

# Federation University Australia (Operations) Regulations 2022

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FEDERATION UNIVERSITY AUSTRALIA

*Federation University Australia Act 2010*

## **Federation University Australia (Operations) Regulations 2022**

Dated: 16 August 2022

The Council makes the following Regulations:



### **Part 1—Preliminary**

#### **1. Objective**

The objective of these Regulations is to—

- (a) provide for the organisation, management and good governance of the University in accordance with the Act and the Statute;
- (b) advance the University's pursuit of excellence in learning, teaching and research;
- (c) make further provision for the treatment, protection and exploitation of the University's intellectual property and research intellectual property and any arising benefits or proceeds in a manner that—
  - (i) supports teaching, learning and research;
  - (ii) supports responsible, open access to knowledge, ideas and cultural expression;

- (iii) maximises the benefits to Australia arising from publicly funded research;
  - (iv) balances public and private interests in access to and use of intellectual property, and protection of the rights of originators;
  - (v) provides incentive for the creation of valuable intellectual property and new ventures and partnerships by sharing benefits or proceeds of commercialisation with the originators;
  - (vi) supports responsible and transparent procedures and management systems for the development of industry and international research collaborations; and
  - (v) complies with the intellectual property management code and the research code; and
- (d) provide for the conduct of University elections.

## 2. Authorising provision

These Regulations are made under section 28 of the Federation University of Australia Act 2010 and section 53 of the Federation University Australia Statute 2021.

## 3. Commencement

These Regulations come into operation on 1 October 2022.

## 4. Definitions

In these Regulations—

***commercialisation***, in relation to intellectual property, means selling, hiring, licensing or otherwise disposing of or dealing with intellectual property (other than the use of course material in the delivery of a University program or course), including—

- (a) the design, development, manufacture or distribution of the intellectual property; and
- (b) the provision of any product or service based on, or incorporating, the intellectual property;

***commercialised intellectual property*** includes University intellectual property and intellectual property transferred to the University which is commercialised in accordance with these Regulations;

***course material*** means work created for use in, or in connection with, a program or course;

***distribution principles*** means the principles set out in regulation 15;

***HDR student*** means a Higher Degree by Research student;

***HDR Student IP Agreement*** has the same meaning as in regulation 21;

***Indigenous Traditional Knowledge*** means Indigenous Australians' rights to their heritage, consisting of intangible and tangible aspects of the whole body of cultural practices, resources and knowledge systems developed nurtured and refined by Indigenous people and passed on by them as part of expressing their cultural identity, including distinctive signs and symbols, practices, know-how and skills;

***intellectual property management code*** means any relevant Australian code for the management of intellectual property at publicly funded universities, including—

- (a) the *National Principles of Intellectual Property Management for Publicly Funded Research* developed by a working party of the Australian Government's Coordinating Committee on Innovation;
- (b) any successor documents;

***intellectual property*** has the same meaning as in the Statute;

***Intellectual Property Officer*** means the person appointed under regulation 16;

***librarian*** means the member of University staff with responsibility for management of the library;

***library*** means the University library, including premises and facilities through which library services (both digital and physical) are provided;

***library staff*** means persons employed or engaged by the University or a contractor of the University to provide library services;

***library user*** means:

- (a) a member of the University;
- (b) a person who has been permitted by the University to use the library;

***originator*** means a member of staff or a student who creates or invents any form of intellectual property, whether alone or in conjunction with other persons;

***registered operator***, in relation to a vehicle, has the same meaning as in the Road Safety Act 1986;

***research intellectual property*** means intellectual property created in the course of research at the University, including intellectual property which is created by an HDR student in the course of an agreed research program;

***research code*** means any relevant Australian code for the conduct of research at publicly funded universities, including—

- (a) the *Australian Code for the Responsible Conduct of Research* developed jointly by the National Health and Medical Research Council and Universities Australia;
- (b) any successor documents;

***Statute*** means the Federation University Australia Statute 2021; and

***University intellectual property*** has the same meaning as in the Statute.

## **5. Powers and functions of the University**

A power or function conferred by these Regulations on the University may be exercised by—

- (a) the Council;
- (b) the Vice-Chancellor;
- (c) a person or body to whom the power has been delegated by the Council or the Vice-Chancellor.

