send a copy of the notice to the student.

- 16.10.6 If the incident occurs in a classroom, or during a practicum, clinical practice, fieldwork excursion or in a faculty facility, the Dean will decide whether the notified incident should be treated as an allegation of student misconduct and handled in accordance with Rule 16.11.

- 16.10.7 If the incident occurs in the Library, the Librarian will decide whether the notified incident should be treated as an allegation of student misconduct for referral to the Registrar to be handled in accordance with Rule 16.15.

- 16.10.8 If the Dean or the Librarian decides to treat the notified incident in another way, the notification and details of the subsequent action by the Dean or Librarian will be placed on the student's file and may be used at some future time in determination of a penalty should further instances of misconduct occur in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5).

- 16.10.9 In all other cases, the Registrar will determine the appropriate action in accordance with the Rules.

- 16.10.10 The student will be notified of all decisions and action taken.

Part C — Allegations of misconduct handled at the faculty level

16.11 Allegations referred to the Dean

- 16.11.1 Where the Dean receives an allegation of misconduct, the Dean may obtain further details of the allegation of misconduct and make such other enquiries as he or she believes necessary.

- 16.11.2 If after considering all the information, the Dean is of the view that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Dean may determine not to take further action in relation to the allegation in which case the Dean must notify the Registrar and provide sufficient information on the allegation to be retained by the Registrar on a confidential file.

- 16.11.3 Where the Dean believes an alleged act of student misconduct within the Faculty involves serious non-academic misconduct, the Dean shall refer the allegation to the Registrar to be handled in accordance with Rule 16.15. Before doing so, in cases where the allegation is made by an officer of the University, the Dean shall consult with that officer.

- 16.11.4 If the Dean decides to deal with the matter in accordance with a Faculty policy determined in accordance with Rule 16.8.1, the student must agree in writing to it being so dealt with prior to the commencement of any proceedings. If the student does not so agree, the matter is to be handled in accordance with Rule 16.11.5.

- 16.11.5 The Dean must, in writing and as soon as possible:

- (1) notify the student of the allegation; and
- (2) provide the student with a copy of the relevant Rules and Guidelines; and
- (3) draw the attention of the student to the student's right to admit the alleged misconduct; and

- (4) draw the attention of the student to any relevant approved Faculty Policy that the Dean has determined may be applied to the matter and invite the student to consider having the matter dealt with in accordance with the Faculty Policy as provided for in Rule 16.8 above; and
- (5) give the student a reasonable period, being a period of not less than seven (7) days, to seek advice about available options; and
- (6) ask whether the student admits or denies any or all of the allegations.

16.11.6 Where the student admits the allegation, the Dean must:

- (1) deal with the matter in accordance with the Faculty Policy in those cases where the student has agreed to the matter being handled in this manner; or
- (2) deal with the matter in accordance with the Rules as follows:
 - (a) where the Dean believes the alleged misconduct to involve serious academic misconduct refer the matter to a Faculty Student Conduct Committee for recommendation as to the penalty or penalties it considers appropriate; or
 - (b) impose one or more of the penalties set out in Rule 16.3.1(7) to Rule 16.3.1(16), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5); or
 - (c) impose no penalty because the Dean believes no penalty is warranted;
- (3) advise the student in writing of the Dean's decision and the student's right of appeal in cases where the Dean has imposed a penalty.

16.11.7 Where the student denies the allegation of misconduct, or neither admits nor denies the allegation of misconduct by the time specified, the Dean must refer the allegation to the relevant Faculty Student Conduct Committee to make appropriate recommendations to the Dean.

16.12 Faculty Student Conduct Committee

16.12.1 Composition

- (1) A Faculty Student Conduct Committee will comprise four members:
 - (a) two members of the University staff drawn from a panel of staff approved by the relevant Faculty Board; and
 - (b) two members who are students of the University drawn from a panel of student members approved by the relevant Faculty Board from a panel nominated by the relevant Faculty Board, and who
 - (i) have attended a university for at least one year; and
 - (ii) are not full-time (continuing or fixed term) members of the University staff.

16.12.2 Conduct of meetings

- (1) One staff member will be appointed by the relevant Faculty Board to chair meetings of a Faculty Student Conduct Committee.
- (2) An alternate Chair may be appointed by Faculty Board from the approved panel of staff to act where the designated Chair is unavailable. In such a case the alternate Chair will assume the role of Chair and has a casting vote.
- (3) All members of a Faculty Student Conduct Committee must be present at all of its meetings.
- (4) A decision of a Faculty Student Conduct Committee requires a simple majority. In the case where the vote is tied, the Chair has an additional casting vote.

16.12.3 Role

- (1) Where an alleged act of misconduct has been referred by the Dean to the Faculty Student Conduct Committee the Committee must:
 - (a) inquire into any alleged act of misconduct; and
 - (b) make recommendations to the Dean as to whether there has been an act of misconduct and if there has been, the penalty or penalties it considers to be appropriate in accordance with Rule 16.3.1.
- (2) Where a student has admitted an act of misconduct and the matter has been referred to the Faculty Student Conduct Committee the Committee must make recommendations to the Dean as to the penalty or penalties it considers appropriate for the admitted act of misconduct, in accordance with Rule 16.3.1.

16.12.4 Procedures

- (1) A Faculty Student Conduct Committee will determine its own procedures consistent with Rule 16.5.
- (2) The Responsible Academic Officer (or nominee) will present to a Faculty Student Conduct Committee evidence on which the allegation of misconduct is based, outline the concerns the Faculty has about the alleged misconduct and make submission as to the nature and extent of any appropriate penalty.
- (3) The student may present evidence in support of his or her case and in response to any of the matters presented by the Responsible Academic Officer (or nominee).
- (4) A Faculty Student Conduct Committee may at any time ask the Responsible Academic Officer (or nominee) or the student to present additional evidence or address specific issues.
- (5) In preparing its recommendations, a Faculty Student Conduct Committee must have due regard for the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5).

- (6) In appropriate cases the Committee may also consider any other precedent case of student misconduct that the Committee believes is similar to the case under consideration. When it does so the Committee will provide the student with sufficient general information on the precedent cases to enable the student to make representations as to the relevance and appropriateness of any such precedent, and to refer to any others.

16.12.5 Committee report

- (1) A Faculty Student Conduct Committee must prepare a written report containing its factual findings on any inquiry, its recommendations and its reasons.
- (2) A Faculty Student Conduct Committee must provide its written report to the Dean and the student.
- (3) The student may, within seven (7) days of receiving the report, make written representations to the Dean about the recommendations of the Faculty Student Conduct Committee.

16.13 Dean's decision

- 16.13.1 In coming to a decision the Dean must consider:
 - (1) the written report of a Faculty Student Conduct Committee;
 - (2) the student's written representations under Rule 16.12.5(3) (if any); and
 - (3) any other previous case of student misconduct which the Dean believes is similar to the case he or she is considering, to assist with consistency in decision-making.
- 16.13.2 The Dean may rely on the findings of fact of a Faculty Student Conduct Committee.
- 16.13.3 The Dean may accept any or all of a Faculty Student Conduct Committee's recommendations, or take a different view as to whether there has been an act of misconduct or the appropriate penalty or penalties.
- 16.13.4 If the Dean is considering a penalty that is more severe than that recommended by the Faculty Student Conduct Committee, the Dean shall, before imposing the penalty, notify the student in writing and provide the student with the opportunity to make representations concerning the appropriateness of the penalty.
- 16.13.5 The student must make any such representation within seven (7) days of receiving the details from the Dean.
- 16.13.6 Where the Dean believes one or more of the penalties specified in Rules 16.3.1(7) to 16.3.1(16) is appropriate, the Dean:
 - (1) must make the decision as to penalty;
 - (2) must in writing and as soon as possible notify the student of the decision; and
 - (a) if the Dean has accepted all the recommendations of a Faculty Student Conduct Committee, the Dean need only tell the student that this was so; or
 - (b) give reasons for the decision;

- (3) must provide the Registrar with a copy of the notification to the student;
- (4) may notify any other person of the decision and reasons in accordance with the Guidelines relating to Student Misconduct and Appeals (refer Schedule 4).

- 16.13.7 Where the Dean believes one or more of the penalties specified in Rules 16.3.1(1) to 16.3.1(6) is appropriate, the Dean must:
 - (1) refer the matter to the Vice-Chancellor for decision on the appropriate penalty;
 - (2) provide the Vice-Chancellor with a written report, which includes the Faculty Student Conduct Committee's report and the Dean's recommendations;
 - (3) provide a copy of his or her report to the student at the same time.
- 16.13.8 Where the matter has been referred to the Vice-Chancellor in accordance with Rule 16.13.7, the student may, within seven (7) days of receiving the Dean's report, make written representations to the Vice-Chancellor about the recommendations of the Faculty Student Conduct Committee and/or the Dean.

16.14 Vice-Chancellor's decision

- 16.14.1 The Vice-Chancellor may impose any of the penalties in Rule 16.3.1 or no penalty.
- 16.14.2 The Registrar must, in writing and as soon as possible, notify the student of the Vice-Chancellor's decision and give reasons.
- 16.14.3 The Registrar may notify any other person of the decision and reasons in accordance with the Guidelines relating to Student Misconduct and Appeals (refer Schedule 4).

Part D — Allegations of misconduct handled centrally

16.15 Allegations referred to the Registrar

- 16.15.1 Where the Registrar receives an allegation of misconduct, the Registrar may obtain further details of the allegation of misconduct and make such other enquiries as he or she believes necessary.
- 16.15.2 If after considering all the information, the Registrar is of the view that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Registrar may determine not to take further action in relation to the allegation in which case the Registrar will retain sufficient information on the allegation on a confidential file.
- 16.15.3 Where the alleged misconduct involves academic misconduct during a centrally conducted examination, the Registrar will:
 - (1) inquire into the alleged misconduct;
 - (2) in consultation with the Subject Coordinator consider the evidence including the student's response, if any;
 - (3) decide on the appropriate course of action, as follows:
 - (a) dismiss the allegation of academic misconduct; or

- (b) issue a formal warning; or
 - (c) where the student admits the misconduct and the nature of the misconduct is sufficiently serious to warrant consideration of a formal penalty under Rule 16.3, refer the matter to the Vice-Chancellor for consideration as specified in Rule 16.15.6; or
 - (d) refer the allegation to the University Student Conduct Committee;
- (4) advise the student in writing of the decision under (3) above.
- 16.15.4 Where the alleged misconduct involves non-academic misconduct, the Registrar will:
- (1) inquire into the alleged misconduct;
 - (2) consider the evidence;
 - (3) decide on the appropriate course of action, as follows:
 - (a) dismiss the allegation of misconduct; or
 - (b) issue a formal warning; or
 - (c) where the student admits the misconduct and the nature of the misconduct is sufficiently serious to warrant consideration of a formal penalty under Rule 16.3, refer the matter to the Vice-Chancellor for consideration as specified in Rule 16.15.6; or
 - (d) refer the allegation to the University Student Conduct Committee;
 - (4) advise the student in writing of the decision under (3) above.
- 16.15.5 Where an allegation is to be referred to the University Student Conduct Committee, the Registrar must in writing and as soon as possible:
- (1) notify the student of the allegation; and
 - (2) provide the student with a copy of the relevant Rules and Guidelines; and
 - (3) draw the attention of the student to the student's right to admit the alleged misconduct;
 - (4) ask whether the student admits or denies any or all of the allegations, and
 - (5) give the student a reasonable period, being a period of not less than seven (7) days, to seek advice about available options and reply to the allegation.
- 16.15.6 Where the student admits the allegation, the Registrar must refer the matter to the Vice-Chancellor who must:
- (1) where the Vice-Chancellor believes the misconduct could be sufficiently serious to warrant the penalty specified in Rules 16.3.1(1) to 16.3.1(6) refer the matter to a University Student Conduct Committee for recommendation as to the penalty or penalties it considers appropriate; or
 - (2) impose one or more of the penalties set out in Rules 16.3.1(7) to 16.3.1(16), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 5); or
 - (3) impose no penalty because the Vice-Chancellor believes no penalty is warranted.
- 16.15.7 Where the student denies the allegation, or neither admits nor denies the allegation of misconduct by the time specified, the Registrar must refer the allegation to a University Student Conduct Committee.
- ## 16.16 University Student Conduct Committee
- ### 16.16.1 Composition
- (1) A University Student Conduct Committee will comprise four members:
 - (a) Two members of the University staff drawn from a panel of staff approved by Academic Board; and
 - (b) Two members who are students of the University drawn from a panel of student members approved by Academic Board from a panel nominated by the Faculty Boards, and who
 - (i) have attended a university for at least one year; and
 - (ii) are not full-time (continuing or fixed term) members of the University staff.
- ### 16.16.2 Conduct of meetings
- (1) One staff member will be appointed by the Academic Board to chair meetings of a University Student Conduct Committee.
 - (2) An alternate Chair may be appointed by Academic Board from the approved panel of staff to act where the designated Chair is unavailable. In such a case the alternate Chair will assume the role of Chair and has a casting vote.
 - (3) All members of a University Student Conduct Committee must be present at all its meetings.
 - (4) A decision of a University Student Conduct Committee requires a simple majority. In the case where the vote is tied, the Chair has an additional casting vote.
- ### 16.16.3 Role
- (1) Where an alleged act of misconduct has been referred by the Registrar to the University Student Conduct Committee the Committee must:
 - (a) inquire into any alleged act of misconduct, and
 - (b) make recommendations to the Vice-Chancellor as to whether there has been an act of misconduct and if there has been, the penalty or penalties it considers to be appropriate in accordance with Rule 16.3.1.
 - (2) Where a student has admitted an act of misconduct and the matter has been referred to the University Student Conduct Committee the Committee must:

- (a) make recommendations to the Vice-Chancellor as to the penalty or penalties it considers appropriate for the admitted act of misconduct, in accordance with Rule 16.3.1.

16.16.4 Procedures

- (1) A University Student Conduct Committee will determine its own procedures consistent with Rule 16.5.
- (2) The Registrar (or nominee) will present to a University Student Conduct Committee evidence on which the allegation of misconduct is based, outline the University's concerns about the alleged misconduct and make submission as to the nature and extent of any appropriate penalty.
- (3) The student may present evidence in support of his or her case and in response to any of the matters presented by the Registrar (or nominee).
- (4) A University Student Conduct Committee may at any time ask the Registrar (or nominee) or the student to present additional evidence or address specific issues.
- (5) In preparing its recommendations, a University Student Conduct Committee must have due regard for Rule 16.3.2.
- (6) In appropriate cases the Committee may also consider any other precedent case of student misconduct that the Committee believes is similar to the case under consideration. When it does so the Committee will provide the student with sufficient general information on the precedent cases to enable the student to make representations as to the relevance and appropriateness of any such precedent, and refer to any others.

16.16.5 Committee report

- (1) A University Student Conduct Committee must prepare a written report containing its factual findings on any inquiry, its reasons and its recommendations.
- (2) A University Student Conduct Committee must provide its written report to the Vice-Chancellor and the student.
- (3) The student may, within seven (7) days of receiving the report, make written representations to the Vice-Chancellor about the recommendations of the University Student Conduct Committee.

16.17 Vice-Chancellor's decision

- 16.17.1 In coming to a decision the Vice-Chancellor must consider:
- (1) the written report of a University Student Conduct Committee;
 - (2) the student's written representations under Rule 16.16.5(3) (if any); and
 - (3) any other previous case of student misconduct which the Vice-Chancellor believes is similar to the case he or she is considering, to assist with consistency in decision-making.
- 16.17.2 The Vice-Chancellor may rely on the findings of fact of a University Student Conduct Committee.

- 16.17.3 The Vice-Chancellor may accept any or all of a University Student Conduct Committee's recommendations, or take a different view as to whether there has been an act of misconduct or the appropriate penalty or penalties.
- 16.17.4 If the Vice-Chancellor is considering a penalty which is more severe than that recommended by the University Student Conduct Committee, the Vice-Chancellor shall, before imposing the penalty, notify the student in writing and provide the student with the opportunity to make representations concerning the appropriateness of the penalty.
- 16.17.5 The student must make any such representations within seven (7) days of receiving the details from the Vice-Chancellor.
- 16.17.6 The Registrar must, in writing and as soon as possible, notify the student of the Vice-Chancellor's decision, and
- (1) if the Vice-Chancellor has accepted all the recommendations of a University Student Conduct Committee, need only tell the student that this was so; or
 - (2) advise the student of the Vice-Chancellor's reasons for the decision.
- 16.17.7 The Registrar may notify any other person of the decision and reasons in accordance with the Guidelines relating to Student Misconduct and Appeals (refer Schedule 4).

Part E — Student misconduct appeals

16.18 Basis for appeals

- 16.18.1 A student has a right of appeal to a Student Misconduct Appeals Committee in respect of a decision of the Vice-Chancellor under Rules 16.14, 16.15.6(2) or 16.17 or of the Dean under Rule 16.13.6.
- 16.18.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Registrar within thirty (30) days after notice of the decision is provided to the student.
- 16.18.3 The grounds on which a student may appeal against a decision of the Vice-Chancellor or of a Dean in response to the findings and recommendations of a Faculty Student Conduct Committee or University Student Conduct Committee or to the penalty or penalties imposed are:
- (1) that the decision was based on a serious misunderstanding of these Rules;
 - (2) that the decision was based on a serious mistake as to the facts;
 - (3) that a failure of procedural fairness occurred including failure to follow specified procedural requirements which would be likely to have had an impact on the decisions or outcomes of the proceedings;
 - (4) that fresh relevant evidence has become available to the student, being evidence that was not available or known to the student at the time of the hearing and which would be likely to have affected the outcome of the proceedings;
 - (5) that the penalty or penalties imposed on the student were manifestly excessive or inappropriate.

