

Federation University Australia (Students) Regulations 2022

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FEDERATION UNIVERSITY AUSTRALIA

Federation University Australia Act 2010

Federation University Australia (Students) Regulations 2022

Dated: 16 August 2022

The Council makes the following Regulations:

Part 1—Preliminary

1. Objective

The objective of these Regulations is to provide for—

- (a) fair, consistent and transparent student selection, based on merit;
- (b) social inclusion;
- (c) advancing the University’s direction in the pursuit of excellence in learning, teaching and research;
- (d) compliance with legislative, regulatory and reporting requirements.

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. Interpretation

In these Regulations—

Act means the *Federation University Australia Act 2014* (Vic.);

assessment task means an assignment, essay, examination, practicum, presentation, project or any other assessable part of a program or course, whether mandatory or optional;

authorised officer means an authorised officer appointed under the Federation University Australia (Operations) Regulations 2022;

AQF means the Australian Qualifications Framework;

Division, where the context permits, means an organisational unit of the University other than an Institute, School or Federation TAFE;

domestic articulation agreement means a domestic articulation agreement referred to in regulation 24;

international credit agreement means an international credit agreement referred to in regulation 24;

program specification means a document setting out the design and content of a program;

program admission procedure means the University Procedure for program admission established in accordance with the Federation (Academic) Regulations 2021;

research misconduct has the meaning given to it in regulation 46;

security officer means a security officer within the meaning of the Federation University Australia (Operations) Regulations 2021;

senior officer means—

- (a) the Vice-Chancellor; or
- (b) a Deputy Vice-Chancellor; or
- (c) a Pro-Vice-Chancellor;

student includes a person who has enrolled in a program or course and deferred in accordance with these Regulations;

Note: See the definition of *student* in section 3 of the Act.

Student Appeals Committee means the Student Appeals Committee established by regulation 56;

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Student Misconduct Committee means the Student Misconduct Committee established by regulation 51;

student research means—

- (a) research conducted for the purposes of an honours thesis or coursework thesis; and
- (b) research conducted for the purposes of any component of a higher degree by research.

TAFE means Federation TAFE;

University means Federation University Australia.

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

6. Forms

- (1) The University must establish forms for the purposes of these Regulations.
- (2) The University must make the forms available for download from its website.

Part 2 — Admission to become a Student

Division 1 — Selection

7. Entry requirements

- (1) The University may admit into a program an applicant who satisfies minimum entry requirements.
 - (2) The University must determine minimum entry requirements based on —
 - (a) academic merit;
 - (b) specific program requirements; and
 - (c) in some cases, additional or supplementary requirements.
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8. Selection is at the University’s discretion

- (1) The University may refuse to admit an applicant into a program or course.
- (2) This regulation applies whether or not—
 - (a) the applicant meets minimum entry requirements;
 - (b) the applicant has achieved any applicable entry score;
 - (c) quota or other restrictions apply.
- (3) In deciding whether to admit a person the University may take into consideration—
 - (a) a person’s previous studies or conduct at the University or other institutions;
 - (b) information provided in application documentation or otherwise known to the University which leads the University to believe that the applicant should not be admitted to the program or course;
 - (c) requirements relevant to the delivery of the program or course; and
 - (d) regulatory or administrative requirements or guidelines.

9. Disclosure of previous suspension or exclusion

An applicant must, at the time of application and before enrolment, disclose to the University if the applicant has been excluded or suspended from an educational institution for academic or non-academic reasons.

10. Readmission after absence or exclusion

- (1) A person who wishes to re-enter a program must apply for re-admission if —
 - (a) the person was not given leave of absence or a deferment; or
 - (b) the person is returning after exclusion as a result of unsatisfactory progress or student misconduct.
 - (2) A student who re-enters a program after a period of absence must satisfy the program requirements which apply at the time of readmission.
 - (3) The University may refuse to give academic credit for courses completed prior to the absence, taking into consideration—
 - (a) the duration of the absence; and
 - (b) changes to program content and structure.
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- (4) The University may require the student to repeat courses that have been passed previously, or to undertake additional courses in order to satisfy current program requirements.