## **Part 2 — Common Seal**

### **6. Use of the common seal**

- (1) The Secretary to the Council is authorised to affix the common seal—
  - (a) to a Statute;
  - (b) to Regulations; and
  - (c) the certificate to be issued for an award.
- (2) Where the common seal is affixed to an instrument other than an instrument mentioned in sub-regulation (1), an attestation clause must be added.

## **Part 3 — Business and Course Approvals**

### **7. Higher Education Business Approval Committee**

- (1) The Higher Education Business Approval Committee is hereby established.
- (2) The functions of the Higher Education Business Approval Committee are—
  - (a) to approve or reject the business case for proposed new higher education award programs and modifications to existing programs, where program changes are greater than 50%; and
  - (b) if approved, to request that the proponent develop a full Program Proposal with support and academic advice from the Curriculum Committee for submission to Academic Board.

**Note:** The business case for a non-award programs and micro-credentials must be approved by the New Business Accelerator. See regulation 10 in relation to TAFE courses.

### **8. Membership of the Higher Education Business Approval Committee**

The members of the Higher Education Business Approval Committee are—

- (a) the Deputy Vice Chancellor (Academic), who is the Chair;
- (b) the Deputy Vice Chancellor (Global and Engagement);
- (c) the Chief Financial Officer;
- (d) the Director, Marketing; and
- (e) if invited by the Chair, proponents of new or revised programs, as required by agenda items.

### **9. Reporting by the Higher Education Business Approval Committee**

The Higher Education Business Approval Committee must report to the Academic Board on the performance of its functions.

### **10. TAFE Course Approval Committee**

- (1) The TAFE Course Approval Committee is hereby established.
- (2) The principal functions of the TAFE Course Approval Committee are—
  - (a) to assess the financial viability of the University's Scope of Registration;

- (b) to confirm that there is capability, capacity and resources to deliver a proposed course;
- (c) to recommend to the Curriculum Committee any additions to or removals from the Scope of Registration.

#### **11. Membership of and reporting by the TAFE Course Approval Committee**

- (1) The members of the TAFE Course Approval Committee are—
  - (a) the Director, Wimmera, who is the Chair;
  - (b) the Director, Skills and Education Delivery, who is the Deputy Chair;
  - (c) the Director Learner Experience and Excellence;
  - (d) the Senior Manager, Policy and Quality Services, or nominee;
  - (e) the Head of Centre, Centre for Service Industries and Built Environment;
  - (f) the Head of Centre, Centre of Health, Community, Technology and Education;
  - (g) the Head of Centre, Learner Experience; and
  - (h) the Head of Centre, Learner Excellence.

Note:

The Chair may invite TAFE Program Managers, Curriculum Quality Leaders and teachers (as appropriate) to attend meetings for agenda item discussion purposes.

- (2) The TAFE Course Approval Committee will provide a summary report on the performance of its functions to the Academic Board each year.

### **Part 4 — Intellectual Property**

#### **Division 1 — University research and scholarship**

#### **12. Works of members of staff**

- (1) The University disclaims ownership of copyright in works created by members of staff as part of their research and scholarship for the sole purpose of publication in the form of books, articles and conference papers, including creative works and audio visual productions made for the sole purpose of non-commercial exhibition.

- (2) Sub-regulation (1) is subject to—
  - (a) the terms of any agreement between the University and the member of staff; and
  - (b) sub-regulation (3).
- (3) Subject to overriding contractual obligations to third-party publishers, a member of staff who creates a work referred to in sub-regulation (1) grants to the University a non-exclusive, royalty-free, worldwide and irrevocable licence to use copyright for educational, teaching and research purposes.

### **13. The Codes**

The University supports the intellectual property management code and the research code.

### **14. Significance of Indigenous Traditional Knowledge**

The University recognises the significance of Indigenous Traditional Knowledge. The heritage of Indigenous people is a living one and includes items that may be created in the future, based on that heritage. Consistent with that recognition, the University must—

- (a) not commercialise intellectual property developed using Indigenous Traditional Knowledge without the approval and involvement of the holders of that Knowledge;
- (b) ensure the equitable sharing of benefits arising from that Knowledge;
- (c) acknowledge the source of the traditional knowledge from which that intellectual property is derived.