16.18.4 The Vice-Chancellor may, on the application of the student concerned or otherwise, direct that any action to be taken as a consequence of a decision to impose any penalty be stayed:

- (1) until the time for making an appeal against a decision has expired; or
- (2) if an appeal against a decision is made within that time, until the appeal has been finally determined.

16.19 Student Misconduct Appeals Committee

16.19.1 Composition

- (1) A Student Misconduct Appeals Committee will consist of:
 - (a) a person with legal qualifications as the Chair of the Committee; and
 - (b) a student of the University who has attended a university for at least two years and who is not a full-time (continuing or fixed term) member of the University staff; and
 - (c) a person with expertise in academic matters and knowledge of the University or universities.
- (2) The Council will from time to time approve panels of persons in each of the above categories who can be appointed to a Student Misconduct Appeals Committee.
- (3) No person may serve on a Student Misconduct Appeals Committee considering a case in which the person was a member of the original inquiry body (University or Faculty Student Conduct Committees) or involved previously in any capacity in the case before the Student Misconduct Appeals Committee.
- (4) When an appeal is lodged, the Registrar will nominate three persons from the approved panels to constitute the Student Misconduct Appeals Committee.
- (5) The Registrar will notify the student of the three persons who have been nominated.
- (6) Within seven (7) days of the date of notification, the student may exercise his or her right to object to the inclusion of any person.
- (7) If the student does object and if the Registrar in his or her absolute discretion is satisfied that cause exists, the Registrar will nominate another person or persons. Should the approved panel for a category be exhausted, the Registrar may nominate a person in the category who is not on the approved panel. This process will continue until a Committee can be convened.

16.19.2 Objection to membership

- (1) A student has a right to object to the inclusion of a person on a Student Misconduct Appeals Committee with cause, where 'cause' is defined as:
 - (a) not having the requisite qualifications; or
 - (b) being incapable of discharging his or her duty; or

- (c) not being impartial; or
- (d) reasonably perceived as not being impartial.

16.19.3 Conduct of appeals proceedings

- (1) All members of a Student Misconduct Appeals Committee must be present at all its meetings.
- (2) The Chair must determine any question relating to the admissibility of evidence and any other question of law.
- (3) Subject to (2) above, a decision of a Student Misconduct Appeals Committee requires a simple majority.
- (4) If a member of a Student Misconduct Appeals Committee ceases to be a member at a point when the remaining members have reached a decision and that decision is unanimous, the decision of the remaining members will be the decision of the Appeals Committee.

16.19.4 Role

- (1) In normal circumstances a Student Misconduct Appeals Committee will limit the inquiry to:
 - (a) the grounds of appeal specified in the notice of appeal submitted by the student, consistent with Rule 16.18.3; and
 - (b) ensuring that the penalty or penalties imposed for the student misconduct are consistent with case precedents and comparable to penalties imposed across the University for similar acts of misconduct.
- (2) In exceptional circumstances where there are substantial grounds to believe that it is necessary in the interests of justice and procedural fairness, the Student Misconduct Appeals Committee will consider the matter afresh according to the merits of the case.
- (3) The Student Misconduct Appeals Committee will make a determination in each individual case as to whether to consider the matter in accordance with (1) or (2) above.

16.19.5 Procedures

- (1) A Student Misconduct Appeals Committee will determine its own procedures consistent with these Rules, including Rule 16.5. This includes whether or not to hear all or any part of a matter afresh.
- (2) Unless there are exceptional circumstances, a Student Misconduct Appeals Committee will not consider any material that has not first been considered by the Dean and the relevant Faculty Student Conduct Committee, or by the Vice-Chancellor and University Student Conduct Committee.
- (3) If new evidence is presented to a Student Misconduct Appeals Committee, being evidence that was not initially considered by the Dean or the Vice-Chancellor or the relevant Student Conduct Committee, the Appeals Committee should in normal circumstances refer the matter back for reconsideration in light of the new evidence.

- (4) A Student Misconduct Appeals Committee is not bound by the rules of evidence and may inform itself on any matter it thinks fit consistent with Rule 16.5.
- (5) A Student Misconduct Appeals Committee will normally conclude its inquiry and prepare its report within six (6) weeks of the day upon which the appeal was referred to it.
- (6) Notwithstanding the provisions of Rule 16.19.5(5), and subject to the approval of the Chancellor, Vice-Chancellor and Registrar, in an individual case the time within which the report of a Student Misconduct Appeals Committee must be made may be extended to not more than six (6) months from the day on which the appeal was referred to it or such other period, as may be warranted in exceptional circumstances.

16.19.6 Dissolution of Committee

- (1) Where, in the opinion of the Registrar, a Student Misconduct Appeals Committee is not progressing an appeal expeditiously, the Registrar may, after consultation with the Chair of the Student Misconduct Appeals Committee, by notice in writing served on the members of the Student Misconduct Appeals Committee and the student, dissolve that Committee.
- (2) Where the Registrar dissolves a Student Misconduct Appeals Committee under Rule 16.19.6(1), another Committee will be constituted in accordance with Rules 16.19.1, to inquire into the appeal, provided that no person who was a member of the dissolved Student Misconduct Appeals Committee may be a member of the newly constituted Student Misconduct Appeals Committee unless the Registrar so determines.

16.19.7 Decision

- (1) A Student Misconduct Appeals Committee may:
 - (a) for any reason, refer a matter back to the Vice-Chancellor, Dean, the University Student Conduct Committee or the relevant Faculty Student Conduct Committee as appropriate for further consideration and recommendations;
 - (b) uphold or dismiss an appeal against a finding that the student has committed an act of misconduct or against the penalty or penalties imposed;
 - (c) affirm, vary or nullify a penalty in accordance with the decision reached under 16.19.7(1)(b).
- (2) A decision of a Student Misconduct Appeals Committee is final.

16.19.8 Report

- (1) A Student Misconduct Appeals Committee must prepare a written report containing its factual findings, reasons and decision and provide its report to the Registrar within six (6) weeks from the date of referral of the matter to the Committee or such other time as has been approved in accordance with Rule 16.19.5(6).
- (2) The Registrar will notify the student of the Committee's decision and provide the student with a copy of the Student Misconduct Appeals Committee's report.
- (3) The Student Misconduct Appeals Committee may request the Registrar to notify any other person of the decision and reasons in accordance with the Guidelines relating to Student Misconduct and Appeals (refer Schedule 4).
- (4) The Registrar will provide a report to Council each year of the appeals that have been heard and of the outcomes and will make available to Council any particular decisions and reports that Council may request.

SECTION 17 — APPEALS COMMITTEES OF ACADEMIC BOARD

17.1 Constitution

17.1.1 Appeals Committees shall be constituted in accordance with Rules 17.2 to 17.4 below for the purposes of a student's right of appeal under the following Rules:

- Rule 5.6.2 Withdrawal of offer and cancellation of admission and/or enrolment
- Rule 3.4.7 (of Rule 3.4 Professional experience requirements);
- Rule 11.21 Appeal against discontinuation of candidature (Graduate research study).

17.2 Graduate Research Students' Appeals Committee

17.2.1 Composition

- (1) A Graduate Research Students' Appeals Committee shall consist of:
 - (a) Chair/Deputy Chair appointed by the Chair of Academic Board;
 - (b) two academic staff members with experience in supervision of graduate research students appointed from a panel appointed by the Academic Board from panel members nominated by the Deans under Rule 17.2.1(3) below;
 - (c) a graduate research student of the University who has been enrolled at the University for at least one year, appointed from a panel appointed by Academic Board from panel members nominated by the Deans under Rule 17.2.1(3) below.
- (2) The Academic Board shall appoint panels of persons in categories (b) and (c) above every two years.
- (3) Nomination of panel members shall be made by the Dean of each Faculty.
- (4) Panel members may be appointed for not more than two consecutive terms.
- (5) When an appeal is lodged, the Chair of Academic Board, in consultation with the Deputy Vice-Chancellor (Research) shall constitute a Graduate Research Students' Appeals Committee as required under Rule 17.2.1 above from the panels appointed by Academic Board.
- (6) The Deputy Chair shall serve as Chair in a case where the Chair has an involvement with the case being heard, or is otherwise not able to act as Chair.
- (7) All members of a Graduate Research Students' Appeals Committee must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through remote conferencing.

17.2.2 Terms of reference

- (1) The Graduate Research Students Appeals' Committee shall make determinations on graduate research student appeals against discontinuation of candidature on grounds of unsatisfactory progress pursuant to Rule 11.20.2(1) or unsatisfactory examination pursuant to Rule 11.20.2(2).
- (2) In cases where an appeal is upheld, the Graduate Research Students' Appeals Committee may also make recommendations to facilitate the implementation of a remedy appropriate to the circumstances of the matters in question.

17.3 Professional Experience Appeals Committee

17.3.1 Composition

- (1) A Professional Experience Appeals Committee shall consist of:
 - (a) Chair/Deputy Chair appointed by the Chair of the Academic Board;
 - (b) two academic staff members, with experience in the placement and administration of professional experience students, nominated by the Deans under Rule 17.3.1(4) below;
 - (c) a student of the University who has been enrolled at the University for at least one year and who has completed, or partially completed, professional experience course requirements, nominated by the Deans under Rule 17.3.1(4) below..
- (2) When an appeal is lodged the Chair, Academic Board, in consultation with the Senior Deputy Vice-Chancellor shall constitute a Professional Experience Appeals Committee as required in Rule 17.3.1(1) above from staff nominated by the Deans of each Faculty (refer Rule 17.3.1(4)).
- (3) The Chair, Academic Board shall appoint persons in categories (a), (b) and (c) above when the Committee is required to meet.
- (4) Nomination of Committee members shall be made by the Dean of each Faculty which has a substantial number of students in courses with professional experience requirements.
- (5) All members of a Professional Experience Appeals Committee must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.
- (6) Before making a final determination and consistent with procedural fairness, the Committee, through the Chair, may obtain appropriate advice and assistance from a person with strong experience in professional education of students in the relevant area, who has had no previous involvement in the matter, to assist it in assessing necessary levels of capacity and standards of behaviour of students in placements.

17.3.2 Terms of reference

The Professional Experience Appeals Committee shall make determinations on appeals against decisions of the Vice-Chancellor pursuant to Rule 3.4.6 relating to deferral of a student's participation in any part of required professional experience that would have the effect of preventing the student from continuing his or her course.

17.4 Appeals Committee (Non-disclosure)**17.4.1 Composition**

- (1) An Appeals Committee (Non-disclosure) shall consist of:
 - (a) the Chair, appointed by the Chair, Academic Board;
 - (b) two academic staff members, with experience in admission procedures of the University, nominated by the Deans under Rule 17.4.1(4).
- (2) When an appeal is lodged the Chair, Academic Board, in consultation with the Senior Deputy Vice-Chancellor shall constitute an Appeals Committee (Non-disclosure) as required in Rule 17.4.1(1) above.
- (3) The Chair, Academic Board shall appoint persons in categories (a) and (b) above when the Committee is required to meet.
- (4) Nomination of Committee members shall be made by the Dean of each Faculty.
- (5) All members of an Appeals Committee (Non-disclosure) must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.

17.4.2 Terms of reference

An Appeals Committee (Non-disclosure) shall make determinations on appeals against withdrawal of offer and cancellation of enrolment, pursuant to Rule 5.6.2.

17.5 Procedures for Appeals Committees

- 17.5.1 Appeals Committees shall be convened by the Registrar as required in accordance with the relevant Standing Orders of Academic Board.
- 17.5.2 Each appeal must be dealt with on its own terms and merits and in accordance with its own circumstances.
- 17.5.3 The Academic Board shall approve sets of procedural guidelines to be followed by the respective Appeals Committees established under Rules 17.2 to 17.4 above, and such guidelines shall be subject to review by the Governance Committee of Council, which may recommend amendments to the Academic Board.
- 17.5.4 An Appeals Committee shall determine how to handle the matters before it, consistent with the procedural guidelines that Academic Board has approved for it. In particular, an Appeals Committee is not bound by the rules of evidence, and may inform itself on any matter relevant to its deliberations in a way that it considers to be efficacious and reliable, consistent with basic fairness to each appellant, and having regard to the academic standards of the University.

17.5.5 Consistent with procedural fairness, senior administrative staff may assist Appeals Committees, act as advisers and attend meetings as required including: Director, Student Administration Unit or nominee and Director, Student Services Unit or nominee. In providing such expert assistance to an Appeals Committee, the members of staff shall confine their comments or contributions to the provision of factual information or technical or legal advice that is actually needed to assist the Committee to deal with the matter or matters before it. They should not express any opinion about the appropriate outcome for individual cases or on the merits of any case. A note should be made of the substance of their advice and this should be kept with the official University file relating to the appeal in question.

17.6 Dissolution of an Appeals Committee

- 17.6.1 Where, in the opinion of the Registrar, an Appeals Committee, constituted under Rules 17.2, 17.3 or 17.4, is not progressing an appeal expeditiously, the Registrar may, after consultation with the Chair of the Appeals Committee, by notice in writing served on the members of the Appeals Committee and the student, dissolve that Committee.
- 17.6.2 Where the Registrar dissolves an Appeals Committee under Rule 17.6.1, another Appeals Committee comprised in accordance with Rules 17.2 to 17.4, may be formed to consider the appeal, but no person who was a member of the dissolved Appeals Committee may be a member of that other Appeals Committee unless the Chair of Academic Board so resolves.

17.7 Decision of an Appeals Committee

- 17.7.1 A decision of an Appeals Committee requires a simple majority of the members deciding the appeal.
- 17.7.2 If a member of an Appeals Committee ceases to be a member at a point when the remaining members have reached a decision and that decision is unanimous, the decision of the remaining members will be the decision of the Appeals Committee.
- 17.7.3 An Appeals Committee may:
 - (1) refer a matter back to the decision-maker for further consideration; or
 - (2) uphold an appeal and reverse the original decision; or
 - (3) uphold an appeal in part and vary the original decision; or
 - (4) dismiss an appeal.
- 17.7.4 The Chair of an Appeals Committee must normally provide the Registrar with the Committee's minutes within five (5) days of the meeting at which a decision is made. An extension of this time limit by no more than five (5) days is possible and subject to agreement between the Chair and the Registrar. The minutes must contain the record of the decision taken and the reasons for the decision.
- 17.7.5 A decision of an Appeals Committee is final and must be reported to the Academic Board for information.

17.8 Notification of decision

- 17.8.1 The Registrar must provide notice of the Committee's decision and reasons for the decision to the student.
- 17.8.2 The Registrar may provide notice of the decision and reasons for it to any other person who has a legitimate reason for having access to such information and in accordance with the provisions of the University Policy on Management and Protection of Personal Student Information.

SECTION 18 — USE OF THE UNIVERSITY LIBRARY

18.1 Definitions

18.1.1 The Rules in this Section shall be referred to collectively as the Rules relating to Use of the University Library.

18.1.2 In the Rules relating to Use of the University Library:

client means any person who borrows, accesses or otherwise uses UTS Library resources, services and facilities.

ID Card means either:

- (1) the official student identification card issued by the University (refer Rule 2.2.1 Student Identity Card) which includes a barcode for the purposes of facilitating loans; or
- (2) the official staff identification card issued by the University which includes a barcode for the purposes of facilitating loans; or
- (3) other registration cards issued by the UTS Library.

Inter-Library Loan means an item borrowed from another library by the UTS Library on behalf of a client, or by the client through a UTS Library system, which for the duration of the loan shall be treated as being a UTS Library item and be subject to the same Rules as UTS Library items.

patron barcode means a machine readable label which gives the client a unique identification number.

patron record means an official Library system record which shows the client's current registration and borrowing status.

Insearch Ltd is a wholly owned subsidiary of UTS and provides accredited language and academic programs which may lead to university study.

18.2 General

18.2.1 The Rules relating to Use of the University Library apply to the use of the Library of the University of Technology, Sydney. The University Library, comprising the Blake Library (City Campus), the George Muir Library (Kuring-gai Campus), any other service locations approved by the University Librarian and all electronic facilities provided by the University Library is hereinafter called the UTS Library.

18.2.2 The UTS Library is provided primarily for the use of current students, staff, professors emeriti and members of the Council of the University.

18.2.3 The University Librarian may approve other clients or categories of clients. Persons granted UTS Library use under the Rules relating to Use of the University Library may be requested to show good reason for use at any time to the University Librarian, who may deny use if not satisfied that the use is for a purpose which has been approved.

18.2.4 The University Librarian may determine the services offered by the UTS Library, and the clients to whom these services may be provided. The University Librarian has the right to require a client to produce proof of identity or entitlement to use the UTS Library at any time.

18.3 Communication

Email is the UTS Library's official mode of communication with clients. Any notices to be given to clients under the Rules relating to Use of the University Library will be deemed to have been given, if emailed to the UTS email address assigned to them upon enrolment or appointment or, in the case of non-UTS clients, registered with the UTS Library. A notice may be mailed to a client's postal address registered with the UTS Library if no email address is available or disability prevents email access and will be deemed to have been received by the client on the second day following the date of posting for onshore students and on the tenth day following the date of posting for offshore/overseas students.