Division 2 — Deferral of commencement

11. Eligibility to defer

- (1) A student who has received an offer for a program is eligible to defer commencement of the program.
- (2) A student's eligibility to defer is subject to—
 - (a) any restrictions applying to the program;
 - (b) procedural requirements; and
 - (c) the University's approval.
- (3) This regulation does not relieve a candidate of obligations or conditions applying to any scholarship held by, or offered to, the candidate.
- (4) The University may decide that a person who does not take up an offer from the University in one semester has deferred commencement for one semester only, whether or not approval has been given to defer.

12. Maximum period of deferral

- (1) The maximum period for which a person may defer the commencement of a program is—
 - (a) in the case of a higher education program, two academic years;
 - (b) in the case of a vocational education program, one year.
- (2) In exceptional circumstances, the University may allow a longer period of deferral.

13. Notification after deferral

- (1) A person who has deferred must notify the University of their intention to take up a place in the program not less than two months before the end of the period of deferral.
- (2) The University may withdraw an offer to a person who does not comply with this regulation.

Division 3 — Enrolment

14. Enrolment responsibility

- (1) Enrolment is the administrative act of enrolling students who have been admitted to the University.
- (2) An applicant must complete enrolment not later than the date specified by the University.
- (3) Enrolment is not complete until all fees associated with enrolment have been paid.

15. Enrolment data

- (1) A student must inform the University immediately if—
 - (a) the student becomes aware of an error in enrolment data held by the University;
 - (b) the student's personal information which is held by the University changes.

Division 4 — Student Fees and Charges

16. Obligation to pay fees

Subject to applicable Commonwealth and State legislation, all students undertaking studies at the University are required to pay the tuition and other fees, charges and contributions set by the University.

17. Exemption from fees

The University may exempt students from paying some or all fees, under scholarship or other schemes.

18. Consequences of failure to pay fees etc

The consequences of a student's failure to pay prescribed fees, charges and contributions are set out in the Federation University Australia (Operations) Regulations 2022 and in University policies and procedures.

19. Refund of fees

A student who withdraws from enrolment may apply, consistent with the University's policies and procedures, for a refund of fees.

Part 3 — Study in Programs

Division 1 — Restrictions and requirements

20. Imposition of conditions

- (1) The University may, at any time, impose conditions on a student's study and participation in University activities.
- (2) Conditions imposed under this regulation may include conditions relating to—
 - (a) the number of courses to be taken (including a maximum number);
 - (b) the expected level of achievement;
 - (c) engagement with support services as required by the University as a consequence of a student progress decision, student misconduct or concerns about the student's behaviour; or
 - (d) expected behaviour.
- (3) The University may suspend or exclude a student, or impose further conditions, if conditions are not complied with.

21. Approval to overload

A student must not undertake more than the normal full time load in any teaching period without the permission of the University.

22. Concurrent study in more than one program

- (1) A student must not enrol in concurrent programs at the University without the permission of the University.
- (2) In deciding whether to give permission, the University must take into consideration the likelihood of the student succeeding in both programs.

23. Transfer between programs

The University may, on application, allow a student to transfer between programs, taking into consideration—

- (a) whether a place in the destination program is available;
 - (b) whether the student satisfies the requisites and other entry requirements for the destination program;
 - (c) any conditions or pre-approval requirements imposed by a student sponsor; and
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- (d) any applicable regulatory or administrative requirements, guidelines, policies and procedures.

Division 2 — Academic credit

24. Granting academic credit

- (1) The University may grant academic credit to a student based on—
 - (a) post-secondary studies; or
 - (b) prior learning, in recognition of skills and knowledge gained through work experience, life experience, life experience or formal training.
- (2) The approval may be given subject to conditions.
- (3) The academic credit may be granted—
 - (a) on a block credit basis, for whole stages or years of a program, such as a semester, year or credit point equivalent;
 - (b) on a matching basis, to exempt a student from the requirement to undertake a course which is equivalent to a course already undertaken;
 - (c) as unspecified credit, in the form of credit points where there is not an equivalent course; or
 - (d) in accordance with—
 - (i) a domestic articulation agreement; or
 - (ii) an international credit agreement.
- (4) The University may enter into agreements with other post-secondary institutions for the granting of academic credit, as follows—
 - (a) domestic articulation agreements, with other Australian tertiary institutions that issue AQF qualifications;
 - (b) international credit agreements, with overseas tertiary institutions.

