



Statutes and Regulations Committee Minutes

Meeting No:	SRC3/09
Date and Time:	Tuesday, 25 August, 2pm
Venue:	VCO Meeting Room, Mt Helen Campus
Members:	Ms Rowena Coutts Prof Terry Lloyd Prof Wayne Robinson Assoc Prof Todd Walker Prof Andy Smith Ms Sue Goodbourn Ms Katie Morris (Secretary)

1.1 Apologies

None.

2. Minutes of the previous meeting and matters arising

2.1 Confirmation

The Committee approved the minutes of SRC2/09 held 7 July 2009 (previously distributed to Committee members).

2.2 Approval of Legislation

The Committee noted that Council approved the following legislation at its meeting held on 21 July 2009 (CM5/09): -

- Regulation 2.1 – The Council.
- Regulation 2.2.2 – Academic Board.
- Schedule 5.1 (together with the creation of a new Schedule 5.1.1).
- Regulation 5.1 - Higher Doctorates, the Degree of Doctor of Philosophy, Professional Doctorates and Masters Degrees by Research (*Amendment no. 15).
- Statute 5.3 – Assessment -The Schedule Part I (*Amendment no. 7).
- Statute 5.3 – Assessment -The Schedule Part II.

The Committee noted that Academic Board Executive Committee approved the following legislation at its meeting held on 31 July 2009 (ABE5/09): -

- Regulation 5.1 - Higher Doctorates, the Degree of Doctor of Philosophy, Professional Doctorates and Masters Degrees by Research (*Amendment no. 16).

The Committee noted that Council Executive Committee approved the following legislation at its meeting held on 11 August 2009 (CEC4/09): -

- Regulation 5.1 - Higher Doctorates, the Degree of Doctor of Philosophy, Professional Doctorates and Masters Degrees by Research (*Amendment no. 16).

The Committee noted that Academic Board approved the following legislation at its meeting held on 12 August 2009 (AB5/09): -

- Regulation 2.2 – Appeals Committee (*Amendment no. 9).
- Regulation 2.3 – The Schools.
- Regulation 4.1 – Academic Dress (*See item 3.3 below).
- Statute 6.1 – Student Discipline.
- Regulation 6.1 – Student Discipline.

3. Specific items for discussion

3.1 Regulation 1.1.2 - Interpretation

The Committee further considered the draft new Regulation 1.1.2 to incorporate the new Campus Solutions (SIMS) terminology.

The Committee noted that the draft Regulation was first introduced to Statutes and Regulations Committee at its meeting SRC2/08 held 8 October 2008. A working party subsequently appointed by the Committee considered the draft Regulation in-depth in late 2008. In addition, the Committee noted that input from a number of people in TAFE regarding the draft Regulation had been received, in particular to ensure the Regulation correctly encompassed terminology used in the new VET FEE-HELP regime.

The Committee further considered the date from which the new terminology will apply to any statutes or regulations amended from that date.

Some discussion occurred by Committee members expressing concern as to the confusion this new terminology will cause in external documents produced by the University, as other universities and TAFE institutions do not use these terms. However, the need for the implementation of the new terminology in the University's statutes and regulations (due to the introduction of SIMS) was generally acknowledged. It was generally agreed that clarifying statements in external documentation may be required from time to time.

Further specific amendments to the draft Regulation were requested by the Committee as follows: -

1. The definition of "course" needs to be broken into Higher Education and TAFE definitions. For TAFE, the existing definition for "course" as contained in Statute 1.1 should be retained.
2. The definition of "unit" needs to be broken into Higher Education and TAFE definitions. For TAFE, the existing definition for "unit" as contained in Statute 1.1 should be retained.

3. The definition of "term" should be amended to delete the words "as a term".

Resolution SRC3/09/1

The Committee resolved as follows: -

1. The amendments as discussed by the Committee are to be incorporated into Regulation 1.1.2 and the Regulation circulated to the Committee for final perusal.
2. The Committee approves and recommends to Academic Board for approval the new Regulation 1.1.2.
3. The terminology should apply from the date being 14 days from promulgation of the new Regulation 1.1.2.

