

Minutes Legislation Committee

Meeting No: LC 2/13

Date & Time: Thursday, 29 August 2013 at 10:00 am

Venue: VCO Meeting Room, Mt Helen Campus

Present: Ms Rowena Coutts (Chair)
Associate Professor Kim Dowling
Ms Elizabeth Luciani (*on behalf of Ms Jeannie King*)
Ms Katie Morris

Secretariat: Ms Rajes Shenton

1. Apologies, Special Leave of Absence and Declarations of Interest

The Committee noted that Professor Andy Smith was an apology for the meeting. Ms Elizabeth Luciani was in attendance on behalf of Ms Jeannie King.

2. Starring of Items and Approval of Non-Starred Items

2.1 Starred Items

Items 1, 2, 3, 5 and 6 were starred and considered at the meeting.

2.2 Non-Starred Items

Resolution LC 2/13/1

The Legislation Committee resolved that all items on the agenda "not starred" be adopted without discussion, and the action recommended be taken or the information therein noted.

3. Minutes of the previous meeting and matters arising

3.1 Confirmation

The Legislation Committee was asked to confirm the Minutes from meeting LC 1/13 held Thursday, 7 March 2013.

Resolution LC 2/13/2

The Legislation Committee confirmed the Minutes of meeting LC 1/13 held Thursday, 7 March 2013.

3.2 Matters Arising from the Minutes

Nil.

4. Approval of Legislation

The Legislation Committee noted that Academic Board (AB2/13) approved and recommended to Council Executive Committee for approval, the following legislation at its meeting held 27 March 2013:

- Regulation 2.2 – Appeals Committee
- Schedule 5.1 and Schedule 5.1.1

The Legislation Committee noted that Council Executive Committee approved and recommended to Council for the approval, the following legislation at its meeting held 21 May 2013:

- Regulation 2.1 – The Council
- Regulation 2.1.2 – The Council
- Regulation 6.1 – Student Discipline
- Regulation 2.2 – Appeals Committee
- Schedule 5.1 and Schedule 5.1.1

The Legislation Committee noted that Council approved the following legislation at its meeting held 4 June 2013:

- Regulation 2.1 – The Council
- Regulation 2.1.2 – The Council
- Regulation 6.1 – Student Discipline
- Regulation 2.2 – Appeals Committee
- Schedule 5.1 and Schedule 5.1.1

5. Specific items for discussion –

5.1 Statute 1.1 – Interpretation

The Committee discussed and considered the amendments to Statute 1.1 – Interpretation and noted that it was a general tidy-up of the legislation with the main amendment being the definition of “day”. There has been confusion as to the interpretation of the word “day” as it doesn’t specify whether it is a University working day. The Committee also suggested that a clause be included in the legislation to state that all references to the University of Ballarat or the University will also mean the new entity Federation University Australia as of 1 January 2014.

Discussion was held about “Official Noticeboards” and who at the University has jurisdiction over the management of the noticeboards. It was noted by the Committee that the Official Noticeboard for promulgation of legislation is located on the Governance tab of the University website. Student Connect will look at other noticeboards in use across the University and Legislation Committee will consider developing further guidance within the Regulations about the use of noticeboards for posting “official” information.

(Secretary’s note: as the changes to the statute will require approval by the Minister’s office and this is usually a lengthy process, the changes to this statute will not come into effect until post-1 January 2014. Accordingly, the definitions of

“Federation University Australia”, “University” and “University of Ballarat” have been drafted to take effect from 1 January 2014).

Resolution LC 2/13/3

The Legislation Committee approved and recommended to Council Executive Committee for approval the amendments to Statute 1.1 – Interpretation.

5.2 Regulation 2.2 – Appeals Committee

The Committee considered the amendments to Regulation 2.2 – Appeals Committee and noted that the amendments were mainly a tidy-up and tightening the rules in relation to representation of students at hearings. It was noted that students are not permitted to have someone with legal qualifications representing them at the hearings, however this is at the discretion of the Chair of Appeals Committee.

Resolution LC 2/13/4

The Legislation Committee approved and recommended to Council Executive Committee for approval the amendments to Regulation 2.2 – Appeals Committee.

5.3 Statute 2.4 – Student Discipline Committee

The Committee discussed the amendments to Statute 2.4 – Student Discipline Committee and noted that the amendments have been made to the Statute to bring the definition of student member in line with the proposed amendments to Regulation 2.4 and Statute 5.4 (see below) concerning student members drawn from official University bodies or committees.

Resolution LC 2/13/5

The Legislation Committee approved and recommended to Council Executive Committee for approval the amendments to Statute 2.4 – Student Discipline Committee.