18.4 Responsibilities of clients

18.4.1 Any person who enters the UTS Library or uses its electronic or other facilities must comply with the Rules relating to Use of the University Library and any other relevant UTS Rules or Policies.

18.4.2 Clients will be expected to maintain an acceptable standard of conduct at all times while on UTS Library premises and/or using UTS Library facilities.

18.4.3 Clients must at all times act in accordance with instructions authorised by the University Librarian which are displayed in the locations and facilities identified in Rule 18.2.1 or in the UTS Library's official print and electronic publications.

18.4.4 In particular, clients shall be responsible for:

- (1) ensuring, before they leave the UTS Library, that any UTS Library item that they remove from the premises of the UTS Library has been registered for borrowing;
- (2) the safekeeping and return of items borrowed on their ID Card;
- (3) returning UTS Library materials by the date or time due, which is shown on the docket issued at the time of the loan and on the web catalogue;
- (4) familiarising themselves with the relevant Library rules and borrowing policies which are available on the UTS Library website and in printed publications.

18.5 Restrictions

18.5.1 Unless authorised by the University Librarian (or nominee) clients shall not:

- (1) be permitted to borrow without their ID Card;
- (2) lend their ID Card to any other person for the purposes of borrowing UTS Library items or accessing the Library where card access is required;
- (3) return materials from other libraries, with the exception of Inter-Library Loans, to UTS.

18.6 Borrowing

18.6.1 Availability

- (1) All materials in the UTS Library's collections are normally available for loan with the exceptions listed below. The University Librarian (or nominee), may approve items from the categories listed below for lending in special circumstances:
 - (a) serials, including newspapers, calendars, examination papers;
 - (b) items marked as 'Not For Loan';
 - (c) Reference Collection items;
 - (d) Microform Collection items;
 - (e) CD-ROM Collection items;
 - (f) rare books, valuable books, and books vulnerable to mutilation which are stored in closed access;
 - (g) Higher degree theses;
 - (h) some non-book materials.
- (2) Items from the Closed Reserve Collection may be borrowed for use in the UTS Library only, unless available for overnight loan or in special circumstances.

18.6.2 Borrowing process

Clients shall:

- (1) register with the UTS Library prior to borrowing;
- (2) present items for borrowing at the service desk together with their ID Card or use a self-service loan machine if available;
- (3) report to UTS Library staff if items are damaged prior to borrowing;
- (4) return UTS Library materials only via a designated UTS return chute.

18.6.3 Reciprocal borrowing

Where the UTS Library has reciprocal service arrangements with other educational institutions, authorised members of such institutions may register for borrowing privileges at the UTS Library provided that they are:

- (1) either students currently enrolled in an award course of academic study, or current employees of the institution; and
- (2) in good standing with their home institution.

18.6.4 Service agreements

- (1) Where the UTS Library has entered into a service agreement with an institution or organisation, other than a reciprocal arrangement in accordance with Rule 18.6.3, authorised members of such institutions or organisations may register for borrowing and other associate member privileges at the UTS Library provided they continue to be eligible and are in good standing with their home institution or organisation.
- (2) Service fees may be levied for associate membership of UTS Library. Fees shall be as determined by the University Librarian from time to time and as displayed on the UTS Library website.

18.6.5 Closed Reserve/Electronic Reserve

Only members of UTS as described in Rule 18.2.2 and students and staff of Insearch Ltd are eligible to use Closed Reserve/Electronic Reserve.

18.6.6 Borrowing privileges

- (1) Borrowing privileges will be as detailed on the UTS Library website and in official UTS Library printed publications.
- (2) All loan periods are reduced if the item is required for Closed Reserve or requested by another client. If there is a request queue on an item at the time of borrowing, the loan period will be one week. If an item is already on loan, a notice will be sent to the borrower recalling the item with a new due date of one week from the date the notice was issued or two weeks from the original date of the loan, whichever is longer.

18.7 Offences and breaches of the Rules

18.7.1 It is an offence to:

- (1) mutilate, damage or modify UTS Library property or facilities; or
- (2) leave or attempt to leave the UTS Library:
 - (a) with any UTS Library item which is not registered in the borrower's name; or
 - (b) with only part of any UTS Library item, such as pages from a book or journal, without the permission of the UTS Library;
- (3) use a computer or any other equipment provided by the UTS Library for any unauthorised purpose;
- (4) disclose any UTS password or access code associated with access to electronic information to any other person or allow any other person to use their account;
- (5) engage in any act which may impede the safety of other clients or their ability to study or work effectively in the UTS Library.

18.7.2 Where a student of the University breaches the Rules relating to Use of the University Library, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence the University Librarian may:

- (1) exclude the student from the Library or facilities in accordance with Rule 16.10 (Exclusion from facilities and/or participation in activities); or
- (2) refer the matter to the Registrar to be handled in accordance with Rule 16.15 (Student Misconduct and Appeals).

18.7.3 Where a staff member of the University breaches the Rules relating to Use of the University Library, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence:

- (1) the University Librarian may refer the matter to the Vice-Chancellor for action in accordance with Rules relating to staff discipline; and

- (2) the Vice-Chancellor shall advise the staff member and the University Librarian of his or her decision.

18.7.4 Where a student of another university or other institution breaches the Rules relating to Use of the University Library, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence, the University Librarian may:

- (1) exclude the student from the Library or facilities; and
- (2) refer the matter to the student's home university or institution.

18.7.5 Where a member of the general public, other than those provided for under Rules 18.7.2, 18.7.3 or 18.7.4 breaches the Rules relating to Use of the University Library, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence, the University Librarian will take appropriate action, including but not limited to excluding that person from the Library.

18.8 Penalties, fines and fees

18.8.1 General

- (1) The fees and penalties listed in this section will apply to any breach of the Rules relating to Use of the University Library.
- (2) In the Rules relating to Use of the University Library any reference to an amount approved by the Vice-Chancellor from time to time refers to an amount which will be published on the UTS Library website.

18.8.2 Failure to return

- (1) Failure to return a borrowed item by the due date, or failure to return an item requested by another client or otherwise recalled by the UTS Library within one (1) week of the request, will incur a fine.
- (2) The fine is calculated on each overdue item at a rate approved by the Vice-Chancellor from time to time.
- (3) All borrowing and renewal privileges will be suspended if the total fine on a client's record reaches or exceeds a threshold value approved by the Vice-Chancellor from time to time. Such privileges will be reinstated when all fines are paid in full or brought under the threshold amount.

18.8.3 Replacement

- (1) A client who fails to return a borrowed item within four (4) weeks of the due date will receive a Bill for Replacement containing a replacement fee and/or a service fee.
- (2) The replacement fee will be the average current market replacement cost of material in the format of the unreturned item.
- (3) The service fee will be such amount as the University Librarian may determine from time to time.
- (4) A client who returns an item in response to a Bill for Replacement will be liable for the larger amount of either the outstanding fine, or the service fee, but not for the replacement fee.

- (5) A client who replaces an item with the same or a later edition in response to a Bill for Replacement will be liable for the larger amount of either the outstanding fine, or the service fee, but not for the replacement fee.

18.8.4 Damage or mutilation

Where an item is damaged or mutilated beyond repair or further use, the client will be required to pay both the replacement fee and the service fee and the damaged item shall remain the property of the UTS Library.

18.8.5 Incorrect return

- (1) A borrowed item returned to another library will be viewed as being out on loan to the client until the item is returned to the UTS Library. The client will be required to pay for any postage or courier charges that may be incurred in obtaining the return of an item from another library, in addition to a service fee and any other charge that may be payable.
- (2) A client who breaches Rule 18.5.1(3) will be required to pay all costs incurred in returning the item to the originating library as well as the service fee.

18.8.6 Debts to the Library

Where students have debts to the UTS Library with a total which reaches or exceeds an amount approved by the Vice-Chancellor from time to time, or to any other library where the student has exercised reciprocal borrowing privileges, the University may act in accordance with the provisions of Rule 4.4 Failure to pay.

18.9 Payment of fines, service fees and replacement fees

- 18.9.1 Fines, service fees and replacement fees are payable to the University Library within fourteen (14) days of the date of the notice requesting payment.
- 18.9.2 Any outstanding fine, service fee or replacement fee shall be a debt to the University.

18.10 Reviews of decisions

- 18.10.1 A client who disputes the imposition of a penalty, fee or fine under Rule 18.8 or who seeks leniency may in the first instance lodge a claim with the designated Library officer and in the prescribed manner approved by the University Librarian from time to time.
- 18.10.2 A client may request a review of a decision made pursuant to 18.10.1.
- 18.10.3 A request for a review of a decision must be made in writing and lodged with the University Librarian within thirty (30) days after notice of the decision has been sent to the client.
- 18.10.4 The University Librarian (or nominee) shall consider any such request within fourteen (14) days of lodgment of the request and provide the decision to the client in writing. The decision of the University Librarian (or nominee) is final.

18.11 Waiving of penalties or fees

- 18.11.1 Notwithstanding the provisions of Rules 18.8 and 18.9, the University Librarian has a discretion, in cases where there are extenuating circumstances, to vary or remit, in whole or in part, any penalty, fine or fee imposed as a consequence of the operation of Rules relating to Use of the University Library.

SCHEDULES

SCHEDULE 1 — DEFINITIONS

academic adviser means a member of academic staff in a specific Faculty who is assigned to, and /or whose advice is sought by, students who have or are likely to have difficulty in satisfying academic progression requirements.

Academic Board means the Academic Board of the University as defined in Part 3, Section 15 of the University of Technology, Sydney Act 1989.

Academic Liaison Officer (ALO) means a member of the academic staff of a Faculty appointed by a Responsible Academic Officer of that Faculty with responsibility for determining special examination conditions, special provisions for students with carer responsibilities and learning and assessment arrangements for students who have permanent or temporary disabilities.

academic misconduct see Rule 16.2 (Student Misconduct and Appeals) for specific definitions.

academic progression is a general term that refers to the requirement for students to satisfy specified levels of academic achievement as they progress through their course and the requirement for the University to monitor this progress. The measures of academic progression include:

- satisfying a minimum rate of progress specified in terms of credit points gained;
- completing a course within an approved maximum time limit;
- not failing the same (or equivalent) subject on repeated occasions.

academic transcript means the official University printed document that provides an accurate statement of the official information held by the University and which satisfies the University's responsibilities to the student and other third parties (including other universities) for adequate and appropriate representation of relevant information about a student's academic and academic-related activities at the University.

admission means the process of applying for, being made an offer to, accepting the offer of admission and being admitted to a course or program of study at the University.

advanced standing see recognition of prior learning.

applicant means a person who has applied to the University of Technology, Sydney or its agent for admission to a course of study at the University.

assessment means the process whereby student competency in particular subject matter is determined, feedback on progress is given and final subject assessment results/grades are awarded. Assessment is a broad term and includes but is not limited to: tests, essays, papers, examinations, reports, exhibitions, performances, presentations, demonstrations and other work whether written or otherwise.

assessment result means the mark, grade or result achieved by a student for a particular assessment which indicates the standard attained in that assessment. (Also see final subject assessment result.)

assessor means a member of the academic staff, professional or clinical associates nominated for each subject, by the relevant Responsible Academic Officer and approved by each Faculty Board. Assessors work with Subject Coordinators to ensure formal examination papers and

other assessment items are appropriate and Assessors act as second marker for assessment items.

attendance mode (a term required by the Commonwealth Government department that funds higher education) identifies the way a student undertakes a subject or course and can be: internal, distance (i.e. external) or multi-modal (i.e. where a student is undertaking a course that contains a combination of internal and distance study). (Also see study mode.)

award means an academic award of the University.

award course means a set of requirements, subjects and /or supervised research which when satisfactorily completed by a student normally qualifies that student for a formal award of the University. (See course category.)

Bachelor degree means a course of study with a required entry standard of a senior secondary certificate of education or equivalent, including diplomas or advanced diplomas, mature age or other special entry provisions. A Bachelor degree may be one of the following types:

- a three-year degree;
- a professional degree of three or more years which equips students with the practical skills and techniques necessary to apply their skills effectively in a professional context;
- a combined degree which consists of components of two degrees and to graduate with both degrees in a shorter time than required to complete both degrees independently;
- a graduate entry degree is a minimum of two years in duration and is specifically for the admission of those who already hold a bachelor degree, sometimes in a specified discipline.

Bachelor Honours award means an award that recognises either:

- completion of a Bachelor Honours degree; or
- in the case of a Bachelor degree of four years or more, a high level of achievement and performance in the degree as a whole and usually some research training.

Bachelor Honours degree means a course of study that requires the completion of a Bachelor degree at a high level of achievement followed by satisfactory completion of an additional year of full time study (or equivalent) which involves some research training.

borderline result means a final mark of 45–49% in a subject where 50% is judged as a pass; or an equivalent marginal fail in a subject for which marks are not awarded.

census date is the date used to calculate student load and financial liability for the purpose of reporting to the Commonwealth Government; also the last date by which a student can withdraw from a subject without incurring financial liability or consuming student learning entitlement for that subject, where financial liability means either a tuition fee or student contribution amount.

centrally conducted examination means an examination scheduled and conducted under the authority of the Registrar by the Student Administration Unit in the official examination periods as approved by Academic Board.

cotutelle arrangement means an initiative, sponsored by the French Government, for collaborative research and supervision of Doctoral degree students with a French university. This arrangement may lead to the student being awarded a Doctoral degree from both universities in recognition of the collaborative arrangement.

course means a program of study into which students are admitted. (See also award course and non-award course.)

course category means a grouping of courses of study at a common academic level for the purposes of internal administration, external reporting and consistency across the Australian higher education sector.

The following categories of courses are award courses i.e. lead to a formal award of the University:

- Diploma;
- Advanced Diploma;
- Bachelor degree;
- Bachelor (Honours) degree;
- Graduate Certificate;
- Graduate Diploma;
- Masters Degree;
- Masters (Honours) degree;
- Doctoral degree;
- Higher Doctoral degree.

The following categories of courses are non-award courses, i.e. do not lead to a formal award of the University:

- non-award single subject study;
- professional registration courses;
- cross-institutional study;
- international exchange study.

Course of Study (a term required by the Commonwealth Government department that funds higher education) is used to identify a course or a group of courses that lead to a single award. Students who transfer from one course to another course within a single Course of Study are not considered to be commencing students for government administrative or reporting requirements.

course transfer means the process by which UTS students can transfer from one program of study to another related program of study.

credit point means the unit of measure of workload for individual subjects. Credit points are gained by students enrolled in award courses when subjects are passed and when accumulated, credit points form one measure of the total requirements of a course. As a standard measure at UTS, one academic year of full-time study is equivalent to 48 credit points.

cross-institutional study means single subject study undertaken at UTS by a student as part of an award course for which he or she is enrolled at another Australian university.

Dean means the appointed head of a faculty or other academic organisational unit with responsibility for the academic standing and overall leadership and management of the faculty or other unit.

Director, Governance Support Unit means the officer of the University reporting to the Registrar who has general responsibility for, amongst other things, the administration of matters being handled in accordance with Section 16 (Student Misconduct and Appeals).

Director, Student Administration Unit means the officer of the University reporting to the Registrar who has general responsibility for student administrative matters including, amongst other things, centrally conducted examinations.

Director, Student Services Unit means the officer of the University reporting to the Deputy Vice-Chancellor (Teaching, Learning and Equity) who has general

responsibility for a range of support services for students including, amongst other things, student counselling services, student housing and student residences.

Doctoral degree means a course of study and research with a required entry level of a Masters by research degree, a Bachelor degree with First or Second Class Division 1 Honours or equivalent qualifications and/or experience and where the research component is at least two-thirds of the total course.

Doctoral degree by publication means a Doctoral degree awarded to established researchers who have a substantial reputation and standing in their respective fields on the basis of their record of academic publication.

enrolment means the process whereby a student who has been admitted to a course enrolls in subjects or other assessable components, which includes the allocation of classes, tutorials etc where relevant or enrolment in time-based study where relevant, and completes other related administrative requirements as determined by the University.

equipment loan means a University asset borrowed by a student to meet specific teaching, learning or assessment requirements as specified in subject outlines provided to students, including but not limited to:

- laboratory/scientific — apparatus equipment;
- photographic/video/telecommunications/sound equipment;
- workshop equipment.

equivalent full-time student load (EFTSL) is a measure of the student load of a student undertaking a course on a full-time basis. At UTS for students enrolled in coursework programs, 1 EFTSL is equivalent to 48 credit points. (See also full-time student and part-time student.)

examination see centrally conducted examination, faculty-based examination, thesis examination.

examination periods means the official examination periods as approved by Academic Board for centrally conducted examinations and which are to be displayed in the University Calendar and other relevant official publications.

Examination Supervisor means a person appointed by the Director, Student Administration Unit to oversee and direct centrally conducted examinations. (See also Monitoring Staff Member.)

facility includes but is not limited to any classroom, lecture theatre, library, computing, production or workshop facility, any other place of learning or any information technology or information transfer system, to which a student has access at or away from University premises for his or her University purposes.

faculty means the group of academic, technical and administrative staff within specific academic disciplines with responsibility for curriculum, instruction, supervision and research within those disciplines.

faculty-based examination means an examination conducted by a faculty or other designated unit, and includes examinations for courses and subjects conducted offshore.