## **Division 2 — Distribution principles**

### **15. Distribution principles**

- (1) The University must give consideration to the following principles in relation to financial returns derived by the University from commercialised intellectual property—
  - (a) distributions of royalties and licence fees, after recovery of direct costs, should be based on a 50:50 division between the originators and the University;
  - (b) allocations of equity in new spin-off companies should be considered on a case-by-case basis as part of the development and implementation of a commercialisation plan, with the final decision based on a 50:50 division between the originators and the University as a starting point.

### **Division 3 — Intellectual property officer**

#### **16. Intellectual property officer**

- (1) The Vice-Chancellor may appoint a person to hold the office of Intellectual Property Officer.
- (2) The functions of the Intellectual Property Officer are —
  - (a) to develop management structures (including advisory structures) and processes for the protection, dissemination and utilisation of research intellectual property;
  - (b) to oversee the administration of these Regulations as they relate to intellectual property;
  - (c) to make recommendations to the Vice-Chancellor and the Council relating to research intellectual property;
  - (d) to oversee resource allocations, investment strategies and priorities, from development and protection of new intellectual property to commercialisation;

**Examples:**

Patenting, licensing and creation of new companies.

- (e) to approve commercial intellectual property licences, intellectual property assignments and collaborative research programs relating to the development and utilisation of intellectual property;
- (f) to assist in the mediation of disputes between the University and members of the University including staff and students relating to intellectual property ownership, treatment, protection and exploitation, and any entitlement to share commercialisation income;
- (g) any other function conferred on the Intellectual Property Officer by the Vice-Chancellor.

### **Division 4 — Sharing of net commercialisation revenues**

#### **17. Procedure where there may be potential for commercialisation**

- (1) An originator or a person who has an interest in University intellectual property assigned under an HDR Student IP Agreement which appears to have potential commercial value must notify the Intellectual Property Officer of—
    - (a) the existence of that intellectual property; and
    - (b) any developments in respect of that intellectual property.
-

- (2) After receiving a notification, the Intellectual Property Officer must, within 12 weeks, decide whether to initiate protection of the intellectual property.
- (3) If additional information is required the Intellectual Property Officer may—
  - (a) request the person to provide additional information;
  - (b) by notice to the person, extend the period for decision to enable the additional information to be considered.
- (4) If Indigenous Traditional Knowledge is involved in any proposed commercialisation activities, the University must consult with the Manager, Aboriginal Education Centre to ensure appropriate recognition and protection is given to Indigenous Traditional Knowledge and its owners.

#### **18. Consideration by the Intellectual Property Officer**

- (1) In making a decision under regulation 17(2), the Intellectual Property Officer must take into consideration—
  - (a) the objects of the University;
  - (b) the nature of the intellectual property and the extent of patent or other protection that is desirable;
  - (c) whether the securing of patent or other protection is likely to assist in the development and commercial exploitation of an invention;
  - (d) whether it is desirable for the University to maintain an interest in the quality and technical efficiency of production through the licensing of patents; and
  - (e) the likely commercial returns to the University, taking into consideration the distribution principles.
- (2) In considering a notification under regulation 17, the Intellectual Property Officer—
  - (a) must consult, in confidence, with the originator; and
  - (b) may consult, in confidence, with other relevant parties.

#### **19. Distribution of revenue**

- (1) If the University derives financial return from commercialisation of intellectual property, the distribution of the proceeds must be based on the distribution principles, subject to—
    - (a) sub-regulations (2) and (3); and
-

- (b) the terms of any agreement between the University and relevant originators.
- (2) If the commercialisation of intellectual property involves establishing or participating in a limited company—
  - (a) the originators are not entitled to share further in any financial returns or net revenues arising from the University's equity interest or the commercialisation of the intellectual property;
  - (b) the transfer, issue or allocation of shares in the company to the originators must occur at the time of the establishment of the company or as soon as possible thereafter, at the election of the originators, subject to the originators indemnifying the University against any tax liabilities arising from the transfer, issue or allocation of shares;
  - (c) if the originators do not take up shares in the company, the University may take action as it considers appropriate in relation to the structure, management and operation of the company, including disposal of shares or closure of the company.
- (3) If the University takes action under sub-regulation (2)(c) and disposes of shares in the company, it must account to the originator for any net benefit from the disposal of the originator's equity entitlement, based on the distribution ratio set out in sub-regulation (1).
- (4) The University may, on receiving a request in writing from an originator to do so, vary the distribution of net revenues or equity ratios to reduce the revenue or equity received by the originator and increase the revenue or equity received by the University.
- (5) If there is more than one originator in respect of an item of intellectual property, they must determine how shares of net revenue or equity are to be distributed among them and inform the University of their decision.
- (6) For the purposes of this regulation *net revenues* means revenue after deducting costs relating to commercial development, protection and marketing.