(Annex I, Page 5)

3.2 Regulation 2.2 – Appeals Committee

The Committee considered an amendment to paragraph 2(3) of Regulation 2.2 (to commence from 2010) whereby the Dean of Graduate Studies is included in the category of senior staff members ineligible to be a member of the Appeals Committee. As the Dean of Graduate Studies is involved in decision-making in the first instance for all matters regarding Higher Education post-graduate students, the Dean must stand aside from any appeal involving a post-graduate student. This can make it difficult to assemble the requisite number of Academic staff required for the Appeals Committee to hear a matter involving a post-graduate student, where the Dean is a member of the Appeals Committee.

Resolution SRC3/09/2

The Committee approves and recommends to Academic Board for approval, the amendments to Regulation 2.2 Appeals Committee (Amendment no. 10) (Annex II, Page 7).

3.3 Regulation 4.1 - Academic Dress

The Committee noted that at Academic Board meeting 5/09 held on 12 August 2009, the amendments to Regulation 4.1 (Amendment no. 1) were approved. However, in relation to the amendments to the proposed new paragraph 10 regarding the wearing of the Aboriginal stole, it was noted by Academic Board as follows:-

"Ms Coutts agreed to follow-up with Shirley Morgan, Manager Aboriginal Education Centre, that Torres Strait Islanders have their own colours on a graduation stole. If this was agreed to, the necessary amendments to the regulation would be incorporated."

Ms Morgan provided the following advice for the benefit of the Committee, prior to the meeting of the Committee: -

"The colours of the Torres Strait Islander Flag are green, blue, black and white.

The Torres Strait Islander flag is emblazoned with a white Dari (headdress) which is a symbol of Torres Strait Islanders. The white five pointed star beneath it symbolises the five major island groups and the navigational importance of stars to these seafaring people.

The green stripes represent the land, the black stripes represent the people, and the blue the sea. The flag as a whole symbolises the unity of all Torres Strait Islanders.”

In addition, Ms Morgan advised that due to incorporating the separate stole for Torres Strait Islander graduates, the reference to Indigenous Australians in paragraph 10 should be amended to “Aboriginal Australians”.

The Committee considered the proposed amendments to paragraph 10 of Regulation 4.1. The Committee agreed that the Torres Strait Islander stole should consist of one green, one blue and one black stripe and should not include the white Dari headdress (so as to be consistent with the stole for Aboriginal Australians). In addition, the Committee queried whether the University would be offending any protocol by allowing students to wear the colours of the flags for Indigenous Australians over their shoulder at graduation ceremonies. The Committee asked the Secretary to the Committee to follow this up further with the University’s contact person at Reconciliation Australia.

Resolution SRC3/09/3

Subject to confirmation from Reconciliation Australia that the wearing of a stole by Indigenous Australians at graduation ceremonies which reflects the colours of the Aboriginal flag or the Torres Strait Islander flag is appropriate, the Committee approves and recommends to Academic Board for approval, the amendments to Regulation 4.1 Academic Dress (Amendment no. 2) (Annex III, Page 11).

[Secretary’s Note: As at 8 September 2009, I have not been able to contact Mr Grant Paulson from Reconciliation Australia, despite leaving telephone messages. As soon as I hear back from Mr Paulson, I will confirm with the Committee his comments regarding the appropriateness of a student wearing such a stole over his/her shoulder during a graduation ceremony. In the meantime, the proposed changes to Regulation 4.1 will be forwarded to Academic Board for approval].

4. General Business

The Committee noted the meeting dates for 2009.

There was no further business.

5. Next meeting

Tuesday, 27 October at 2pm in the VCO Meeting Room, Mt Helen.

Meeting closed at 2.45pm.