Faculty Board means the group of appointed and elected academic staff, technical and administrative staff and students who are charged with advising Academic Board, the Dean of the faculty and other senior officers of the faculty on matters pertaining to the educational work of the faculty, and with exercising such responsibilities and

powers as are assigned to it by the University Council from time to time.

final subject assessment result means the mark, grade or result awarded for a subject as a whole (Also see assessment result).

form means an official form of the University used for student administrative purposes and includes forms in hardcopy print format, forms that are available electronically and forms that are part of online transaction processes utilising electronic systems.

full-time student means a student who is undertaking a student load considered to be full time.

The minimum full-time load is 75% of the standard full-time load. (See equivalent full-time student load (EFTSL).)

- Coursework students are considered to be full-time if their student load is equal to or greater than 36 credit points for a full academic year or equal to or greater than 18 credit points for a half year.
- Graduate research students are considered to be full-time if their student load is equal to or greater than 0.75 EFTSL for an academic year or equal to or greater than 0.375 for a half year. The normal load for a full-time graduate research student is 1.0 EFTSL for a full academic year and 0.5 EFTSL for a half year.

grading of awards means the recognition of different levels of academic achievement within specific course awards through the classification of the award.

graduand means a student who has satisfied the requirements for an academic award prior to the conferral of that award.

graduate means a person who has satisfied the requirements for an academic award and upon whom the award has been conferred.

Graduate Certificate means a course of study with a required entry standard of a Bachelor degree or equivalent qualifications and/or experience. Graduate Certificates normally require six months of full-time study and consist of coursework subjects.

Graduate Diploma means a course of study with a required entry standard of a Bachelor degree or equivalent qualifications and/or experience. Graduate Diplomas normally require one year of full-time study and consist of coursework subjects. Some Graduate Diplomas are completed concurrently with a Bachelor degree as part of a combined award.

graduate coursework student means a student enrolled in a Graduate Certificate, Graduate Diploma or Masters by coursework degree.

graduate research student means a student enrolled in a Masters degree by thesis or a Doctoral degree.

Higher Doctorate means an award of the University conferred upon candidates who have a significant academic connection with the University and whose scholarly works exhibit, among other things, a level of originality and creativity which marks them as a major authority in their field.

honorary award means an award of the University conferred upon a person who has made an outstanding contribution to the achievement of the University's mission, to scholarship or professional practice in one or more disciplines or professions of interest to the University, to the advancement of society in Australia or overseas or to

the life and objectives of the University. Honorary awards may be in the form of either a Fellowship of the University or Doctoral degree taking account of the totality of the contributions being recognised.

intellectual property see the University policy on Intellectual Property.

international student means a student who is not a citizen or permanent resident of Australia and includes those who have student visas, provisional residency, temporary residency, bridging visas, etc.

leave of absence means a period of time in which a student who has been admitted to a course is permitted not to enrol in any subjects or, in the case of a graduate research student, not to continue with research study for a period of time. Students must seek approval for leave of absence.

Masters by coursework degree means a course of study at the Masters or Masters (Honours) level with a required entry standard of a Bachelor degree or equivalent qualifications and/or experience and which comprises coursework, project work and research in varying combinations and where any research component is less than two-thirds of the total course.

Masters by research degree means a course of study at the Masters or Masters (Honours) level with a required entry standard of a Bachelor degree or equivalent qualifications and/or experience and which comprises coursework, project work and research in varying combinations and where the research component is at least two-thirds of the total course.

misconduct can be either academic misconduct or non-academic misconduct. See Rule 16.2 (Student Misconduct and Appeals) for specific definitions.

Monitoring Staff Member means the officer of the University appointed by the Dean (or nominee) to oversee and direct faculty-based examinations. (Also see Examination Supervisor.)

nominee means the person or position identified by an officer of the University to undertake defined duties that are specified in the Rules as being the responsibility of that officer, and who, in undertaking those duties, will act as the agent of that officer of the University.

non-academic misconduct See Rule 16.2 (Student misconduct and appeals) for specific definitions.

non-award course means a program of study that does not lead to a formal award of the University. It may consist of single subjects that are normally taken as part of an award course. It may lead to recognition by a professional accreditation authority.

non-award student means a student enrolled in a non-award course (See course category.)

officer of the University means an employee or an authorised agent of the University.

official noticeboard means the physical noticeboard located on each campus and at each major precinct where official notices in printed form are displayed and the official UTS noticeboard web site where official notices are displayed in electronic form.

official publications of the University are defined pursuant to clause 46(2) of the By-law.

From time to time the Registrar shall designate the version of each official publication which is the authorised published version of the official publication (where 'published' means published in a form including electronic versions).

The official publications of the University shall be:

- (a) the *UTS: Calendar* as published from time to time;
- (b) the *UTS: Handbook* as published from time to time.

part-time student means a student who is undertaking a student load considered to be less than full time (see equivalent full-time student load (EFTSL).)

Part-time load is load less than 75% of the standard full-time load.

- Coursework students are considered to be part-time if their student load is less than 36 credit points for a full academic year or less than 18 credit points for a half year.
- Graduate research students are considered to be part-time if their student load is less than 0.75 EFTSL for an academic year or less than 0.375 for a half year. The normal load for a part-time graduate research student is 0.66 EFTSL for a full academic year and 0.33 EFTSL for a half year.

plagiarism See Rule 16.2.2(3) (Student Misconduct and Appeals) for specific definition.

prescribed form means the official UTS form required by the University for specific purposes. (See form.)

professional accreditation authority means an external professional body authorised to assess and accredit qualifications required by that particular profession.

professional Doctorate means a program of study at Doctoral level which advances knowledge through scholarly engagement with the practice of a profession, industry or creative field.

recognition of prior learning means the process of recognising for credit towards a course what an individual student knows or can do, regardless of where or how the student may have acquired the knowledge or skills.

register means a formal or official collection of items of information in either hard copy or electronic form and which has been designated by the University as being for a specific and defined purpose.

Registrar means the senior officer of the University whose responsibilities include student administrative matters, centrally conducted examinations, student records and management of student information. Other officers of the University have authority to undertake certain duties specified in the Rules as being the Registrar's responsibility, and in doing so act as agents of the Registrar. On occasion documents are required to be lodged with the Registrar however the substantive decisions on the matters are made by other officers of the University. Forms, applications, other correspondence and communications that are required to be lodged with the Registrar can be directed by post to the Registrar or lodged at the UTS Student Centres.

Responsible Academic Officer (RAO) means a person appointed as such by the Vice-Chancellor or the Senior Deputy Vice-Chancellor on the advice of the Dean and such other persons as the Vice-Chancellor approves.

Result Ratification Committee (RRC) means a committee (or committees) established by each Faculty Board (a) to review final assessment results conducted in respect of course of the Faculty and (b) to approve the release and publication by the Registrar of final assessment results for subjects that are the responsibility of the Faculty.

special consideration is the term used when a student who is experiencing (or anticipates that he or she will experience) significant difficulty in meeting assessment requirements due to serious illness or psychological condition, loss or bereavement, hardship or trauma applies to have those factors considered in the determination of variation to assessment requirements or other special arrangements for learning and assessment.

student (unless defined otherwise and for specific purposes) means a person who has been admitted to an award course or a non-award course and has an active enrolment in subjects or time-based study in that course. A person is not a student if the person has:

- completed the requirements of the course; or
- withdrawn from the course; or
- withdrawn temporarily from the course for a period of at least one semester through approved leave of absence; or
- no active enrolment in subjects or in time-based study in a particular semester; or
- had their enrolment in the course discontinued, cancelled, suspended or terminated in accordance with the Rules; or
- been excluded from the course or from the University in accordance with the Rules.

Student Assessment Review Committee means a committee established by each Faculty Board to consider requests from students for review of final assessment results in particular subjects conducted by the faculty.

Study Abroad means a period of study (up to one year) which may be undertaken at the University by a student from a higher education institution outside Australia and that may be counted towards the requirements for an award at their home institution.

study mode identifies particular characteristics about the method of study for particular courses or subjects and includes: standard, cross institutional, exchange inbound, exchange outbound, industrial experience, non-award, offshore. (See also attendance mode.)

subject means a self-contained unit of study that is approved by a Faculty Board and is recognised as a component of an award course. A subject is normally allocated a specified number of credit points as a measure of the workload for that subject. (See also credit point.)

Subject Coordinator means a member of the academic staff nominated by Responsible Academic Officers and appointed by Faculty Boards for each subject in accordance with the Duties and Powers of Faculty Boards as approved by Council.

subject outline means an official document that represents the statement of subject requirements that is authoritative for both the University and the students undertaking the subject. It is prepared in accordance with the requirements specified by the Coursework Assessment Policy and Procedures Manual and may include, amongst other things, details of the minimum essential requirements necessary to pass the subject, material and equipment that may be taken into an examination and may prescribe attendance and/or participation requirements.

supervisory panel means the group of people appointed by the University Graduate School Board in accordance with the guidelines approved by Academic Board to supervise the candidature of a research degree student.

supplementary assessment means the process by which a Faculty may make provision for a student to undertake an additional assessment task within a specified time period if that student has been awarded a fail in their final teaching period and if that fail is within the borderline result range.

teaching period means a period of time approved by the University for the teaching and assessment of a subject. The official teaching periods are approved by the Vice-Chancellor on advice from Academic Board and are published as a schedule of approved teaching periods in appropriate official publications of the University.

testamur means the official certificate of the University that attests to a particular person having satisfied the requirements for and graduated from a particular award course of the University at a particular time.

thesis examination means the process used to assess the level of achievement in a thesis submitted as part or all of the requirements of a graduate research degree.

time-based study means the use of time as the basic measurement of the duration of a course or a subject. It is used primarily for graduate research degrees. The current standard time periods applicable to graduate research study are: half years and years.

undergraduate student means a student enrolled in a Bachelor degree or Bachelor (Honours) degree.

University means the University of Technology, Sydney; also referred to as UTS.

university means a university other than the University of Technology, Sydney (UTS).

University Graduate School Board means the body appointed by Academic Board to provide recommendations and advice on matters relating to research degrees, research management and training and policy.

SCHEDULE 2 — RELEVANT LEGISLATION

The following legislation, as amended, is relevant to various Sections of these Rules including the specific parts of the Rules indicated below:

- *Migration Act 1958* (Cwlth)
Student requirements — Rule 2.5.2
- *Education Services for Overseas Students Act 2000* (ESOS) (Cwlth)
Student requirements — Rule 2.5.2
Student requirements — Rule 2.2.4 Tax File Number (TFN)
- *Commission for Children and Young People Act 1998* (NSW)
Legislative requirements — Rule 3.3
- *Higher Education Support Act 2003* (Cwlth)
Schedule 1 — Definitions: census date
Student requirements — Rule 2.2.3
Commonwealth Higher Education Student Support Number (CHESSN)
- *Privacy Act 1988* (Cwlth)
Student requirements — Rule 2.2.3
Commonwealth Higher Education Student Support Number (CHESSN)
Student requirements — Rule 2.2.4 Tax File Number (TFN)
- *Privacy and Personal Information Act 1998* (NSW)
- *Health Records and Information Privacy Act 2002* (NSW)
- *Disability Discrimination Act 1992* (Cwlth)
Special conditions for examinations and assessment — Sections 8 and 9

SCHEDULE 3 — RESULTS AND GRADES

Grade	Mark Range	Grade Point Average Score	Descriptor
High Distinction	85–100	4	Work of outstanding quality on all objectives of the subject, which may be demonstrated by means of criticism, logical argument, interpretation of materials or use of methodology. This grade may also be given to recognise particular originality or creativity.
Distinction	75–84	3	Work of superior quality on all objectives, demonstrating a sound grasp of content, together with efficient organisation and selectivity.
Credit	65–74	2	Work of good quality showing more than satisfactory achievement on all objectives, or work of superior quality on most of the objectives.
Pass	50–64	1	Work showing a satisfactory achievement on the overall objectives of the subject.
Pass — Not Graded		n/a ²	Work showing a satisfactory achievement on the overall objectives of the subject.
Satisfactory		n/a	Awarded for projects or theses.
Fail (X)		0	Unsatisfactory performance in a compulsory component of the subject.
Fail	0–49	0	Unsatisfactory performance in one or more objectives of the subject as contained within the assessment items.

Other notations

Industrial Experience			Professional Experience/Industrial Training. A number may appear next to this grade to indicate the level of Industrial Experience.
Withdrawn			Granted withdrawal from a subject without academic fail after the due date.
Withdrawn/Fail			Withdrawn after the due date.

Administrative notations — results not finalised

E			Grade not submitted.
Q			Result pending the completion of a project, clinical practicum or field excursion where the student has not completed assessment task(s) by the end of the teaching period.
T	45–49		Formal supplementary examination to be completed within a designated examination period before a grade can be awarded.
W			Result withheld. The Assessment Ratification Committee may determine that supplementary assessments are required, or that alternative examiners and/or alternative assessments are required because of misadventure.

1. The Grade Point Average is an internationally recognised measure of a student's academic achievement in a course. The Grade Point Average is the average of all grades achieved by a student in a course of study weighted by the credit point value of each subject approved by the Academic Board.
2. Not applicable.

SCHEDULE 4 — GUIDELINES RELATING TO STUDENT MISCONDUCT AND APPEALS

1. Introduction

- 1.1 These guidelines have been prepared for the benefit of all people involved in the processes established by UTS to deal with allegations of misconduct made against students and with appeals lodged by students against decisions arising from such allegations.
- 1.2 The guidelines are divided into four sections: this Introduction, General Principles, Guidelines for Inquiry Bodies and Guidelines for Student Misconduct Appeals Committees.
- 1.3 The term 'inquiry bodies' refers to the University Student Conduct Committees, Faculty Student Conduct Committees and Student Misconduct Appeals Committees, but also extends, as necessary, to the Vice-Chancellor, Senior Deputy Vice-Chancellor, Deans, Responsible Academic Officer and the Registrar.
- 1.4 Notwithstanding these sectional headings, the guidelines are designed for use by all who play some role in these processes and should be freely distributed to students and their advisers and academic and support staff who have a need for knowledge of student misconduct and appeal matters. In particular, they are to be given to all students at the time formal allegations of misconduct are made against them.
- 1.5 The guidelines take into account the University's Rules and procedures and the principles of procedural fairness.

2. General principles

- 2.1 All persons who are the subject of recommendations or decisions of others are entitled to be treated fairly, with dignity and with due regard to their privacy.
- 2.2 Persons are entitled to be regarded as not having behaved in an alleged manner until and unless they admit that behaviour or a fair and proper inquiry leads to a reasonable conclusion that they have so behaved.
- 2.3 Knowledge that a person has behaved in a particular way in the past is not evidence that the person has behaved in the same manner again. Such knowledge may be evidence that the person is aware that the behaviour is an act of misconduct (or it may be relevant to the level of penalty).
- 2.4 Each case must be dealt with on its own terms and merits and in accordance with its own circumstances.

3. Guidelines for inquiry bodies

- 3.1 Before any conclusion is reached in an inquiry into alleged misconduct by a student, the student must be:
- given the precise terms of and any reasons for the allegation;
 - given an outline or summary of all details intended to be given to the inquiry body;

- given access to or a copy of documentation intended to be given to the inquiry body, and;
 - given an opportunity to address all the information supplied.
- 3.2 The inquiry body must ensure that the student has a clear understanding of the allegation, of the nature of the evidence in its support and of the process which the inquiry body intends to follow and of the student's rights with respect to that process. A copy of these guidelines is to be given to the student at the time the student is formally made aware of the allegation.
- 3.3 The amount of detail that is given to the student is dependent upon the circumstances; generally, a student's request for details and access to documents relating to allegations about that student should be met, except where the information being sought:
- is an infringement upon the privacy of others
 - may cause the safety of others to be at risk
 - is irrelevant and/or excessive in amount.
- 3.4 The student must be given adequate time to prepare for the inquiry and to deal with the information provided; what is adequate depends upon the nature of the matter and the volume and complexity of the information.
- 3.5 The student must have an opportunity to seek advice; in some circumstances it may be appropriate for the University to make arrangements for advice to be given. The Registrar may seek advice on the University's behalf at any stage. There may be a need for translating and/or interpreting services to be provided.
- 3.6 If the student fails to respond to reasonable attempts by the Committee to communicate or does not provide the Committee with acceptable reasons for not attending a hearing, the Committee will make its own determination as to whether it will adjourn or proceed in the absence of the student.
- 3.7 The student's opportunity to address the information should be in person, in writing or both. The student should always have the option of having a friend or adviser present during any questioning or hearing. The inquiry body may place limitations on the role of a friend or adviser — for example, in some circumstances it may be appropriate for the student's friend or adviser to assist the investigating body by answering questions or addressing raised issues on the student's behalf. In most University circumstances, a friend or adviser present is not permitted by the inquiry body to act as an advocate or legal representative. Only in exceptional circumstances need legal representation be allowed.
- 3.8 The student may admit or deny the allegation, correct information as presented, provide an explanation, disclose mitigating factors or address the matters in other ways which the inquiry body, allowing some latitude if necessary, finds relevant.
- 3.9 The student must be given the opportunity of calling other persons to provide evidence in support of the student's defence against the allegation and the student should be allowed to lead any such witnesses through their evidence.