## Division 5 — Students

### 20. Intellectual property created by students

Subject to section 38(1)(b) of the Federation University Australia Statute 2021, a student owns intellectual property which the student creates.

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## **21. HDR Students**

- (1) In this regulation, “HDR Student IP Agreement” means an agreement between the University and an HDR Student under which the HDR student agrees to assign the HDR student’s rights to research intellectual property (other than copyright in the HDR student’s thesis) that is not already University intellectual property.
- (2) The University may, as a condition of an HDR student’s acceptance of offer, enrolment or progress require the HDR student to enter an HDR Student IP Agreement.
- (3) At the time of entering an HDR Student IP Agreement, an HDR student must notify the University of—
  - (a) the existence of any background intellectual property claimed by the HDR student and not being assigned to the University; and
  - (b) any developments in respect of that background intellectual property.
- (4) An HDR Student IP Agreement may incorporate, with or without modification, provisions, principles or procedures set out in these Regulations, including—
  - (a) the development of a commercialisation plan using the resources and expertise of the University;
  - (b) the distribution of proceeds from commercialisation taking into account the distribution principle;
  - (c) the assignment of the intellectual property back to the HDR student if protection or commercialisation do not proceed.

## **22. Assistance to student**

The University must not, other than in exceptional circumstances, provide assistance to a student to patent an invention or commercialise intellectual property unless the student assigns the intellectual property rights to the University in accordance with these Regulations.

## **23. Assessment and granting of awards**

If the University owns intellectual property created by a student, the University must ensure that the ownership does not affect the assessment of the student’s academic performance or the granting of an award.

## 24. Confidentiality

- (1) A student, assessor or examiner must not disclose confidential information without permission in writing of the University.
- (2) In this regulation ***confidential information*** means information about intellectual property wholly or partly owned by the University.

## Part 5 — Elections

### Division 1 — General

## 25. Application of this Part

This Part applies to election for the following positions:

- (a) elected member of Council;
- (b) elected member of the Academic Board;
- (c) elected member of the Student Senate;
- (d) an elected position on a University committee.

### Division 2 — Elected members of Council

## 26. Number and eligibility

- (1) Unless otherwise determined by the Council, there shall be two elected members of Council, comprising—
    - (a) one person elected by and from the staff of the University;
    - (b) one person elected by and from the students of the University.
- Note:** See section 11(4A) of the Act.
- (2) A person is eligible to be elected by and from the staff of the University if the person, at the time of calling for nominations by the returning officer—
    - (a) is employed by the University within Australia at a time fraction of 0.5 or more;
    - (b) is not studying at the University at a time fraction of 0.5 or more;
    - (c) is aged 18 years or over;
    - (d) has completed any probationary period for the employment; and

- (e) satisfies the fit and proper person requirements specified by TEQSA.
- (2) A person is eligible to be elected by and from the students of the University if the person, at the time of calling for nominations by the returning officer—
  - (a) is studying at the University within Australia at a time fraction of 0.5 or more;
  - (b) is not employed by the University at a time fraction of 0.5 or more;
  - (c) is aged 18 years or over;
  - (d) is not serving a custodial sentence; and
  - (e) satisfies the fit and proper person requirements specified by TEQSA.

**27. Voters in multiple categories**

- (1) A staff member who is also a student, or a student who is also a staff member, must vote in an election for an elected member of Council in only one category, determined by the person's principal activity.
- (2) If the person's time fraction of student or employment load is equal, the person must nominate to the Secretary to Council which category the person will vote in.

**28. Term of office**

- (1) An elected staff member holds office for a term of three years.
- (2) An elected student member holds office for a term of two years.