REGULATION 1.1.2- INTERPRETATION*(DRAFT NEW REGULATION)*

1. In any Statute or Regulation of the University amended or made from [*Date TBC being 14 days after promulgation*], unless the contrary intention appears: -

“Academic Career” means a Higher Education level of study being undergraduate, postgraduate by coursework, postgraduate by research or non-award.

“Academic Plan” or “Plan” means the areas of study within a Program, including majors, minors, streams and strands, together with the location of study.

“Academic Program” or “Program” means a course of study leading to a Higher Education award or VET award or statement of attainment.

“Academic Subject” means a category, grouping or general classification of Courses within a Program.

“Admit” or “Admitted” (as the context requires) means to accept an application for admission to the University from a prospective student and allow him/her to commence as a Student of the University.

“Application Centre” means the organisation or centre or agent through which a prospective student applies to study at the University.

“Course” means, for Higher Education, a unit of studies/competency/enrolment, a module, a subject or an identifiable component of a Program that is recorded onto the University’s student management system, and for TAFE means a course of study leading to a VET award

“Course Component” means the components of a Course which a Student Enrols in, including classes, lectures, tutorials and laboratory work as the case may be.

“Course ID” means the Course identifier as recorded onto the University’s student management system, usually consisting of a Subject Area prefix and a numerical value.

“Enrol” or “Enrolment” (as the context requires) means the process of the Student or an administrator of the University selecting Course Components for the Student within a Term.

“Progress Unit” or “Unit” means, for Higher Education, the credit point value of a particular Course, and for TAFE, “Unit” means a unit of studies, a module or an identifiable component of study that is recorded onto the student management system.

“Restricted Access Arrangement” means an agreement entered into between the University and an employer or industry body for the provision of a Program(s) or Course(s) or places in a Program(s) or Course(s) in which enrolment is limited or restricted to employees of the employer or industry body.

“Session” means a block of teaching within a Program with a defined start and end date.

“Student” means, for Higher Education, a person admitted to the University and, for TAFE, a person enrolled in the University.

“Subject Area” means the identifier for an Academic Subject as recorded onto the University’s student management system.

“Term” means the teaching period or periods defined by the Academic Board or a specified period of study for a Restricted Access Arrangement.

“Training Plan” means a documented program of training and assessment required for an apprenticeship or traineeship training contract, developed by the University in consultation with the parties to the training contract as the basis for training and assessing a person undertaking an apprenticeship or traineeship.

Draft 12/8/08, 11/11/08, 19/6/09,14/8/09, 8/9/09, Approved by SRC3/09.

REGULATION 2.2-APPEALS COMMITTEE
(AMENDMENTS APPEAR IN STRIKETHROUGH AND ITALICS)

Definitions

1. In this Regulation-

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

"the Higher Education Appeals Committee" means the Appeals Committee constituted to hear an appeal that has arisen from the Higher Education Division.

“the TAFE Appeals Committee” means the Appeals Committee constituted to hear an appeal that has arisen from the TAFE Division.

Membership of Appeals Committee

2. (1) The Higher Education Appeals Committee shall be drawn from:
- (a) two members of academic staff to be nominated by Academic Board who shall be Chair and Deputy Chair of the Higher Education Appeals Committee;
 - (b) eight members of academic staff selected by the drawing of lots by the Chair, Academic Board; and
 - (c) one student nominated by the student association(s) responsible to the Higher Education students.
- (2) The TAFE Appeals Committee shall be drawn from:
- (a) two members of teaching staff to be nominated by the Academic Board who shall be Chair and Deputy Chair of the TAFE Appeals Committee;
 - (b) eight members of teaching staff selected by the drawing of lots by the Chair, Academic Board; and
 - (c) one student nominated by the student association(s) responsible to the TAFE students.
- (3) No member of an Appeals Committee shall be a Head of School, *Dean of Graduate Studies*, Deputy Vice-Chancellor, Pro Vice-Chancellor or Vice-President.
3. (1) Members of the Appeals Committee who hold office under section 2(1)(a) and 2(2)(a) shall hold office for two years and may be renominated.
- (2) At the time of selection of staff by the Chair of Academic Board under section 2(1)(b) and 2(2)(b), the Chair shall divide the names of selected staff into two equal groups, as determined by the drawing of lots; the office of the members of the first group shall become vacant on 31 December 2006, and the office of the members of the second group shall become vacant on 31 December 2007; and afterwards the selected staff members will hold office for a term of two years.
- (3) An Appeals Committee shall comprise:

a Chair or Deputy Chair;
two members selected under section 2(1)(b) or 2(2)(b), as appropriate; and
one member selected under section 2(1)(c) or 2(2)(c), as appropriate.

Appeal to Appeals Committee

4. (1) The Vice-Chancellor will appoint a person who shall act as Secretary to the Appeals Committee.
- (2) An appeal must be lodged with the Secretary to the Appeals Committee within 7 days of the date of the decision appealed against and must be based on one, or both, of the following grounds:
- (a) new evidence, not known to the student at the date of the decision being appealed, which becomes apparent since the date of that decision;
 - (b) irregularity of procedure in the recommending and/or the making of the decision appealed against.

The Chair of the Appeals Committee may in exceptional circumstances extend the period for lodgement of an appeal.

- (3) The notice of appeal must provide the appellant's nominated postal address and state the ground(s) of the appeal and must provide relevant information to support the appeal. If there is no relevant information to support the appeal, the Chair of the Appeals Committee may summarily dismiss the appeal.
- (4) Upon receipt of the notice of appeal and the relevant information, the Secretary to the Appeals Committee shall call a meeting of the Appeals Committee within 10 working days under Statute 5.2, 5.3, 5.5 or 6.1 or any other Statute or Regulation that provides for appeal against a decision to Academic Board.
- (5) The Secretary of the Appeals Committee shall give at least five days notice of any meeting of the Appeals Committee, in writing, delivered to all members of the Appeals Committee and to the appellant stating the time and place of the meeting and the matters to be dealt with at the meeting.
- (6) Notice of a meeting is deemed to have been delivered, if sent by pre-paid post, to the appellant's address shown on the appeal notice.
- (7) In the event of an appellant being unable to attend at the meeting of the Appeals Committee for any reason acceptable to the Appeals Committee, the Appeals Committee shall direct the Secretary of the Appeals Committee to call a further meeting as provided for under subsection 4(4).

Appeal hearing

5. (1) A question arising at a meeting of the Appeals Committee shall be determined by a majority of votes of members present and voting on that question.
- (2) If voting on a question at a meeting of the Appeals Committee is equal, the person presiding has a casting vote.

- (3) A question shall not be decided at a meeting of the Appeals Committee unless there are present at the meeting at least three members.
6. Any member of the Appeals Committee who has a prior involvement in a particular question to be considered by the Appeals Committee shall not participate in the determination of that question if in the opinion of the Appeals Committee it is not appropriate for that member to participate.
7. An appellant will normally not be entitled to any representation, including representation by a lawyer, when appearing before the Appeals Committee. However, in exceptional circumstances, the Appeals Committee may determine to allow representation on such terms as it thinks fit.
8. An appellant may be accompanied by an observer, who is not a lawyer, when appearing before the Appeals Committee however the observer may not speak unless invited to do so by the Chair of the Appeals Committee.
9. Proceedings before the Appeals Committee may not be electronically recorded.
10. If at any meeting convened at the time and place set for the hearing of an appeal the appellant does not appear, the Chair of the Appeals Committee may:
 - (a) adjourn the meeting; or
 - (b) if he or she is satisfied that the appellant had notice of the time and place of the meeting, proceed to hear and determine the appeal.
11. The Appeals Committee shall in any hearing of an appeal-
 - (a) act fairly in accordance to the substantial merits of the case without regard to technicalities and legal form;
 - (b) may inform itself in relation to any matter in such manner it thinks fit and is not bound by rules or practice as to evidence;
 - (c) have the absolute discretion to determine the procedure to be followed and shall have complete authority to keep order;
 - (d) afford the appellant the opportunity adequately to state his or her case and to correct or contradict any relevant statement which he or she believes to be prejudicial to his or her case; and
 - (e) ensure that all documents that are to be relied on by a party at the meeting have been made available to the other party.
12. After considering the material relied on in support of the appeal and any answering material, the Appeals Committee may either:
 - (a) dismiss the appeal; or
 - (b) uphold the appeal; and in upholding the appeal may
 - (i) in an appeal against a final grade in a unit, refer the matter back to the Head of School with advice to follow certain procedures consistent with Regulation 5.3 and Regulation 6.1.1; or