- 3.10 During the course of a hearing, the student should be given an opportunity of questioning any witness or other person who has supplied information to the inquiry body. A right to question does not imply a right to harass.
- 3.11 A person whose evidence provided to the inquiry body is questioned should be given an opportunity to respond to such questions.
- 3.12 During the course of inquiry, neither the fact that there is an inquiry nor any information relating to it or to the student should be disclosed to people who do not have a legitimate reason to have such information. Accordingly, hearings are normally held in camera.
- 3.13 Without compromising the thoroughness of an inquiry it should take place without any unnecessary delays, taking into account the reasonable needs of the student to be properly prepared.
- 3.14 The inquiry body should take into account all of the relevant information it has before it except any information which the student has not had an opportunity of addressing.
- 3.15 Knowledge which the inquiry body has of any past offences or other misconduct committed by the student may be taken into account only:
- as evidence that the student was aware that certain actions constitute misconduct; and
 - as one factor in the consideration of the level of penalty, if the inquiry body finds that the present allegation of misconduct is proven.
- 3.16 The student is entitled to be given the reasons for the decision and/or recommendation at the time it is made known to the student.
- 3.17 The inquiry body is responsible for determining who, in addition to the student against whom the allegation was made, should receive formal notification of the decision and/or recommendation and the reasons for it. In making this determination, the inquiry body will take into account potentially conflicting needs of the student for privacy and of others who participated in the process and who may have ongoing responsibility for University courses or facilities. The inquiry body may impose conditions of confidentiality on any person who is so notified.
- 4. Guidelines for Student Misconduct Appeals Committees**
- 4.1 Each Student Misconduct Appeals Committee will determine its own procedures consistent with these guidelines.
- 4.2 Where a student does not dispute a finding of an inquiry body but appeals against the severity of a penalty imposed, the Student Misconduct Appeals Committee may decide to re-hear the matter in full or to limit its work to a consideration of the penalty.
- 4.3 Where the Student Misconduct Appeals Committee finds it cannot discharge its responsibilities unless it re-hears the matter (i.e. treats it as a fresh investigation) in full, it shall do so. There may be circumstances that make it acceptable for a Committee to confine itself to dealing afresh with points raised by the student in any stated grounds for the appeal.
- 4.4 The student is free to raise questions of process and/or merit with respect to the original inquiry. The student may repeat, correct or otherwise amend points made at the original inquiry, provide further explanation, disclose additional mitigating factors or address the matters in other ways which the Committee, allowing some latitude if necessary, finds relevant. If the student advances new evidence, the Committee may hear the appeal or refer the matter to the original inquiry body.
- 4.5 The student must be given adequate time to prepare an appeal based upon stated reasons for the original decision.
- 4.6 The student must have an opportunity to seek advice; in some circumstances it may be appropriate for the University to make arrangements for advice to be given. There may be a need for translating and/or interpreting services to be provided.
- 4.7 The student's opportunity to address the information should be in person, in writing or both. The student should always have the option of having a friend or adviser present during any hearing. The Committee may determine any limitations that may be placed on the role of a friend or adviser present at a hearing. For example, in some circumstances it may be appropriate for the student's friend or adviser to assist the Committee by answering questions or addressing raised issues on the student's behalf. In most University circumstances, any friend or adviser present need not be permitted by the Committee to act as an advocate or legal representative. Only in exceptional circumstances need legal representation be allowed.
- 4.8 If the Committee considers that a student has an acceptable reason for being unable to attend a hearing (e.g. an international student who has returned home during a vacation period), the Committee may permit the student to nominate a representative to attend. The Committee may permit the student to use telecommunication facilities to participate in all or part of a hearing, if such facilities are readily available at reasonable cost, or may adjourn for a reasonable time until the student is available.
- 4.9 If the student fails to respond to reasonable attempts by the Committee to communicate or does not provide the Committee with acceptable reasons for not attending a hearing, the Committee will make its own determination as to whether it will adjourn or proceed in the absence of the student.
- 4.10 The Student Misconduct Appeals Committee determines the order of presentation, i.e. whether the student should open (by presenting a case for the overturning of the original finding and/or penalty) or whether the University should commence the appeal proceedings (by defending the decision of the inquiry body). The nature of the appeal and its circumstances are the determining factors.
- 4.11 In presenting the appeal case, the student is normally given the opportunity of calling other persons to provide evidence in support of the appeal and the student should be allowed to lead any such witnesses through their evidence in which case the appeal may proceed by way of rehearing afresh.

- 4.12 During the course of a hearing, the student should be given an opportunity of questioning any witness or other person who is giving evidence to the Committee. A right to question does not imply a right to harass.
- 4.13 The recommendation or decision against which the appeal is being made will be supported by the Registrar (or nominee). The person providing this support must also be given adequate time to prepare.
- 4.14 Provided it is relevant to the approach taken by the Committee, a person whose information, given at the earlier inquiry, is being questioned at the appeal, should be given an opportunity to respond to such questions.
- 4.15 The Committee may appoint advisers as it deems appropriate but it will not commit itself to expenditure without the Registrar's agreement. The Registrar may also seek advice on the University's behalf at any stage of an appeal process.
- 4.16 During the course of an appeal, neither the fact that there has been an inquiry and there is now an appeal, nor any information relating to them or to the student should be disclosed to people who do not have a legitimate reason to have such information. Accordingly, hearings are normally held in camera.
- 4.17 Without compromising the appeal's thoroughness, it should take place without any unnecessary delays, taking into account the reasonable needs of people involved to be properly prepared.
- 4.18 The Student Misconduct Appeals Committee should take into account all of the relevant information it has before it except any information which the student has not had an opportunity of addressing.
- 4.19 Knowledge that the Student Misconduct Appeals Committee has of any past offences or other misconduct committed by the student may be taken into account only:
- as evidence that the student was aware that certain actions constitute misconduct, and
 - as one factor in the consideration of the level of penalty, if the Student Misconduct Appeals Committee finds that the allegation of misconduct, the decision on which is currently under appeal, is proven.
- 4.20 The Student Misconduct Appeals Committee has the following options:
- 4.20.1 it may, for any reason, refer a matter back to the inquiry body for further inquiry and decision;
- 4.20.2 it may uphold an appeal against a finding that the student has committed an act of misconduct, in which case any penalty imposed shall be nullified;
- 4.20.3 it may uphold an appeal against the severity of a penalty and reduce it to a lesser penalty from among those provided in the Rules;
- 4.20.4 it may dismiss an appeal against a finding that the student has committed an act of misconduct but determine that the penalty should be reduced to a lesser one from among those provided in the Rules;
- 4.20.5 it may dismiss the appeal.
- If the Student Misconduct Appeals Committee chooses 4.20.1, the Registrar will notify the Student Misconduct Appeals Committee Chair of the result of the inquiry body's re-consideration and whether or not it has been accepted by the student. If the student requests it, the Student Misconduct Appeals Committee will reconvene to hear the appeal.
- 4.21 The student is entitled to be given the reasons for the appeal decision at the time the decision is made known to the student.
- 4.22 The Student Misconduct Appeals Committee is responsible for determining who, in addition to the appellant student, should receive formal notification of the result of the appeal and the reasons for it. In making this determination, the Committee will take into account potentially conflicting needs — of the student for privacy and of others who participated in the process and who may have ongoing responsibility for University courses or facilities. The Student Misconduct Appeals Committee may impose conditions of confidentiality on any person who is so notified.

SCHEDULE 5 — GUIDELINES ON DETERMINING AN APPROPRIATE PENALTY FOR INSTANCES OF STUDENT MISCONDUCT

These guidelines have been prepared to assist all those involved in recommending, imposing and reviewing penalties for instances of misconduct, including the Vice-Chancellor, Deans, Faculty Student Conduct Committees, University Student Conduct Committee, and Student Misconduct Appeals Committee.

The information contained in these guidelines may also be useful for academic and administrative staff dealing generally with cases of misconduct, as well as for any student subject to an allegation of misconduct.

The guidelines are structured as follows:

1. Principles
2. Scale of penalties
3. Issues specific to each type of penalty
4. Differential effects of penalties
5. Admissions of wrongdoing / level of contrition of student
6. Intent
7. Start / end dates of penalties
8. Status of student pending appeal outcomes
9. Timing of decisions
10. Records of misconduct on transcripts

Whilst these guidelines provide general parameters for determining penalties, the appropriate penalty for an instance of misconduct ultimately must depend on the facts found in each case, and a body is free to depart from the principles set out in these guidelines where the facts indicate that such a course is appropriate. The appropriate penalty remains at the discretion of the body imposing it given that the circumstances of an instance of misconduct and the student present an almost infinite variety from case to case.

1. Principles

In recommending and / or determining an appropriate penalty for a proven instance of misconduct, an inquiry body and / or decision-maker must take into account:

1. the nature and context of the misconduct, including:
 - the objective circumstances of the misconduct (the facts in relation to the gravity of the misconduct itself) in order to gauge an appreciation of the seriousness of the misconduct;
 - the subjective circumstances of the student (aggravating and mitigating factors relating to the student rather than to the misconduct);
2. whether a student has admitted the misconduct, and / or has come forward of his or her own accord;
3. whether intent can be proven;
4. the student's expression of remorse or apology (where relevant);

5. the student's past conduct (see 3.15 Schedule 4 Guidelines relating to Student Misconduct and Appeals). The nature and extent of a student's previous record of misconduct should be considered in all cases whether academic or non-academic misconduct;
6. penalties imposed for previous similar cases to ensure consistency in decision-making;
7. the consequences of the penalty for the individual student (see section 4 below Differential effects of penalties).

2. Scale of penalties

This scale provides a guide as to the normal, minimum and maximum penalties for specific cases of misconduct and the circumstances in which specific penalties are appropriate. This scale is not intended to be prescriptive and the Vice-Chancellor, Deans or committees may need to adjust the penalty in individual cases according to the circumstances of that particular case. The penalties are generally graded according to severity, although it should be noted that some penalties are only appropriate for specific types of misconduct (e.g. fines can only apply to non-academic misconduct).

Penalty	Rule	Examples of types of instances of misconduct
Rescission of an academic award conferred by the University where the award is as a result of fraud or serious academic misconduct committed by the student before the award was conferred	16.3.1(1)	<ul style="list-style-type: none"> • very serious instances of academic misconduct, including fraud and which may involve serious criminal behaviour • extensive plagiarism in a research thesis or major project found proven after the award has been conferred
Revocation of a recommendation to the Academic Board or the University Council that a student has component of a course found proven after a for a period of up to twelve (12) months	16.3.1(2)	<ul style="list-style-type: none"> • fraud • major plagiarism in a subject or major satisfied the requirements for an award, effective student has been determined to have satisfied requirements for the relevant award
Permanent exclusion from the University	16.3.1(3)	Extremely serious instances of misconduct, may involve serious criminal behaviour and serious repeat instances of misconduct.
Exclusion from the University for a period of up to five (5) years	16.3.1(4)	<ul style="list-style-type: none"> • fraud • alteration of any document or record of the University • serious damage to University property or misuse of University facilities • serious disruption to University activities • serious academic misconduct including extensive plagiarism, exam malpractice • repeat cases of academic and/or non-academic misconduct • failure to comply with any penalty imposed for an instance of misconduct or failure to comply with any condition agreed with the Vice-Chancellor under Rule 2.1.9 • dishonesty in relation to admission to the University • inappropriate behaviour including harassment, intimidation or interference with the freedom of other persons at the University
Suspension from the University for a specified period not exceeding twelve (12) months	16.3.1(5)	<ul style="list-style-type: none"> • damage to University property or misuse of University facilities • disruption to University activities and/or freedom of other persons • academic misconduct including plagiarism, exam malpractice • repeat cases of academic and/or non-academic misconduct • failure to comply with any penalty imposed for an instance of misconduct
Suspension from a course of the University for a specified period not exceeding twelve (12) months	16.3.1(6)	<ul style="list-style-type: none"> • academic misconduct including plagiarism, exam malpractice, repeated cheating in assessment • repeat cases of academic misconduct
Withholding of academic results for the relevant teaching period, and/or academic transcript, including deferral or withdrawal of permission to graduate for a specified period not exceeding twelve (12) months	16.3.1(7)	Imposed when instance of misconduct occurs in the student's final teaching period before graduation, usually imposed in conjunction with suspension, or results are withheld until fines or costs are paid.

Penalty	Rule	Examples of types of instances of misconduct
Imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding twelve (12) months; during which time if there is a further instance of misconduct, the Vice-Chancellor or the Dean shall refer the matter to the University Student Conduct Committee or the Faculty Student Conduct Committee, as the case may be, for a recommendation on the imposition of a more severe penalty.	16.3.1(8)	<ul style="list-style-type: none"> • inappropriate behaviour • misuse of facilities
<p>If the misconduct constitutes academic misconduct in relation to a subject in which the student is admitted or enrolled:</p> <ul style="list-style-type: none"> • a zero mark/ fail result for the results of any form or forms of assessment in the subject • a requirement that the student re-submit a specific assessment task, with a reduction in marks to no more than a specified percentage of the maximum possible mark in the assessment task • a requirement that the student must undertake alternative assessment for the whole subject, for which the maximum possible mark can be no greater than a specified percentage of the total value of the assessment • a zero mark/ fail result for the results of the total assessment in the subject. 	16.3.1(9)	<p>Academic misconduct (e.g. plagiarism, cheating) in relation to a subject in which the student is enrolled.</p> <p>May be appropriate for first offence of academic misconduct, plagiarism if deemed unintentional (e.g. student has not understood academic requirements).</p> <p>Should take into account:</p> <ul style="list-style-type: none"> • extent of plagiarism • advice to student on referencing • stage of course (students in second or subsequent years will be expected to have more understanding of what constitutes plagiarism compared to students in first year).
Exclusion from attendance at specified classes or subjects for a specified period not exceeding twelve (12) months, provided that these do not include the entirety of classes or subjects for which the student is enrolled or is eligible to be enrolled	16.3.1(10)	Inappropriate behaviour in classes or subjects, meetings or other activities.
Exclusion from and prohibition from use of specified facilities of the University for a specified period not exceeding twelve (12) months	16.3.1(11)	Misuse of facilities on University premises, such as the Library or IT labs, or any other premises to which the student has access for his or her University purposes.
Where the misconduct involves loss of or damage to property or facilities of the University or a third party, payment to the University or the third party of a specified amount not exceeding the amount of the loss or damage	16.3.1(12)	<p>Misconduct involving loss of/ or damage to property or facilities of University or to a third party.</p> <p>Payment for loss or damages is not a fine. The amount sought as restitution cannot exceed the amount of the loss or damages.</p>

Penalty	Rule	Examples of types of instances of misconduct
Where the misconduct involves lengthy inquiries and proceedings, payment to the University of a specified amount for its costs, not exceeding the amount of the costs incurred	16.3.1(13)	Misconduct involving lengthy inquiries and proceedings. Payment is required to cover the costs of the expense incurred by the University during lengthy inquiries and proceedings in relation to misconduct. The amount sought is not a fine — it cannot exceed the costs incurred by the University in relation to the inquiries and proceedings.
A fine of up to \$5,000 with maximum fines for particular types of offences	16.3.1(14)	Non-academic misconduct including: <ul style="list-style-type: none"> • inappropriate behaviour • misuse of facilities • wilfully disobeying direction • library offences (see 3.6 below for notes on Monetary penalties)
Imposition of specified conditions on attendance at specified classes or use of specified facilities of the University	16.3.1(15)	Inappropriate behaviour in a class, meeting or other activity, and/or misuse of facilities on University premises or any other premises to which the student has access for his or her University purposes.
Reprimand or caution	16.3.1 (16)	<ul style="list-style-type: none"> • first minor instance of misconduct • usually imposed with other penalties • a caution is a formal warning to the student that any future instance of misconduct will be treated most seriously and will result in a more severe penalty • a formal reprimand by the Vice-Chancellor for misconduct is communicated to the student in a letter. The letter of reprimand is placed on the student's confidential file and remains confidential. It does not appear on a student's transcript either internal or external.

3. Issues specific to each type of penalty

3.1 Exclusion from the University

See Rule 16.3.1(4)

If a student is re-admitted to a course following a period of exclusion from the University, the student may be required to apply for subject exemptions in recognition of prior learning, i.e. for the subjects completed prior to the period of exclusion.

3.2 Exclusion from specified class/specified facility

See Rules 16.3.1(10) and (11)

A student who is excluded from specified classes or facilities may not be able to complete certain assessment tasks and this may impact on their final result for the subject.

3.3 Suspension from the University

See Rule 16.3.1(5)

Students who are suspended from the University for a specified period not exceeding twelve (12) months will retain any credit points gained prior to the period of suspension.

3.4 Suspension from a course of the University

See Rule 16.3.1(6)

Students who are suspended from a course of the University will retain any credit points gained prior to the period of suspension. They may apply for admission to another course of the University during the period of suspension, except for non-award study in subjects that could be subsequently counted as exemptions towards the course from which they have been suspended.

3.5 Withholding of results/academic transcript/permission to graduate

See Rule 16.3.1(7)

Students whose results are withheld may not be able to proceed to the next stage of their course and it may impact on their employment situation or applications for admission to courses at other institutions. Students whose academic transcripts are withheld or who are not permitted to graduate may not be able to apply for admission to other courses, or may be limited in their employment opportunities. These penalties usually apply when a student is in, or has completed, their final teaching period before graduation. The penalties are usually imposed in conjunction with suspension, and/or the withholding of results until fines or costs are paid.

3.6 Monetary penalties

Rules 16.3.1(12) and (13)

These Rules enable the University to seek restitution for costs incurred in lengthy inquiries or proceedings or costs associated with loss and/or damage. These penalties are not fines. Fines are penalties imposed for the act of misconduct itself.