**Division 3 — Administration of elections**

**29. Returning officer to keep voters roll**

- (1) The returning officer must compile voters rolls for the purposes of elections conducted under this Part.
- (2) Voters rolls may categorise voters according to voter eligibility requirements of elections to be conducted under this Part.
- (3) A roll of voters may be kept in electronic form.

**30. Information to be kept on voters rolls**

A voters roll must contain, in respect of each person entitled to be on that roll—

- (a) the person's name; and

- (b) any further information about the person which the returning officer considered to be appropriate to identify the person or to determine the person's eligibility to vote or to nominate in an election.

#### **Division 4 — Entitlement to participate in an election**

##### **31. Entitlement to vote**

A person is entitled to vote at an election if—

- (a) the person's name is on the relevant voters roll; and
- (b) if the voter's roll categorises persons according to eligibility requirements, the person is categorised as eligible to vote at that election.

##### **32. Entitlement to be nominated for election**

- (1) A person is entitled to be nominated for election to a position if—
  - (a) the person satisfies the eligibility requirements for election to that position;
  - (b) the person's name is on the voters roll on a date not less than five days before the day on which nominations close.
- (2) If the returning officer decides that a person who has been nominated is not entitled to be nominated, the nomination is void.

#### **Division 5 — Conduct of elections**

##### **33. Nomination of candidates**

- (1) The returning officer must call for the nomination of candidates from the relevant electorate, specifying the date by which nominations are to be delivered to the returning officer.
  - (2) In determining the method of calling for nominations, the returning officer must take into consideration the objective of ensuring that the call comes to the attention of the relevant electorate.
  - (3) A nomination must—
    - (a) be in the form determined by the returning officer;
    - (b) be made by at least two persons whose names appear on the voters roll on the date of the nomination; and
    - (c) contain the written consent of the person being nominated.
-

### Division 6 — Procedure where there is no contest

#### 34. Unopposed candidates

If the number of candidates nominated for election to a body in a particular category does not exceed the number of vacancies in that category, the returning officer must declare those candidates duly elected.

#### 35. Insufficient candidates

- (1) In this regulation, *unfilled vacancy* means—
    - (a) all the vacancies to be filled in an election for a particular category if—
      - (i) no candidates are nominated; or
      - (ii) all candidates who are nominated withdraw before being elected;
    - (b) the vacancies for a particular category which are not filled if—
      - (i) the number of candidates nominated is less than the number of vacancies; or
      - (ii) if a candidate who has been nominated withdraws before the election is completed, resulting in the number of remaining candidates being less than the number of vacancies.
  - (2) If there is an unfilled vacancy, the returning officer must notify the relevant staff member of the vacancy and the requirements of this regulation.
  - (3) A staff member who receives a notification under this regulation must, after consultation with the Chair of the body, appoint a suitable person to fill the vacancy.
  - (4) A person is not a suitable person for the purposes of sub-regulation (3) if they do not have the qualifications (if any) that would have made them eligible to be nominated for election to the vacancy.
  - (5) Despite sub-regulation (3), it is not obligatory to appoint a person to fill a vacancy if there is no suitable person willing and available to fill the vacancy.
-

### **Division 7 — Procedure where there is a contest**

#### **36. Election if more candidates than vacancies**

If the number of candidates nominated for election to a body in a particular category exceeds the number of vacancies, the returning officer must conduct an election in accordance with these Regulations.

#### **37. Notice of ballot**

- (1) The returning officer must publish a notice of ballot not less than one week before the final day of the ballot period.
- (2) In determining the method of notification the returning officer must take into consideration the objective of ensuring that the notice comes to the attention of the relevant electorate.
- (3) The notice of ballot must—
  - (a) provide information about how persons in the relevant electorate may cast their votes;
  - (b) specify the ballot closing date.

#### **38. Voting procedure**

Votes may be cast and recorded in a manner determined by the returning officer.

#### **39. Vote counting method**

- (1) The result of an election shall be determined according to the number of votes received by the candidate (or, if there are multiple vacancies, the candidates) following a single count, using the system known as “first past the post”.
- (2) The outcome of an election shall be determined regardless of whether or not the number of votes for a successful candidate (or the successful candidates) represents a majority of the total amount of votes.