- (ii) in all other appeals impose conditions on the student's candidature or enrolment in the course.

The decision of the Appeals Committee together with reasons for the decision must be communicated to the appellant in writing.

External Review

- 13. If the appellant is not satisfied with the result or conduct of the process conducted by the Appeals Committee, the appellant has the right to access the external appeals process at minimal or no cost through the Victorian Ombudsman.

Reporting

- 14. The Appeals Committee must report its decision in writing to the next meeting of Academic Board.
- 15. The Secretary to the Appeals Committee shall report to Academic Board at least once a year as to the origins, numbers and outcomes of appeals.

Made 13/12/95 Promulgated 18/1/96
Amendment 1 Made 11/12/96 Promulgated 15/1/97
Amendment 2 Made 3/12/97 Promulgated 19/12/97
Amendment 3 Made 26/3/99 Promulgated 14/4/99
Amendment 4 Made 10/5/00 Promulgated 25/5/00
Amendment 5 Made 15/6/05 Promulgated 07/10/05
Amendment 6 Made 23/02/07 Promulgated 20/03/07
Amendment 7 Made 25/10/07 Promulgated 23/11/07
Amendment 8 Made 22/07/08 Promulgated 22/08/08
Draft Amendment 9 29/06/09. Approved by SRC2/09. Approved by AB5/09.
Draft Amendment 10 14/8/09. Approved by SRC 3/09.

REGULATION 4.1 - ACADEMIC DRESS

(AMENDMENTS APPEAR IN STRIKETHROUGH AND ITALICS)

Interpretation

1. In this Regulation the “colour of the discipline” means-
 - (a) for the disciplines of Science, Applied Science (including Agriculture and Horticulture), Sports Science (including Human Movement), Mathematical Science and Information Technology - the colour of oyster;
 - (b) for the discipline of Arts (including Psychology, Information Management/Librarianship, Social Sciences and Community Services) - the colour magenta;
 - (c) for the discipline of Business (including Hospitality and Tourism) - the colour heliotrope;
 - (d) for the disciplines of Education and Children’s Services - the colour spectrum green;
 - (e) for the discipline of Engineering (including Manufacturing Services) - the colour spectrum blue;
 - (f) for the disciplines of Nursing and Health Science - the colour apricot.

Academic dress for the higher education and technical and further education (TAFE) divisions

2. The academic dress for undergraduates is a black trencher cap and a black Oxford gown.
3.
 - (1) The academic dress for bachelors (including for applied degree recipients) is a black trencher cap and a black Oxford gown, together with a black hood edged with white binding and lined with the colour of the discipline to which the studies undertaken for the degree relates.
 - (2) The academic dress for bachelors who have undertaken a joint degree is a black trencher cap and a black Oxford gown, together with a black hood lined with the colour purple.
4. The academic dress for masters is a black trencher cap and a black Oxford gown, together with a black hood lined with the colour of the discipline to which the studies undertaken for the degree relates.
5. For a professional doctorate the academic dress shall be a black bonnet with a gold silk cord and tassel and an Oxford style gown of black, together with a hood in the colour of the discipline to which the studies undertaken for the doctorate relates, lined with black wool cloth.
6. For a doctor of philosophy the academic dress shall be a blue bonnet with a maroon silk cord and tassel and an Oxford style gown of blue polyester and wool cloth with a facing of maroon satin and a blue polyester and wool cloth hood lined with maroon satin.