Rule 16.3.1(14)

This Rule enables a reasonable monetary fine to be assessed. This penalty could be applied in conjunction with others such as Rules 16.3.1(12) and (13).

Fines may be appropriate for incidents such as:

- inappropriate and/or disruptive behaviour on campus (up to \$1,000 maximum);
- contravening prescribed standards of acceptable conduct (up to \$1,000 maximum);
- endangering the safety and/or security of people and/or property (up to \$2,000 maximum);
- ignoring or disobeying a directive from a University Officer (up to \$500 maximum);
- refusing to identify oneself (up to \$100 maximum);
- allowing another person access to UTS email or computer account and facilities (up to \$500 maximum with increase to \$1,000 for repeat offences);
- damage and destruction where the costs cannot be adequately measured for the purposes of cost recovery (e.g. destruction of intellectual property through hacking or destroying a computer which has other persons' work on it) (up to \$5,000 on recommendation of the University Student Conduct Committee);
- library offences (up to \$150 per offence with upper limit of \$250 for repeat offence).

When considering fines as an effective and appropriate penalty for instances of misconduct, the following factors should be taken into account:

- a fine can only be imposed for non-academic misconduct. A fine cannot be imposed for academic misconduct;
- a student's financial capability must be considered in imposing a fine; and where appropriate extensions of time to pay may be granted by the Registrar;
- fines of less than \$2,000 can be imposed by the Vice-Chancellor for proven or admitted misconduct, without reference to the University Student Conduct Committee;
- fines of greater than \$2,000 can only be imposed by the Vice-Chancellor for extremely serious misconduct, on the recommendation of the University Student Conduct Committee.

3.7 Awarding of zero marks

See Rule 16.3.1(9)

When considering a penalty under Rule 16.3.1(9), it should be noted that if a student is awarded zero for any assessment item, it is unlikely that the student will be able to satisfactorily complete the subject for which the assessment task is set.

3.8 Conditions on enrolment

See Rule 16.3.1(8)

If conditions are imposed upon a student's enrolment and participation in specified subjects, this may impact on the student's ability to complete the course within a specified time period. This penalty may impose conditions on enrolment in certain subjects involving use of a laboratory, for example, or enrolment in subjects involving use of other facilities.

4. Differential effects of penalties

When imposing penalties, it is important that each student's individual circumstances, stage of enrolment, and any relevant mitigating factors are taken into account. Conduct Committees, the Vice-Chancellor and Deans may encourage students to make representation or submit evidence on the detrimental impacts of specific penalties in individual cases.

Some examples of situations in which penalties may impact more harshly include:

- **Penalties of suspension or exclusion for international students**

A penalty of suspension or exclusion may impact more severely on an international student because of visa requirements which stipulate that a student must leave the country if not enrolled. There are also additional financial costs involved for international students who must re-apply for a visa following a period of suspension or exclusion and pay additional course fees. In appropriate circumstances, an alternative may be to consider penalties under Rules 16.3.1(6) and (7) where an international student can complete course requirements prior to the penalty coming into effect. As an example, a student facing a period of suspension (to take effect at a specified time in the future) would be able to complete the course requirements, but at the end of their course, the period of suspension would take effect and the student would be prevented from graduating, unable to access any academic results and official academic transcript or testamur.

- **Stage of enrolment**

Most penalties will have a greater impact on students in their final teaching period when they are applying for jobs or for admission to graduate courses.

- **Financial penalties**

Severe monetary penalties will have a greater impact on some international students and on students from economically disadvantaged groups.

5. Admissions of wrongdoing/level of contrition of student

If a student has admitted the misconduct and/or displays a high and genuine level of contrition for the misconduct, in the form of submission of a formal letter of apology to the Vice-Chancellor, this should be taken into account where appropriate.

1. The notice of penalty, the reasons and committee reports should explicitly state that the admission of wrongdoing and/or statement of contrition have been taken into account. Failure to do so would generally be taken to indicate that the admission or level of contrition was not given weight.
2. The effect of admission or level of contrition on the penalty should be stated insofar as it is appropriate to do so. This effect could encompass any or all of the matters to which the admission or level of contrition may be relevant. Where other matters are regarded as relevant in a particular case, e.g. assistance to authorities, this should be included in the report or notice of decision and penalty.
3. An admission of wrongdoing or statement of contrition should generally be assessed in relation to the seriousness of the misconduct. One consideration is the timing of the admission or statement of contrition. Another factor is the potential time saved by University staff to undertake investigations and attend hearings. The relevance of an early admission will vary according to the circumstances of the case.
4. In some cases the admission or statement of contrition, in combination with other relevant factors, could lead to a degree of leniency in relation to the type of the penalties imposed. In some cases the weight given to the admission or statement of contrition will be significant in assessing parity between other students involved in the misconduct.

6. Intent

If a student is found to have acted with intent when committing an act of misconduct, the penalty imposed on that student should be more severe than in a case where intent cannot be proven. In determining whether a student acted intentionally in committing an act of misconduct, any subsequent demonstration of contrition on the part of the student should also be considered (see point 5 above).

7. Start/end dates of penalties

Penalties usually come into effect from the date of notification of the penalty to the student and last until the last day of the relevant teaching period. In determining penalties, it is preferable that start and end dates are specified on a teaching period basis (e.g. first day of teaching period to the last day of teaching period). It is important to consider the effective dates of penalties, as a penalty specified by dates as opposed to teaching periods may have the unintended consequence of preventing a student enrolling in the teaching period following the period of penalty.

8. Status of student pending appeal outcomes

Under Rule 16.18.4, a student may apply to the Vice-Chancellor for a stay of decision. The Vice-Chancellor may direct that a decision be stayed until the time for making an appeal has expired or, if an appeal is made within the permitted time, until the appeal has been determined.

In such cases the Vice-Chancellor will determine the status of the student during the appeal process; in other words, whether the student is to be on a restricted or conditional provisional program. This may include provisional class attendance, restricted attendance on campus, conditional use of University facilities, enrolment in online subjects, leave of absence and so on.

The following criteria are considered in determining whether to grant a stay of decision and the student's status during the appeal process:

- student's reasoning for requesting the stay of decision
- whether it is appropriate given the nature and seriousness of the misconduct to approve a stay of decision
- whether there is a need to implement the penalty immediately to ensure the protection of other person(s) and /or facilities and property of University
- an assessment of the likelihood of a successful appeal against the finding of misconduct and the penalty, and if the penalty includes payment of compensation to a third party under 16.3.1(12), the capacity of the third party to repay the student if the penalty is nullified on appeal.

9. Timing of decisions

It is most important that decisions regarding penalties for misconduct and subsequent appeals are handled as expeditiously as possible to prevent lengthy delays and consequent applications by students for special consideration due to potential disadvantage. As a general guide, reports of the University Student Conduct Committee or Student Misconduct Appeals Committee can be expected within six (6) weeks from the date of referral of the matter to the Committee.

10. Records of misconduct on transcripts

- For suspensions and exclusions from a course or from the University the external academic transcript shows the student's status as 'suspended' or 'excluded' and the period of suspension or exclusion (in the same way that academic exclusions and leave of absence are shown on a transcript).
- A penalty of zero mark for a subject is shown on the academic transcript in the same way as other results.
- All other penalties are recorded on the student system as internal comments and will only be shown on internal academic records.
- In cases where an appeal against suspension, exclusion, or zero mark is lodged, the external academic transcript will show 'appeal pending' under the relevant course and teaching.

GENERAL RULES OF THE UNIVERSITY

G1 — RULES RELATING TO COUNCIL, THE CHANCELLOR, DEPUTY CHANCELLOR AND VICE-CHANCELLOR

These Rules are made pursuant to s 28(1)(c), (d), (e), (f) and (j) and s 29(1) of the Act.

1. Chancellor or Deputy Chancellor to preside at ceremonial occasions

- (1) The Chancellor when present is to preside at ceremonial occasions.
- (2) In the absence of the Chancellor, the Deputy Chancellor when present is to preside at ceremonial occasions.
- (3) In the absence of both the Chancellor and Deputy Chancellor, a member of Council (being a member who is not a member of the staff of the University or a student) appointed by the Council, is to preside at ceremonial occasions¹.
- (4) In the absence of the Chancellor, Deputy Chancellor and the member appointed in accordance with subclause (3), the Vice-Chancellor is to preside at ceremonial occasions.

2. Powers of Chancellor in relation to University committees

- (1) The Chancellor may without specific appointment exercise the right of membership of any committee or board of the University.
- (2) The Chancellor may preside at any meeting of any such committee or board and has all the functions of the presiding member of any such committee.
- (3) If the Chancellor is absent or is unable to act, or if the office of Chancellor is vacant, the Deputy Chancellor may preside at any such meeting and is to have the like functions.

3. Presiding member

The Chancellor, or any other person presiding at any meeting of the Council in accordance with this Rule, has a deliberative vote and, in the event of an equality of votes, a casting vote.

4. Ordinary meetings of Council

The Council is to meet in ordinary session not less than six times in each year and at such other times as the Council decides.

5. Special meetings of Council

- (1) A special meeting of the Council:
 - (a) may be convened by:
 - (i) the Chancellor or, in the absence of the Chancellor, the Deputy Chancellor; or
 - (ii) the Vice-Chancellor; or
 - (b) is to be convened by the Registrar if the Registrar receives a written request of not less than five members of the Council setting forth the purpose for which the meeting is required to be convened.
- (2) A special meeting required to be convened under subclause (1)(b) is to be held within 14 days after the receipt of the request for that special meeting.

6. Notice of meeting of Council

Notice of the date, time and place of a meeting of the Council and a copy of the agenda and, in the case of a special meeting, advice as to the purpose for which the meeting is to be convened, are to be posted or delivered by the Registrar to each member of the Council at least seven days before the date of the meeting.

In circumstances where the governance of the University would otherwise be compromised, the Chancellor, Vice-Chancellor and Registrar, as the Executive Committee of Council, may suspend the requirements of the previous paragraph by directing the Registrar to take action with respect to any of the following:

- advise members of a Council meeting with shorter notice than prescribed in the paragraph above;
- advise only Council members and other required attendees of the meeting place;
- advise Council members that a meeting will be held in closed session.

7. Business at meetings

A member of the Council must not initiate any matter for discussion, or move any motion in respect of any matter initiated, at a meeting of the Council unless:

- (a) notice in writing has been given to the Registrar, in the case of an ordinary meeting, not less than 14 days before the date of the meeting and, in the case of a special meeting, not less than 10 days before the date of the meeting, that the matter will be so initiated or a motion moved in respect of the matter; or
- (b) the Council or the person presiding at that meeting otherwise permits.

Footnote

1. In 1999, Council determined (resolution number COU/99/42) procedures for appointment of a member of Council, to be known as Pro-Chancellor, to preside over graduations and other ceremonial occasions in certain circumstances.

8. Meeting may be adjourned

The person presiding at a meeting of the Council may adjourn that meeting to a later time or date.

9. Failure to give, or receive, notice of meeting

Proceedings of a meeting of the Council are to be taken to have been validly transacted notwithstanding the accidental omission to give notice of the meeting to, or the non-receipt of a notice of the meeting by, a member.

10. Out of pocket expenses

If a member of the Council incurs out of pocket expenses whilst engaged on University business, the Registrar may authorise the payment of the whole or any part of the expenses so incurred to that member.

11. Vice-Chancellor

- (1) The Vice-Chancellor, as the chief executive officer of the University, is to be the principal academic and administrative officer of the University and is responsible to the Council for implementing the decisions of the Council.
- (2) Subject to the Act, the By-law, the Rules and the resolutions of the Council, the Vice-Chancellor is to be responsible for:
 - (a) promoting the interests and furthering the development of the University; and
 - (b) conducting the academic, administrative, financial and other business of the University; and
 - (c) exercising general supervision and control in relation to the members of the staff of the University and the welfare and discipline of students.

12. Powers of Vice-Chancellor in relation to Council committees and boards

- (1) Subject to the By-law, the Rules and any direction by the Council, the Vice-Chancellor is to be ex officio a member of every committee or board of the Council and, in the absence of the presiding member, may preside at any meeting of a committee or board of the Council other than the Finance Committee.
- (2) The authority of the Vice-Chancellor to preside at a meeting of a committee does not extend to a meeting at which the Chancellor or Deputy Chancellor is present if the Chancellor or Deputy Chancellor desires to preside.

13. Acting Vice-Chancellor

- (1) In the event of the absence on leave of the Vice-Chancellor from the University or the illness or incapacity of the Vice-Chancellor, an Acting Vice-Chancellor is to be appointed:
 - (a) by the Vice-Chancellor, if the Vice-Chancellor has no reason to believe that the absence, illness or incapacity will exceed four weeks; or
 - (b) by the Council in any other case or if the Vice-Chancellor does not make an appointment in accordance with paragraph (a).
- (2) The Vice-Chancellor may also appoint an Acting Vice-Chancellor where the Vice-Chancellor is absent from the University on official business and believes that such an appointment is necessary for the effective operation of the University.

14. Powers and authorities of Acting Vice-Chancellor

In the exercise of the functions of the Vice-Chancellor, the Acting Vice-Chancellor has such powers and authority as may be necessary or convenient to give effect to the provisions of the By-law, the Rules and the resolutions of the Council.

15. Repealed

15A. Repealed

16. Repealed

G2 — RULES ON ELECTION OF CHANCELLOR AND DEPUTY CHANCELLOR

Division 1 — Election of Chancellor and Deputy Chancellor

1. The following Rules apply in accordance with sections 10 and 11 of the Act and clause 4 of the By-law:

Call for nominations

- (1) (a) If an election for a Chancellor or Deputy Chancellor is necessary, the Returning Officer must send or deliver a copy of the notice to each member of Council.
- (b) The notice referred to in this clause must:
- (i) state that an election is necessary;
 - (ii) invite nominations for persons for election;
 - (iii) specify the form in which nominations must be made;
 - (iv) specify the date and time by which nomination papers must reach the Returning Officer;
 - (v) specify how ballot papers will be distributed;
 - (vi) specify the date and time by which ballot papers must reach the Returning Officer;
 - (vii) contain such other information relating to the election as the Returning Officer thinks fit.
- (c) The notice referred to in this clause must be sent or delivered whenever a vacancy in the office of Chancellor or Deputy Chancellor occurs or, if a vacancy is expected to occur, no earlier than three months and no later than one month before the date of the expected vacancy.

Schedule of dates for elections for Chancellor or Deputy Chancellor

- (2) In the conduct of an election for Chancellor or Deputy Chancellor the Returning Officer must allow:
- (a) between the notification to Council members, under clause 1(a) above, that an election is necessary and the date and time specified for receipt of nominations — not less than 10 days and not more than 14 days; and
 - (b) between the date and time specified for the receipt of nominations and the issue of ballot papers — not more than three days;
 - (c) between the issue of ballot papers and the date and time by which ballot papers must reach the Returning Officer — not less than 10 days and not more than 14 days.

Making of nominations

- (3) (a) Nomination of candidates must be made by sending or delivering nomination papers to the Returning Officer.
- (b) A nomination paper must be signed by two members of Council, other than the person nominated, and must be endorsed with or accompanied by the written consent of the person nominated.
- (c) There must be a separate nomination paper for each candidate.
- (d) A candidate may provide with the nomination paper a statement of not more than one page containing information relating to the candidate that he or she wishes to supply. The statements provided by the candidates are to be printed and distributed with the ballot papers.

Dealing with nominations

- (4) (a) The Returning Officer must, within two days after receipt of a nomination paper, send or deliver a notice to each person who has signed or endorsed the nomination paper, notifying the person of the acceptance or rejection of the nomination.
- (b) If, at the close of nominations, only one nomination for a position is duly made and delivered, the Returning Officer must declare the candidate so nominated to be elected.
- (c) If more than one nomination is accepted for a position the Returning Officer must conduct a ballot.

Conduct of the ballot

- (5) (a) The ballot must be a secret ballot using the optional preferential system.
- (b) The Returning Officer must send or deliver a ballot paper to each member of Council.
- (c) Following receipt of a written application, the Returning Officer may, on being satisfied that a ballot paper has been lost or destroyed, supply a duplicate ballot paper to the person to whom the lost or destroyed ballot paper was issued.
- (d) The ballot must be conducted in accordance with the By-law — clauses 17, 18, 19 and clauses 22 to 27 inclusive.

Election in anticipation of resignation

- (6) (a) If the Chancellor or Deputy Chancellor intends to resign from office he or she is under a duty to notify the Returning Officer as soon as practicable of:
 - (i) his or her intention to resign from office;
 - (ii) the date from which the resignation is intended to take effect.
- (b) After such a notification has been received the Returning Officer may proceed to conduct an election.
- (c) The result of the election does not take effect until after the incumbent's resignation takes effect.

Division 2 — Repealed

G3 — RULES RELATING TO THE ACADEMIC BOARD AND FACULTY BOARDS

These Rules are made by the Council under section 29(1) of the Act and clause 41 of the By-law (Part 4, Division 1).