#### **40. Validity of votes**

- (1) A person’s vote is invalid if—
  - (a) it has not been cast in accordance with these Regulations;
  - (b) it was received after the ballot closing time, except where sub-regulation (2) applies;
  - (c) the person—
    - (i) was not eligible to vote at the election; or

- (ii) voted more than once in a category.
- (2) The returning officer may direct that votes received before a specified time, being not later than 5.00 pm one week after the ballot closing time, be examined and counted, if it appears that voting may have been affected by an Act of God or industrial action.
- (3) The returning officer must determine whether any votes are invalid.
- (4) The returning officer's decision that a vote is invalid is final.

### **Division 8 — Determining the result of an election**

#### **41. Where one person is to be elected**

- (1) If one person is to be elected, the candidate with the highest number of votes must be declared to be elected.
- (2) If two or more candidates receive the equal highest number of votes, the returning officer must draw lots in the presence of at least two witnesses, and the candidate whose name is drawn must be declared to be elected.

#### **42. Where two or more persons are to be elected**

If two or more persons are to be elected—

- (a) the first vacancy must be filled in accordance with the procedure applying to the filling of one vacancy in accordance with regulation 41;
- (b) the remaining vacancies must be filled in order of votes received.

### **Division 9 — Casual vacancies**

#### **43. Application of this Division**

This Division does not apply to the filling of a vacancy in the membership of the Council.

**Note:** Casual vacancies in the membership of the Council are to be filled in accordance with clauses 7 and 8 of the Schedule to the Act.

#### **44. Filling casual vacancies following a contested election**

- (1) This regulation applies if—
    - (a) a ballot for a position was conducted and a person elected to the position; and
    - (b) the position becomes vacant before the end of the term of office of the elected person.
-

- (2) Where this regulation applies, the position must be filled as follows—
  - (a) if the position becomes vacant before the term of office begins, the eligible candidate with the next highest number of votes must be declared elected;
  - (b) if the position becomes available after the term of office begins, the position is an unfilled vacancy to which regulation 35 applies.

**45. Filling casual vacancy following uncontested election**

- (1) This regulation applies if a person is elected to a position as the result of an uncontested election.
- (2) If the position becomes vacant, the position is an unfilled vacancy to which regulation 35 applies.

**46. Remainder of the term of a casual vacancy**

- (1) A person who is elected or appointed to a position under regulation 44 or 45 holds office for the remainder of the term.
- (2) It is not mandatory to fill a casual vacancy if—
  - (a) the casual vacancy occurs within six months before the expiry of the term of office; or
  - (b) there is no suitable person willing and available to be appointed to fill the casual vacancy.

## **Part 6 — Conduct of Meetings**

### **Division 1 — Calling of Council meetings**

**47. Calling of meetings**

- (1) The calling of Council meetings must be in accordance with policy established by the Council.
- (2) Except as provided by sub-regulation (1), the calling of meetings must be in accordance with any applicable policy and procedure.

### **Division 2 — University meeting procedure**

**48. Application of this Division**

- (1) This Division applies to meetings of—
    - (a) the Academic Board;
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- (b) Academic Board committees;
  - (c) University committee meetings; and
  - (d) the Student Senate.
- (2) Where specific provision is made in University legislation in relation to meetings, that provision prevails to the extent of any inconsistency.
- (3) In this Division, *committee* includes sub-committee, working party or board and the Student Senate.

#### 49. Standing Orders

Standing Orders setting out procedures for the calling and conduct of meetings may be established by—

- (a) in the case of the Academic Board or an Academic Board committee — the Academic Board;
- (b) in any other case – by the University.

#### 50. Quorum

The quorum for a meeting is—

- (a) if a quorum is specified in the Charter of the committee — that quorum;
- (b) if a quorum is specified in the Standing Orders of the committee — that quorum;
- (c) in any other case, one half of the members of the committee.

#### 51. Conduct of meetings

- (1) Except as provided in University legislation, the conduct of meetings must be in accordance with the applicable Charter or Standing Orders.
- (2) Subject to sub-regulation (1) —
  - (a) a meeting may determine its own procedure;
  - (b) the Chair of the meeting has a deliberative vote and a casting vote.

## **Part 7 — Appointments to the Professoriate**

### **52. Policies and Procedures**

The University may establish policies and procedures in relation to appointments under sections 25 and 26 of the Statute.

## **Part 8 — University Library**

### **53. Responsible conduct principle**

It is the responsibility of library users to conduct themselves appropriately, respecting the needs of library staff and other library users.