7. Academic dress for higher doctorates is a maroon bonnet with gold silk cord and tassel and an Oxford style gown of maroon light weight woollen cloth with gold satin facing and sleeves and a maroon wool cloth hood lined with gold satin.
8. Academic dress for associate degree recipients, advanced diplomates, diplomates and graduand certificants is a black trencher cap and a black Oxford gown together with a black stole lined with the colour of the discipline to which the studies undertaken for the associate degree, advanced diploma, diploma or graduate certificate relate.
9. The academic dress for:
 - (a) certificants I and II is a black Oxford gown;
 - (b) certificants III and IV is a black Oxford gown and a gold woollen stole with two stripes of blue and maroon satin;

together with a badge which identifies the School to which the studies undertaken for the award relates.
10. *In addition to the academic dress requirements listed in paragraphs 2 to 9 (inclusive) of this Regulation, undergraduates, bachelors, masters, professional doctorates, doctors of philosophy, higher doctorates, associate degree recipients, advanced diplomates, diplomates, graduand certificants and certificants I, II, III and IV of the University, who are: -*
 - (a) *Aboriginal Australians may wear the approved University stole which depicts the colours of the Aboriginal Australian flag over their left shoulder. The stole has one yellow, one red and one black stripe running the length of the stole;*
 - (b) *Torres Strait Islander Australians may wear the approved University stole which depicts the colours of the Torres Strait Islander flag over their left shoulder. The stole has one green, one blue and one black stripe running the length of the stole.*

Other academic dress

4011. The academic dress of the Chancellor is a black velvet mortar board trencher with gold metallic dome button and tassel and gold metallic braid to the skull or a blue woollen bonnet with gold metallic cord and tassels. The gown is of blue light weight woollen cloth trimmed with gold oak-leaf braid on the facings, yoke and bottom hem; and sleeves with one gold embroidered frog at the shoulder and four chevrons of gold oak-leaf braid below the arm hole. A gold embroidered button and gold tassel are centred on each chevron.
4412. The academic dress of the Deputy-Chancellors is a black velvet mortar board trencher with gold metallic dome button and tassel and gold metallic braid to the skull or a blue woollen bonnet with gold metallic cord and tassels. The gown is of blue light weight woollen cloth trimmed with gold oak-leaf braid on the facings, yoke and bottom hem; and sleeves with five chevrons of gold oak-leaf braid, one at the shoulder and four below the arm hole. A gold embroidered button and gold tassel are centred on each chevron.
4213. The academic dress of the Vice-Chancellor is a black velvet mortar board trencher with gold metallic dome button and tassel and gold metallic braid to the skull or a blue woollen bonnet with gold metallic cord and tassels. The gown is of blue light weight woollen cloth trimmed with gold oak-leaf braid on the facings, yoke and bottom hem; and sleeves with one gold embroidered button and

gold tassel at the shoulder and four chevrons of gold oak-leaf braid below the arm hole. A gold embroidered button and gold tassel are centred on each chevron.

- ~~13~~14. The academic dress of members of the Council is the habit of their degrees or a black light weight woollen gown and a stole of gold.
1415. For every other member of the academic or general staff of the University, being a graduate of the University or of another university, the academic dress shall be the habit of that member's degree.
- ~~15~~16. The academic dress of members of the technical and further education teaching staff is the habit of their degrees or a black trencher cap and a black Oxford gown, together with a gold woollen stole with two stripes of blue and maroon satin.
- ~~16~~17. The colour of the discipline and the colours for diplomates and certificants shall be identified according to the British Standard Colour Code.

Made 23/06/99 Promulgated 12/07/99

Amendment no. 1 - Approved by SRC2/09 7/7/09. Approved by AB5/09 12/8/09.

Amendment no. 2 – draft 18/08/09, 8/9/09 (para 10 only), approved by SRC3/09.