Part 1 — The Academic Board

Division 1 — Constitution of the Academic Board

1. (1) The Academic Board is to include:
 - (a) ex officio members (in addition to the Vice-Chancellor); and
 - (b) elected members,as provided by this Division, in addition to any persons determined by the Council.
- (2) The ex officio members of the Academic Board are to be the person or persons holding the positions of:
 - (a) Senior Deputy Vice-Chancellor; and
 - (b) Deputy Vice-Chancellor (three to be nominated by the Vice-Chancellor); and
 - (c) University Librarian; and
 - (d) Dean; and
 - (e) President of the UTS Students' Association; and
 - (f) Associate Dean of Faculty (two per Faculty, nominated by the respective Deans); and
 - (g) Chair of the Board of Studies for Indigenous Education;in addition to the holder or holders of any other position determined by the Council.
- (3) The elected members of the Academic Board comprise:
 - (a) members elected by and from the academic staff of each Faculty on the basis of one member for every 30 EFT (continuing and fixed term) academic staff (rounded to the nearest whole number), with a minimum representation of two members per Faculty; and
 - (b) one student elected from each faculty, and an alternate nominated by the Faculty Board; and
 - (c) one postgraduate research student elected by and from the postgraduate research students of the University.
- (4) Faculty Boards may, subject to the approval of the Chair, nominate another student to act as an alternate member with speaking and voting rights at those meetings of Academic Board which the alternate member attends in place of the said elected member. A student will cease being an alternate member when the elected student ceases to be a member of the Board.

Term of office of elected member of Board

2. The term of office of an elected member of the Board is one year for student members and two years for all other members.

Conduct of elections

3. (1) The elections for the elected members of the Board are to be conducted in accordance with Part 3 of this Rule.
- (2) Voting at an election for membership of the Board is to be by secret ballot using the quota preferential system of voting.
- (3) If at the close of nominations in the conduct of an election, the number of vacancies for elected positions exceeds the number of candidates who are declared elected by the Returning Officer, any remaining vacancy may be filled by the Board for the period stated in the notice of election:
 - (a) on the recommendation of the Dean of the relevant faculty; or
 - (b) in the case of a vacancy for a postgraduate student, on the recommendation of the Chair of the Board.

Casual vacancy in office of elected member of Board

4. (1) A casual vacancy in the office of an elected member of the Board occurs if the member:
 - (a) ceases to be qualified for election, or
 - (b) resigns from office by notifying the Returning Officer in writing, or
 - (c) is on extended leave for a period exceeding 12 months, or
 - (d) is formally acting in a position which carries ex officio membership of the Board for a period exceeding 12 months, or
 - (e) is absent from three consecutive ordinary meetings of the Board unless the absence is excused by the Board either at one of those meetings or before those meetings are held.
- (2) In the event that a casual vacancy in the office of an elected member of the Board occurs then:
 - (a) if the remainder of the term of office of the elected member is less than twelve months, the Chair of the Board is, as soon as practicable after the vacancy occurs and after appropriate consultation, to appoint a person qualified to hold that office under clause 1(3) for the remainder of the term of office; or
 - (b) if the remainder of the term of office of the elected member is twelve months or more, the Returning Officer is, as soon as practicable after the vacancy occurs, to conduct an election in accordance with clause 3 among those persons qualified to vote at such an election.
- (3) If no nominations are received to fill a casual vacancy referred to in subclause (2)(b), the Board may either leave the vacancy unfilled for the remainder of the term of office or take such other action in relation to the filling of the vacancy as the Board considers necessary.

- (4) A person elected to fill a casual vacancy in the office of an elected member of the Board is to hold office for the remainder of the predecessor's term of office.

Leave of absence of elected member of Board

5. Where an elected member of the Board:
 - (a) is on extended leave for a period up to 12 months, or
 - (b) is formally acting in a position which carries ex officio membership of the Board for a period of up to 12 monthsa replacement member who is qualified to hold office under clause 1(3) may be appointed by the Chair, after appropriate consultation, for the period of the elected member's leave of absence.

Division 2 — Presiding member (Chair) and deputy presiding member

Chair

6. (1) The Board:
 - (a) as soon as practicable after the membership of the reconstituted Board is confirmed following an election; or
 - (b) whenever a vacancy in the office of the presiding member occurs, unless less than three months of the term of office remains,is to elect one of its members to be the presiding member of the Board.
- (2) The title of the presiding member is to be 'Chair'.

Term of office, etc., of Chair

7. (1) The Chair, unless he or she resigns as the Chair or ceases to be a member of the Board, holds office for a period (up to two years) from the date of election to the prescribed end of the general Academic Board term and on such conditions as may be determined by the Council on the recommendation of the Board.
- (2) The sitting Chair of Academic Board is ineligible to be renominated if completion of the designated term would result in the member serving more than 5 consecutive years in that office.

Deputy Chair

8. (1) The Board:
 - (a) as soon as practicable after the membership of the reconstituted Board is confirmed following an election; or
 - (b) whenever a vacancy in the office of the deputy presiding member occurs,is to elect one of its members to be the deputy presiding member of the Board.
- (2) The title of the deputy presiding member is to be 'Deputy Chair'.

Terms of office, etc., of Deputy Chair

9. (1) The Deputy Chair, unless he or she resigns or ceases to be a member of the Board, holds office for a period (up to two years) from the date of election to the prescribed end of the general Academic Board term and on such conditions as may be determined by the Council on the recommendation of the Board. Should the Deputy Chair's membership of Academic Board conclude as a result of the conclusion of his or her term in an ex officio staff member position, the Deputy Chair may continue as a co-opted member of Academic Board, for a period up to the next general Academic Board election, at the Board's discretion in order to continue or complete the work of the Board. The duties of the Deputy Chair will be determined, from time to time, in consultation with the Chair.
- (2) The sitting Deputy Chair of Academic Board is ineligible to be renominated if completion of the designated term would result in the member serving more than 5 consecutive years in that office.

Absence of Chair

10. If the Chair is absent or unable to act, or if the office of the Chair is vacant, the Deputy Chair is to have all the functions of the Chair.

Absence of the Chair and Deputy Chair

11. In the absence of both the Chair and the Deputy Chair:
- (a) the Vice-Chancellor, if the Vice-Chancellor is present and wishes to preside, is to preside at the meeting; or
- (b) if the Vice-Chancellor is not present or, being present, does not wish to preside, the Board is to elect one of its members to preside at the meeting.

Election of Chair and Deputy Chair

12. The election of the Chair and the Deputy Chair of the Academic Board by the members of the Board is to take place in accordance with Part 3 of this Rule.

Division 3 — Functions and powers of the Board

13. (1) The Academic Board constitutes the primary forum in the University for the discussion and resolution of academic issues and matters. The Board and the Vice-Chancellor are the principal sources of advice to the Council on all academic matters.
- (2) Subject to the By-law, the Rules and the resolutions of the Council, Academic Board has a responsibility to assess the quality of, and provide direction to, the academic work of the University, including teaching, learning, scholarship, research and research training.

- (3) In exercising its responsibilities, the Board:
- (i) Shall work in conjunction with the Vice-Chancellor, members of the University Executive, Deans and the staff of the University to ensure that the academic goals of the University are achieved;
- (ii) May refer any matter for consideration and advice to its own committees, a Faculty Board, Board of Studies, Course Advisory Committee, or the Vice-Chancellor or appropriate members of the staff of the University; and
- (iii) May receive and consider advice from any such body or person on any matters related to Academic Board and its functions, powers and responsibilities.
14. Without limiting the effect of clause 13, the Board:
- (a) Shall report to, or advise Council or the Vice-Chancellor, on any aspect of:
- (i) the academic goals, objectives, principles, directions, priorities and profile of the University, including advice on how these provide a basis for financial, capital or human resource planning
- (ii) the quality and standards appropriate to all aspects of the academic work of the University, and in particular to teaching and learning and the support thereof, and to research and research training.
- (b) Shall determine the accreditation of proposed or existing award courses on their academic merit, and the removal of the accreditation of award courses.
- (c) Shall undertake initiatives and institute measures to promote the communication of academic issues and matters and the coordination of academic work and activities across the whole University.
- (d) Shall determine academic policies.
- (e) Shall determine the standards governing all aspects of academic administration, including, but not limited to, the admission of students and the examination and assessment of students' work.
- (f) Shall set the conditions for the granting of fellowships, scholarships and prizes within the University.
- (g) Shall recommend to Council those students who, having satisfied all academic requirements for an award course, are considered eligible to graduate; and shall assure the validity of such recommendations by appropriate means.
- (h) Shall determine the structures and functions of Faculty Boards, noting that a Faculty Board's authority to act on specific matters will continue to require Council's delegated authority.

Division 4 — Relationship between Board and Council

Reference to Council of certain matters by Board

15. If the Academic Board does not approve without amendment any recommendation of a Faculty Board or another Board, the Academic Board is, if so required by the Faculty Board or other Board, to transmit the recommendation to the Council together with any observations the Academic Board thinks fit.

Council to obtain views of Board on certain matters

16. (1) If the Council does not accept without amendment a recommendation from the Board relating to teaching, scholarship or research within the University, the Council must seek further advice from the Board before making a final decision.
- (2) This clause does not apply if, in the judgment of the Chair of the Board and the Chancellor:
- (a) the matter is one of urgency on which it is necessary for an immediate decision to be made by the Council; or
 - (b) the area of difference between the Council and the Board is not one of principle or major significance.

Division 5 — Board committees

Committees

17. (1) The Board may establish such committees as it thinks fit with such membership as it considers appropriate for the purpose for which the committee is established.
- (2) It does not matter that any or all of the members of a committee are not members of the Board.
- (3) A sitting Chair of an Academic Board committee is ineligible to be renominated if completion of the designated term would result in the member serving more than 5 consecutive years as Chair of that committee.

Part 2 — Faculty Boards

18. The elections for the elected members of Faculty Boards are to be conducted in accordance with Part 3 of this Rule.

Part 3 — Elections

Conduct of elections

19. (1) An election referred to in this Rule is to be conducted by the Registrar who is to be the Returning Officer for the election.
- (2) The Returning Officer may appoint a Deputy Returning Officer (with such powers as the Returning Officer may determine) and other persons to assist the Returning Officer in the conduct of all or any part of an election referred to in this Rule.
- (3) The Returning Officer's decision is, subject to the Act and By-law and this Rule, final on all matters affecting the eligibility of

candidates, the conduct and results of an election, the validity of an election and such other matters as may from time to time affect the conduct of elections.

- (4) Where an election is required to be held, the Returning Officer shall, in such manner as the Returning Officer determines, prepare a roll of eligible voters, for each relevant election.

Call for nominations and notice of election

20. (1) If an election is necessary, the Returning Officer must publish a notice referred to in this clause on the official noticeboards on the premises of the University and in such other places and in such manner as the Returning Officer considers necessary to inform the persons whose names are on the relevant rolls of the contents of the notice.
- (2) A notice referred to in this clause must:
- (a) state that an election is necessary to fill the office or offices concerned;
 - (b) invite nominations of persons for election;
 - (c) specify the manner in which nominations must be made;
 - (d) specify a date and time by which nominations must reach the Returning Officer;
 - (e) in the event that a ballot is necessary, specify the method or methods the Returning Officer has determined will be used for the ballot, in accordance with clause 24(1);
 - (f) in the event that a ballot is necessary, specify the dates for the commencement of the ballot and the close of the ballot;
 - (g) contain such other information relating to the election as the Returning Officer thinks fit (which might include, for example, details of the number of vacancies to be filled and of the terms of office of the members of the Board to be elected).
- (3) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not see a notice or a copy of a notice referred to in this clause.

Schedule of dates for elections

21. In the conduct of an election, the Returning Officer must allow:
- (a) between the publication of the notice under clause 20(1) stating that an election is necessary and the close of nominations for the election — not less than 14 and not more than 28 days, and
 - (b) between the close of nominations for the election and the commencement of the ballot — not more than 28 days, and
 - (c) between the commencement of the ballot and the close of the ballot — not less than 14 and not more than 28 days.

Making of nominations

22. (1) Nominations of candidates for an election of members of the Board must be lodged with the Returning Officer no later than the time and date specified in the notice published under clause 20(2).
- (2) A nomination must be signed or endorsed by 2 persons whose names are entered on the relevant roll of eligible voters for the election for which the candidate is nominated and must be endorsed by the person nominated.
- (3) There must be a separate nomination for each candidate.
- (4) A candidate may provide with the nomination a statement of not more than 150 words containing information relating to the candidate that he or she wishes to supply. That information may include, for example, the following:
- full name,
 - faculty, school or department,
 - course and academic year,
 - academic qualifications and experience,
 - positions or offices held at any time in public bodies, clubs and institutions (including University clubs and societies) with dates of tenure.
- (5) Statements containing more than 150 words will not be accepted. The Returning Officer (or a person appointed by the Returning Officer) may edit all statements supplied. The edited statements are to be published or issued on or before the opening of the ballot to persons whose names are on the relevant roll of eligible voters for the election.
- (6) The Returning Officer must reject a nomination if satisfied that:
- the nomination is not duly made, or
 - the person nominated is not eligible to be elected.
- (7) The Returning Officer must, within 4 days after receipt of a nomination, send or deliver a notice to each person who has signed or endorsed the nomination, notifying the person of the acceptance or rejection of the nomination.

Dealing with nominations

23. At the close of nominations, where the number of nominations of persons for election in each elected membership category is fewer than or the same as the positions to be filled, the Returning Officer must declare the person or persons nominated to be elected. If there are more nominations than positions to be filled in an elected membership category, there must be a ballot.

Form of ballot

24. (1) A ballot must be a secret ballot using the quota preferential system. Ballots may be conducted by post, by attendance at a polling booth or by way of an electronic

voting system that has been approved for use by the Registrar in accordance with clause 25. Subject to the Act, the By-law and these Rules, the Returning Officer shall determine which method or methods shall be used for any particular ballot.

- (2) Ballot papers, or the component of the electronic voting system that records a vote cast by the voter, as the case may be, must contain the names of the candidates in the order drawn at random by the Returning Officer or by a person appointed by the Returning Officer for the purposes of the election.

Requirements for electronic voting system

25. The Registrar may approve an electronic voting system for use where the Registrar is satisfied that the system:
- will provide a voter with instructions on how to vote;
 - will allow a voter to indicate his or her preferences of candidate or candidates;
 - gives a voter an opportunity to correct any mistakes before submitting his or her vote;
 - allows a voter to make an informal vote;
 - will not allow a person to find out how a particular voter cast his or her vote;
 - will not allow a voter to vote more than once for any ballot; and
 - will only allow a voter to vote in an election for which he or she is eligible to vote.

Conduct of ballot by post

26. (1) Where the Returning Officer has determined under clause 24 that a ballot will be conducted by post, the Returning Officer must send or deliver to each person whose name is on the roll of eligible voters for the relevant election, prepared in accordance with clause 19(4):
- a ballot paper, initialled by the Returning Officer or by a person authorised by the Returning Officer
 - the edited statements provided by candidates in accordance with clause 22(4)
 - a notice setting out how the ballot papers are to be completed and specifying the date and time of the close of ballot
 - two envelopes, one marked "Ballot Paper" and the other addressed to the Returning Officer, on the inside of which must be printed a form of declaration of identity and of entitlement to vote to be signed by the voter.
- (2) Following receipt of a written application, the Returning Officer may, on being satisfied that a ballot paper has been lost or destroyed, supply a duplicate ballot paper to the person to whom the lost or destroyed ballot paper was issued.

- (3) A voter must:
 - (a) mark a vote on the ballot paper by placing the figure "1" in the square opposite the name of the candidate to whom the voter desires to give his or her first preference vote, and may place consecutive figures (commencing with the figure "2") in the squares opposite the names of any of the remaining candidates, so as to indicate by numerical sequence the order of the voter's preference for them
 - (b) sign the form of declaration of identity and entitlement to vote
 - (c) ensure that the Returning Officer receives the ballot paper enclosed and sealed in the envelope marked "Ballot Paper" which must be enclosed and sealed in the envelope addressed to the Returning Officer; and
 - (d) ensure that the Returning Officer receives the ballot paper before the close of ballot.
- (4) All envelopes received by the Returning Officer under this clause must be deposited in the relevant ballot box and remain unopened until the close of ballot.
- (5) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not receive ballot papers.
- (6) Only those ballot papers received by the close of ballot will be counted as part of the procedure outlined in clause 29.

Conduct of ballot by attendance at polling booth

27. (1) Where the Returning Officer has determined under clause 24 that a ballot will be conducted by attendance at a polling booth, the Returning Officer must
 - (a) publish in such manner as the Returning Officer considers necessary a notice specifying the dates and times of polling, the location of polling booths, the procedures governing the application for a postal vote by voters who are unable to attend a polling booth, and any other relevant information, and
 - (b) establish on the University premises polling booths attended, during the dates and times for polling, by persons appointed by the Returning Officer for the purpose of initialling and issuing ballot papers to each person who requests one and is recognised by one of the appointed attendants as being a person whose name is on the roll of eligible voters prepared in accordance with clause 19(4), and
 - (c) display at the polling booths the edited statements provided by candidates in accordance with clause 22(4).
- (2) A voter must, before the close of ballot, attend a polling booth to obtain a ballot paper and

- (a) mark a vote on the ballot paper by placing the figure "1" in the square opposite the name of the candidate to whom the voter desires to give his or her first preference vote, and may place consecutive figures (commencing with the figure "2") in the squares opposite the names of any of the remaining candidates, so as to indicate by numerical sequence the order of the voter's preference for them
- (b) deposit the ballot paper in the relevant ballot box provided for the purpose at the polling booth.
- (3) The ballot box is to remain unopened until the close of ballot.
- (4) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not see the notice published in accordance with sub-clause (1)(a).