### **54. Use of library resources**

- (1) A library user may, in accordance with these Regulations, borrow items from the library and access digital information resources of the library.
- (2) However, a person whose borrowing or access rights have been suspended or cancelled must not borrow items from the library or access digital information resources of the library.

### **55. Library Terms of Use**

- (1) The University may make Library Terms of Use.
- (2) The Library Terms of Use may establish principles for—
  - (a) use of and access to the University library;
  - (b) acceptable behaviour when using the University library.
- (3) The University must ensure that the Library Terms of Use —
  - (a) are available to be read and downloaded from the University website;
  - (b) are available for inspection in the University library.

### **56. Use of library resources**

- (1) The University may require a library user to comply with reasonable requirements as a pre-requisite to using library resources, including—
  - (a) entering into an agreement relating to the use of library resources;

- (b) providing identification;
  - (c) lodging security (such as an identification card or licence) on borrowing physical resources or digital resources, to be returned on completion of the borrowing or use.
- (2) The University may permit a person who is not a member of the University to use the library subject to any requirements which the University considers to be appropriate.

#### **57. Compliance with requirements applying to digital media**

- (1) The University may impose requirements on the accessing of digital information resources of the library.
- (2) The University must ensure that the requirements—
  - (a) are available for inspection by library users applying to access digital information resources of the library;
  - (b) are included in the Code of Conduct.
- (3) The University may impose a fine on a person who—
  - (a) accesses the digital information resources; and
  - (b) fails to comply with the requirements imposed under this regulation.

#### **58. Directions to library users**

- (1) A member of library staff or a security officer may give directions to a library user (whether or not the library user is in the library premises) if it appears that the person is acting in contravention of the Library Code of Conduct.
- (2) A person must comply with a direction under sub-regulation (1).

#### **59. Overdue loans**

- (1) If a person breaches the Library Code of Conduct by failing to return a book or other item within the required time the University may require the person to pay a penalty specified in the Library Code of Conduct.
  - (2) Penalties may be specified in the Library Code of Conduct—
    - (a) on a time basis;
    - (b) by reference to the cost or replacement cost of the book or other item.
  - (3) Penalties may vary according to relevant circumstances set out in the Library Code of Conduct, including whether the item was in high demand.
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## **Part 9 — Conduct on University Grounds**

### **Division 1 — Parking**

#### **60. Parking restrictions**

- (1) The University may control the parking of vehicles by establishing—
  - (a) areas in which parking is prohibited or restricted;
  - (b) parking permit areas;
  - (c) areas restricted to the parking of vehicles of specified types is allowed;
  - (d) areas in which parking is allowed without restriction.
- (2) Areas may be delineated by signs or road markings.
- (3) It is an offence to park a vehicle, or to be the owner or registered operator, of a vehicle which is parked—
  - (a) in an area in which parking is prohibited;
  - (b) in an area in which parking is restricted if the vehicle is parked in contravention of the restrictions;
  - (c) in a parking permit area if there is not a current parking permit allowing that vehicle to be parked in that area;
  - (d) in a parking permit area without the parking permit being displayed so that it is legible from outside the vehicle.

### **Division 2 — Alcohol-free zones and events**

#### **61. Alcohol-free zones and events**

- (1) The University may declare—
  - (a) an area or building on University grounds to be an alcohol-free zone—
    - (i) for a specified period;
    - (ii) without specifying a period;
  - (b) an event to be an alcohol-free event.
- (2) The University must set out details of the declaration on the University website.
- (3) A person must not—
  - (a) bring alcohol into an alcohol-free zone;
  - (b) take alcohol to an alcohol-free event;

- (c) consume, display or offer for sale any alcohol in an alcohol-free zone or at an alcohol-free event.
- (4) A security officer or authorised officer may—
  - (a) direct a person found consuming alcohol at an alcohol-free event or in an alcohol-free zone to leave the event or zone;
  - (b) direct a person who appears to be intoxicated to leave an alcohol-free event or alcohol-free zone.
- (5) A person must comply with a direction under sub-regulation (4).

## **Part 10 — Technology Parks and Innovation Centres**

### **62. Technology Parks and Innovation Centres**

- (1) There continue to be Technology Parks and Innovation Centres.
- (2) The Technology Parks and Innovation Centres are situated at —
  - (a) campuses of the University;
  - (b) other locations approved by the Council.