5.4 Regulation 2.4 – Student Discipline Committee

The Committee considered the amendments to Regulation 2.4 – Student Discipline Committee and noted that there were no requirements for a student representative to be from the same campus as the student appealing. The student representative is to be a member of a University committee or body constituted under the Act or a University statute or regulation.

Resolution LC 2/13/6

The Legislation Committee approved and recommended Council Executive Committee for approval the amendments to Regulation 2.4 – Student Discipline Committee.

5.5 Statute 3.9 – Directors

Ms Morris advised the Committee that amendments to this statute were recently approved by the University Council and the Minister for Higher Education and Skills. The Minister's Office, however, queried the wording in section 4 of the statute that an interim director can be appointed "on any conditions" that the Vice-Chancellor determines. The amendments to the statute reflect the deletion of "on any conditions" as requested by the Minister's Office.

Resolution LC 2/13/7

The Legislation Committee approved and recommended to Council Executive Committee for approval the amendments to Statute 3.9 – Directors.

5.6 Statute 5.1 – Awards and Programs

Ms Morris advised the Committee that the amendments to this statute were approved by Legislation Committee at LC1/13. The recommendation for Academic Board to delegate to Curriculum Committee the authority to prescribe award programs and approve non-award programs was however not approved by Academic Board Executive Committee at its 3/13 meeting. Associate Professor Dowling advised the Committee that her discussions with TEQSA indicated that Academic Board should not delegate the approval process to another body.

Resolution LC 2/13/8

The Legislation Committee approved and recommended to Academic Board for approval the amendments to Statute 5.1 – Awards and Programs.

5.7 Regulation 5.3 – Assessment

The Committee considered the minor amendments to Regulation 5.3 – Assessment and noted that it was a general tidy-up of the legislation.

Resolution LC 2/13/9

The Legislation Committee approved and recommended to Academic Board for approval the amendments to Regulation 5.3 – Assessment.

5.8 Statute 5.3 – The Schedule Part 1

The Committee considered the appropriate appeal mechanism from an adverse decision of a Dean concerning an application for special consideration and noted that Schools deal with this matter in different ways. It was noted that the University should be more explicit in the legislation about the appeal structure as this would educate students to apply through the proper procedures. The Committee noted that the Corporate Governance directorate together with Student Connect is currently reviewing the Special Consideration Guidelines and that the legislation in relation to Special Consideration will be reviewed as part of this process.

It was noted that section 15 of the Statute does not refer to “reading time” and that a statement should be included to indicate that students are not permitted to leave during reading time. The Committee noted that this will be reviewed at the next meeting of Legislation Committee.

5.9 Statute 5.4 – Exclusion for Reasons of Unfitness

The Committee considered the amendments to Statute 5.4 – Exclusion for Reasons of Unfitness and noted that it was a general tidy-up of the legislation.

Resolution LC 2/13/10

The Legislation Committee approved and recommended to Academic Board for approval the amendments to Statute 5.4 – Exclusion for Reasons of Unfitness.

5.10 Statute 5.5 – Unsatisfactory Progress

The Committee noted that the minor amendments to this Statute are a general tidy-up of the legislation. The Committee noted there should be a consistent approach to the appeal process by the Schools and recommended the deletion of “within the timeline specified by the appropriate School” under section 4 as indicated below:

“A student may appeal against the outcome of the unsatisfactory progress under sub-section 1(2)(c) which must be lodged in writing to the Dean ~~within the timeline specified by the appropriate School~~ in the formal notification under sub-section 1(1) which shall not exceed 20 workings days.”

Ms Morris will advise the Schools of this amendment.

Resolution LC 2/13/11

The Legislation Committee approved and recommended to Academic Board for approval the amendments to Statute 5.5 – Unsatisfactory Progress.

5.11 Regulation 6.1.1 – Plagiarism

The Committee noted that the amendments to Regulation 6.1.1 – Plagiarism were a general tidy-up of the legislation and noted that a student may be accompanied by an observer at a hearing.

Resolution LC 2/13/12

The Legislation Committee approved and recommended to Academic Board for approval the amendments to Regulation 6.1.1 – Plagiarism.

6. General Business

6.1 University Legislation, Policies and Procedures and new Federation University Australia Act

Minutes

Legislation Committee

The Chair advised the Committee that as of 1 January 2014 the University's legislation will remain the same but will refer to Federation University Australia and noted that this is an evolving process and changes will be made when necessary.

Associate Professor Dowling advised that Committee that there is goodwill between Monash and the University to keep processes seamless and consistent as possible for its students.

7. Next Meeting

The next meeting of the Legislation Committee will be held on **Thursday, 24 October 2013** in the **VCO Meeting Room, Mt Helen Campus** at **10:00 am**.

The meeting closed at 10:42 am.