Conduct of ballot by electronic voting system

28. (1) Where the Returning Officer has determined under clause 24 that a ballot will be conducted by way of an electronic voting system, the Returning Officer must publish a notice:
 - (a) detailing the nature of the election and setting out instructions on how and when voters may obtain access to the electronic voting system
 - (b) advising how voters may obtain access to the edited statements provided by candidates in accordance with clause 22(4).
- (2) The voter must submit a vote, after the commencement of the ballot and before the close of ballot, in accordance with the instructions provided in the electronic voting system.
- (3) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not see the notice published in accordance with sub-clause (1).

Procedure on close of ballot

29. As soon as practicable after the close of the ballot, the Returning Officer or a person appointed by the Returning Officer must:
 - (1) in the case of an election conducted by post or by attendance at a polling booth:
 - (a) open the ballot boxes, and
 - (b) open any envelopes addressed to the Returning Officer and received before the close of the ballot, and
 - (c) if any declaration of identity is duly signed by a qualified voter, place the unopened envelope containing the ballot paper with other similar envelopes, and
 - (d) open the envelopes referred to in paragraph (c) and take out the ballot papers, and
 - (e) count the votes, and ascertain the result of the ballot, in the manner set out in clause 32.

- (2) in the case of an election conducted by way of an electronic voting system, generate a count of the votes, using a methodology such that the results obtained are as if the votes were recorded on ballot papers and the count was conducted in accordance with clause 32.

Informal vote

30. (1) A vote is informal if the voter has not indicated a clear preference for at least one candidate or if it is possible, in the opinion of the Returning Officer, to identify the voter.
- (2) In the case of a ballot conducted by post or by attendance at a polling booth, a vote is also informal if the ballot paper has not been initialled in accordance with clause 26(1)(a) or clause 27(1)(b), respectively.
- (3) In the case of a ballot conducted by post or by attendance at a polling booth and despite any other provision of this clause, a vote is not informal only because any figures placed on the ballot paper are not placed in or entirely in the squares opposite the candidates' names, if the figures are placed on the ballot in such positions as, in the opinion of the Returning Officer, clearly indicate the order of the voter's preference for the candidates.

Nomination of scrutineers

31. (1) Each candidate is entitled to nominate one scrutineer who is a member of the staff or students of the University to be present at the count.
- (2) A person is not to be a scrutineer in an election in which he or she is a candidate.
- (3) A scrutineer is subject to the conditions specified by the Returning Officer for attendance at the count.

Determination of result of ballot

32. (1) In this clause:

an absolute majority of votes means a greater number than one-half of the whole number of formal ballot votes counted.

continuing candidate means a candidate not already excluded from the count.

determine by lot means determine in accordance with the following directions:

 - (a) the names of the candidates concerned must be written on separate and similar slips of paper,
 - (b) the slips must be folded so as to prevent identification and mixed and drawn at random,
 - (c) the candidate whose name is first drawn must be excluded.
- (2) If a ballot has been held for the purpose of an election the result of the ballot must be determined as provided in this clause.
- (3) The Returning Officer must count the total number of ballot votes and exclude any informal votes.

- (4) The Returning Officer must count the number of first preference votes given for each candidate.
- (5) Where there is one position to be filled:
 - (a) The candidate who has received the largest number of first preference votes must, if that number constitutes an absolute majority of votes, be declared by the Returning Officer to be elected.
 - (b) If no candidate has received an absolute majority of first preference votes, the candidate who has received the fewest first preference votes must be excluded and each of the ballot papers counted to that candidate must be counted to the continuing candidate next in order of the voter's preference.
 - (c) If on any count 2 or more candidates have an equal number of votes and one of them has to be excluded, the candidate to be excluded must be determined as follows:
 - (i) if the count is the first made in connection with the ballot, the Returning Officer must determine by lot which of those candidates is to be excluded,
 - (ii) if the count is the second or subsequent count made in connection with the ballot:
 - (A) that candidate must be excluded who had the least number of votes at the last count at which one of those candidates received fewer votes than each of the others, or
 - (B) the Returning Officer must determine by lot which of those candidates is to be excluded, if at all preceding counts no one of those candidates received fewer votes than each of the others.
 - (d) The process of excluding the candidate who has the fewest votes and counting each of the ballot papers counted to that candidate to the continuing candidate next in order of the voter's preference must (subject to subclause (5)(e)) be continued:
 - (i) until one continuing candidate has an absolute majority of votes in which event that candidate must be declared by the Returning Officer to be elected, or
 - (ii) until all candidates but one have been excluded in which event the remaining candidate must be declared elected.

- (e) If at any point during any particular count after the first preference votes have been counted, the candidate next in order of a voter's preference is not indicated or cannot be ascertained, that ballot paper must, from that point onwards, be excluded from that particular count and the total of the ballot papers counted must be amended accordingly.
- (6) Where there is more than one position to be filled the result of the ballot is to be determined in accordance with the procedures set out in the most recently published edition of the publication entitled *Proportional Representation Manual: Rules for Conducting Elections by the Quota Preferential Method* published by the Proportional Representation Society of Australia, a copy of which is available from the Returning Officer.

Secrecy of ballot to be maintained

- 33. (1) The result of the ballot must remain confidential until the declaration of poll by the Returning Officer.
- (2) The Returning Officer or any person appointed by the Returning Officer or any scrutineer must not in any way disclose or aid in disclosing the manner in which any voter has voted.

G4 — RULES RELATING TO STAFF DISCIPLINE AND APPEAL COMMITTEES

These Rules are made pursuant to clause 44 of the By-law (Part 4, Division 3)

Division 1 — Staff

Application of Division

- 1. This Division applies to and in respect of all members of staff of the University other than:
 - (a) members of staff who are designated by the Rules as being casual staff or temporary staff; and
 - (b) members of staff whose conditions of employment are governed by an industrial award or industrial agreement which contains disciplinary provisions.

Breach of discipline defined

- 2. A member of staff is to be regarded as having committed a breach of discipline if he or she:
 - (a) contravenes any provision of the Act, the By-law or a Rule; or
 - (b) wilfully disobeys or disregards any order or direction lawfully made or given under the Act, the By-law or a Rule; or
 - (c) is convicted by a court of an offence that is of a kind that may reasonably be regarded as constituting a serious impediment to the discharge by the member of staff of his or her functions or the discharge by other members of staff of their functions; or
 - (d) is guilty of disgraceful or improper conduct; or
 - (e) is grossly or persistently inefficient, negligent or careless; or
 - (f) is incompetent in the discharge of his or her functions.

Inquiries into alleged breaches of discipline

- 3. The Vice-Chancellor may (whether as a consequence of the making of a complaint or otherwise) cause inquiries to be made in relation to any breach of discipline that is alleged to have been committed by a member of staff.

Suspension pending completion of inquiries etc.

- 4. (1) The Vice-Chancellor may suspend from office any member of staff in respect of whom inquiries are being made in relation to a breach of discipline that is alleged to have been committed by the member of staff.
- (2) A member of staff may be suspended from office either with pay or without pay.
- (3) If a member of staff is suspended from office without pay, the period of suspension is not to exceed seven days.
- (4) Whether the member of staff is suspended with pay or without pay, the suspension ceases to have effect (unless sooner revoked) when the matter is dismissed or determined under this Division.

- (5) A member of staff is entitled to receive any pay withheld pursuant to this clause if the Vice-Chancellor dismisses the matter or otherwise determines that it would be inappropriate, having regard to the circumstances of the case, that the member of staff be denied that pay.

Vice-Chancellor to issue show cause notice

5. If, after completion of any inquiries, the Vice-Chancellor believes that a member of staff may have committed a breach of discipline, the Vice-Chancellor:
- (a) must cause notice of that fact to be served on the member of staff; and
 - (b) must give the member of staff a reasonable opportunity (being a period of not less than seven days) within which to make written representations to the Vice-Chancellor in relation to the alleged breach of discipline; and
 - (c) must take into account any written representations made by the member of staff during that period.

Penalties

6. (1) If, after having taken into account any written representations made by the member of staff, the Vice-Chancellor is satisfied that the member of staff has committed a breach of discipline, the Vice-Chancellor may direct that the member of staff:
- (a) be dismissed; or
 - (b) be demoted in office; or
 - (c) be suspended from office without pay for a period not exceeding 30 days; or
 - (d) be denied any incremental progression of salary to which he or she might otherwise be entitled or eligible; or
 - (e) be fined an amount not exceeding one month's salary; or
 - (f) be cautioned or reprimanded; or
 - (g) be excluded from specified facilities of the University either indefinitely or for a specified period; or
 - (h) be subjected to any two or more of the penalties referred to in paragraphs (b)–(g).
- (2) In considering a penalty the Vice-Chancellor may take into consideration a staff member's previous disciplinary record.

Vice-Chancellor to dismiss certain matters

7. If the Vice-Chancellor is satisfied that the member of staff has not committed a breach of discipline or (after having completed inquiries into the matter and having heard the member of staff's representations in respect of the matter) is not satisfied that the member of staff has committed a breach of discipline, the Vice-Chancellor must dismiss the matter and inform the member of staff accordingly.

Vice-Chancellor to give notice of decision

8. The Vice-Chancellor must cause notice of any decision under clause 6, and of his or her reasons for the decision, to be given:
- (a) to the member of staff concerned; and
 - (b) if the decision involves the making of a direction under clause 6(a), (b) or (c) — to the Council,
- within seven days after the decision is made.

Right of appeal to the Council

9. (1) A member of staff may appeal to the Council against a decision of the Vice-Chancellor under clause 6.
- (2) Such an appeal must be made in writing and lodged with the Registrar within 30 days after notice of the decision is given to the member of staff.
- (3) The Vice-Chancellor may, on the application of the member of staff concerned or otherwise, direct that any action to be taken as a consequence of a direction under clause 6 be stayed:
- (a) until the time for making an appeal against the direction, or the decision to which it relates, has expired; or
 - (b) if an appeal against the direction or decision is made within that time — until the appeal has been finally determined.

Division 2 — Appeals

Appeal Committee

10. The Council is to establish an Appeal Committee for the purpose of hearing appeals under this Division.

Appeals to be referred to Appeal Committee for hearing

11. (1) The Registrar is to refer any appeal made under this Division to the Appeal Committee for hearing.
- (2) The Appeal Committee must hear any such appeal and prepare a recommendation for submission to the Council as to what action should be taken in respect of the appeal.

Determination of appeals

12. (1) The Council must determine an appeal having due regard to the recommendations of the Appeal Committee.
- (2) The Registrar must cause notice of the Council's decision on an appeal to be given to the appellant as soon as practicable after the decision is made.
13. Upon receipt of a notice of appeal under clause 9 of these Rules, the Registrar shall notify the Chancellor of the receipt of the notice and the nature of the appeal.

14. An appeal brought under this provision shall be investigated by an Appeal Committee comprised of:
 - (a) the Chancellor or, if the Chancellor declines to be a member, the Deputy Chancellor or, if each of those persons declines to be a member, a member of the Council (other than an official member) nominated by the Chancellor;
 - (b) a member of the Council, other than an official member, selected by the Chancellor;
 - (c) a person nominated by the appellant.
15. Where an appellant has not, within 14 days of lodging a notice of appeal with the Registrar (or, where the appellant has been served with a notice under clause 17, within 14 days after the date of service of the notice) nominated to the Registrar a person who has consented to be nominated as a member of the Appeal Committee which will investigate that appellant's appeal, the Council shall nominate a person who is not an officer of the University or a member of the Council to be a member of that Appeal Committee.
16. The person who is a member of an Appeal Committee by reason of clause 14(a) is the Chair of that Appeal Committee.
17. As soon as an Appeal Committee comprised in accordance with clause 14 (and clause 15 where applicable), has been formed in relation to an appeal, the Registrar shall forward the notice lodged under clause 9(2) of these Rules in relation to that appeal to the Chair of the Appeal Committee.
18.
 - (1) The duties of an Appeal Committee are to investigate the appeal referred to it under clause 17, to report and to make recommendation to the Council on the appeal.
 - (2) An Appeal Committee shall:
 - (a) hold its first meeting as soon as practicable after the date on which the notice of appeal is forwarded to it under clause 17 but in any event not later than 21 days after that date except where Council may determine otherwise; and
 - (b) subject to clause 14, hold such subsequent meetings as it considers necessary and convenient to enable it to perform its duties.
 - (3) An Appeal Committee shall not investigate an appeal unless all members of the Appeal Committee are present.
 - (4) The Council may make Rules regulating, or providing for the regulation of, the procedure to be followed by Appeal Committees, provided that the procedures shall not contravene the rules of natural justice.
19. Where, in the opinion of the Council, an Appeal Committee is not investigating an appeal expeditiously, it may, by notice in writing served on the members of the Appeal Committee and the appellant, dissolve that Committee.
20. Where the Council dissolves an Appeal Committee under clause 19, another Appeal Committee comprised in accordance with clause 14, may be formed to investigate the appeal, but no person who was a member of the dissolved Appeal Committee may be a member of that other Appeal Committee unless the Council so resolves.
21. Notice in writing of the date upon and time and place at which an appellant may appear before an Appeal Committee shall be given to the appellant at a reasonable time before that date.
22.
 - (1) An Appeal Committee shall make its report to the Council upon the appeal within two months of the day upon which the notice of appeal was referred to it.
 - (2) Notwithstanding the provisions of subclause (1), if the Council approves, in a particular case, of the time within which the report of an Appeal Committee shall be made to it being extended to not more than six months from the day upon which the notice of appeal was referred to it, the Appeal Committee shall make its report to the Council within that period.
 - (3) Where an Appeal Committee makes a report to it in relation to an appeal by a member of staff against a decision of the Vice-Chancellor, the Council may:
 - (a) affirm or quash that decision; and/or
 - (b) propose any other action against the member of staff that could have been taken against that person by the Vice-Chancellor

G5 — REPEALED

G6 — REPEALED

G7 — RULE ON INTELLECTUAL PROPERTY

This Rule is made under clause 44 of the By-law.

1. The Council may make Policies from time to time that provide for some or all of the following:
 - (a) ownership and commercial exploitation of University Intellectual Property Rights;
 - (b) payment to Staff Members and/or Students in connection with the creation and commercial exploitation of University Intellectual Property Rights;
 - (c) disclosure by Staff Members and Students of University Intellectual Property Rights; and
 - (d) any other matter concerning Intellectual Property Rights.
2. Any Policy binds the University, Staff Members and Students, and, at the request of the University, Staff Members and Students will do all those things, including the execution of assignments, licences or other agreements or documents, necessary to give effect to such a Policy. The University reserves the right to alter Policies from time to time as it deems necessary for the good management of the University.
3. In this Rule:

Intellectual Property Rights means all intellectual property rights, including but not limited to:

 - (a) patents, copyright, design rights, trade marks, rights in circuit layouts, plant variety rights and any right to have confidential information kept confidential; and
 - (b) any registration, application for or right to apply for registration, of any of those rights;

Staff Member means each employee of the University;

Student means each person enrolled or otherwise participating in a course, research project or other program offered by the University;

Policy means a policy made under clause 1 of this Rule; and

University Intellectual Property Rights means Intellectual Property Rights created by a Staff Member in the course of that Staff Member's employment by the University and/or by a Student, in the course of that student's participation in a course, research project or other program in respect of which he or she has elected to be bound by the relevant Policy.
4. Words denoting the singular include the plural and vice versa.

G8 — THE SEAL AND THE UNIVERSITY EMBLEM

Division 1 — The seal

Custody of seal

1. Unless the Council otherwise directs, the seal of the University is to be kept in the custody of the Registrar.

Use of seal

2. The seal of the University is to be fixed:
 - (a) to documents which are required by law or for ceremonial purposes to be under seal; and
 - (b) to the testamurs or certificates issued to a person as evidence that an award has been conferred on that person by the Council; and
 - (c) to such other documents as the Council approves.

Fixing of seal

3. The fixing of the seal of the University to any document is to be authenticated on that document by the signature of:
 - (a) the Chancellor, the Deputy Chancellor or some other member of the Council appointed by the Council for that purpose either generally or for a limited period; and
 - (b) the Vice-Chancellor; and
 - (c) the Registrar.

Register of use of seal

4. A register of the use of the seal of the University is to be maintained by the Registrar in which must be recorded:
 - (a) the authority for the affixing of the seal; and
 - (b) the nature of the document to which the seal is affixed; and
 - (c) the date of authentication of the document; and
 - (d) the signatures appearing on the document.

Division 2 — The University emblem

Use of emblem

5. The emblem of the University must not be used, depicted or displayed otherwise than in such manner and circumstances as the Council may by resolution approve.

Delegation of authority to approve use of emblem

6. The Council may delegate its authority to approve the use, depiction or display of the University emblem to such person or persons as may be appointed by the Council from time to time.

G9 — REGISTER OF DELEGATIONS

This Rule is made pursuant to Part 4, Division 1(17) of the Act. A register of delegations approved by Council is to be maintained by the Registrar in which must be recorded the following details of each delegation:

- (a) the relevant Council resolution number and meeting date;
- (b) the exact terms of the relevant Council resolution;
- (c) whether the exercise of the delegation is to be reported to Council;
- (d) Corporate Records file number;
- (e) Council resolutions to rescind any delegation.

G10 — WITNESSING AND WITNESSED STATEMENTS

If the University requires that any document or thing must be verified or a student statement be witnessed, a member of staff in any of the positions designated in writing by the Registrar from time to time, may for the University's requirement only, attest such document or thing or statement.

G11 — REPEALED

G12 — REPEALED