### **63. Advisory Committee**

- (1) There continues to be a Business Asset Review Committee.
- (2) The Committee comprises—
  - (a) the Chair, appointed by the Council;
  - (b) other members appointed by the Council.
- (3) Meetings of the Committee shall be in accordance with Terms of Reference established by the Council.
- (4) The functions of the Committee are—
  - (a) to oversee the commercial development and operation of the Technology Parks and Innovation Centres;
  - (b) other functions relating to the Technology Parks and Innovation Centres as determined by the Council.

### **64. Management of Technology Parks**

- (1) The Council may appoint a Director of Technology Parks and Innovation Centres.
  - (2) The functions of the Director are—
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- (a) to control and manage Technology Parks and Innovation Centres on behalf of the University;
- (b) to report to the Advisory Committee at regular intervals in relation to the commercial development and operations of the Technology Parks and Innovation Centres.

## **Part 11 — Authorised officers and Security officers**

### **65. Authorised officers**

- (1) The University may appoint persons to be authorised officers for the purposes of University legislation.
- (2) If requested, an authorised officer exercising powers under University legislation must provide identification.

### **66. Security officers**

- (1) If the University engages a company to provide security services, security officers of that company are security officers for the purposes of University legislation.
- (2) If requested, a security officer exercising powers under University legislation must provide identification.

## **Part 12 — Fees, Charges and Penalties**

### **67. Categories of fees, charges and penalties**

- (1) The University may determine fees, charges and penalties for the purposes of University legislation and the performance of its functions and discharge of its duties.
- (2) The fees, charges and penalties may include—
  - (a) enrolment fees;
  - (b) tuition fees and student contributions;
  - (c) services and amenity fees;
  - (d) materials fees;
  - (e) ancillary fees;
  - (f) cancellation charges;
  - (g) incidental fees;

- (h) program and course fees;
  - (i) administrative fees;
  - (j) miscellaneous fees.
- (3) The University may impose different tuition fees, charges and student contribution amounts for different categories of students.

#### 68. Withholding of results and exclusion

A decision to take action under section 52 of the Statute must be made in accordance with applicable University policies and procedures.

**Note:** Under section 52 of the Statute the University may, in accordance with the Regulations, withhold results, testamurs and transcripts and exclude persons from program completion or graduation where fees or penalties are outstanding.

### Part 13 — Miscellaneous

#### 69. Transitional provisions

- (1) In this regulation *commencement date* means the day on which these regulations come into operation.
- (2) A person who, immediately before the commencement date, was an elected member of Council continues to hold office until the expiry of the person's term of office.
- (3) The Intellectual Property Officer holding office immediately before the commencement date is deemed to have been appointed as the Intellectual Property Officer under these Regulations.
- (4) A parking permit in force immediately before commencement date is deemed to have been issued under these Regulations.
- (5) University guidelines, codes, standing orders, terms of reference, policies and procedures which are in force immediately before the commencement date, to the extent that they are not inconsistent with these Regulations or other University legislation—
  - (a) continue in operation; and
  - (b) may be amended or revoked by the person or body which made them or by the University,

#### 70. Revocation of regulations

The following Regulations are revoked—

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## **Federation University Australia (Operations) Regulations 2022**

### **Part 13 — Miscellaneous**

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- (a) Regulation 1.1 — Interpretation;
  - (b) Regulation 1.1.2 — Interpretation;
  - (c) Regulation 2.2.1 — The Council;
  - (d) Regulation 2.3 – The Schools;
  - (e) Regulation 3.6 — The Professoriate;
  - (f) Regulation 4.1 — Academic Dress;
  - (g) Regulation 7.1 — Election Procedures Regulations;
  - (h) Regulation 8.1 — The University Library;
  - (i) Regulation 8.2 — Intellectual Property;
  - (j) Regulation 8.3 — Centres;
  - (k) Regulation 9.1 — Fees and Charges;
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#### **LEGISLATIVE HISTORY**

These Regulations were made by the Council on 16 August 2022.

#### **Amendments:**

<b>Amendment</b>	<b>Date of amendment</b>
1	9 January 2023
2	17 April 2023