25. Minimum studies at Federation for an award

- (1) Subject to sub-regulation (2), the University must not grant credit for more than two-thirds of a program.
 - (2) This regulation does not apply to a student who—
 - (a) transfers between Federation programs;
 - (b) is part of a cohort of students transferred into a new program through a program transfer; or
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- (c) is re-admitted to a program or a closely related program through a program transfer.

Division 3 — Cross-institutional studies

26. Approval of cross-institutional studies

- (1) The University may allow cross-institutional studies to enable a student at Federation to undertake part of their program at another institution or a student from another institution to undertake part of their program at Federation.
- (2) The approval may be given subject to appropriate conditions.
- (3) The University must grant the appropriate academic credit for an outgoing cross-institutional enrolment student who successfully completes an approved course of study at the other institution.
- (4) The University may set a maximum amount of academic credit that an outgoing student may obtain through cross-institutional studies.
- (5) Incoming cross-institutional enrolments are subject to—
 - (a) applicable minimum entry requirements for courses;
 - (b) pre-requisite requirements;
 - (c) quota restrictions.

27. Study at overseas partner institutions

- (1) The University may permit a student to enrol or study at an overseas partner institution approved by the University, subject to this Division.
- (2) The approval may be given subject to conditions.
- (3) A student may undertake study at only one partner institution at a time.

Division 4 — Non-award enrolment

28. University may allow non-award course enrolment

The University may allow a person to enrol in a course on a non-award basis.

29. Students studying in programs

Except in exceptional circumstances, the University must not permit a student to enrol on a non-award basis in a course if the student is enrolled in an award program which includes that course.

30. No entitlement to further course enrolment

An approval to enrol in a course on a non-award basis does not create an entitlement to further enrolment (whether in a course or a program).

Division 5 — Assessment

31. Administration of assessment

- (1) In this regulation—
 - personal attendance examination* means an examination conducted at a place specified by the University at which students are required to physically attend;
 - online assessment* means an assessment conducted by internet or other digital process for which students are not required to physically attend.
- (2) Assessment must be administered in accordance with the applicable program specification.
- (3) At a personal attendance examination—
 - (a) student identity cards must be produced and attendance slips must be completed at the commencement of the examination;
 - (b) no part of any examination script, book or other University property may be removed from the examination room nor destroyed.
- (4) A student participating in an online assessment must—
 - (a) provide identification as required;
 - (b) comply with directions relating to the conduct of the assessment, including (if directed) ensuring that video and sound equipment is operational to enable supervision of the student's activity.

32. Alternate learning tasks and assessment

- (1) Where a student is able to demonstrate that the learning tasks and assessment specified in the course description would unreasonably disadvantage the student due to a disability or a student's special need, the student may, in accordance with University policies and procedures, apply for approval of alternative learning tasks and assessment in the course.
 - (2) The University may amend the learning tasks and assessment required of a student if it appears that the student has acquired a disability or special need through the duration of the course to an
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extent that the student would be unreasonably disadvantaged if the specified learning tasks and assessment were applied.

33. Special consideration

- (1) A student may apply for special consideration on the ground that—
 - (a) the student's work has been hampered to a substantial degree by illness or other significant cause;
 - (b) the student has been prevented by a serious or disabling illness or other significant cause from preparing or presenting for all or part of a component of assessment; or
 - (c) the student was adversely affected to a substantial degree by illness or other significant cause during the performance of a component of assessment.
- (2) An application for special consideration must be submitted not later than three working days after the date for submission of the component of assessment.
- (3) The application must be made and considered in accordance with University policies and procedures.
- (4) The University must notify the student of its decision and written reasons for the decision in a timely way.
- (5) If the University approves the application for special consideration, it must determine the alternate means of assessing the student.

34. Review of final grade

- (1) A student may apply for review of a final grade in a course on one of the following grounds—
 - (a) the course description and accompanying assessment materials were not sufficiently explicit in identifying—
 - (i) the learning tasks students are required to complete in the course; or
 - (ii) how students will be assessed;
 - (b) the assessors failed to comply with the assessment procedures set out in the course description and accompanying assessment materials; or
 - (c) the criteria set out in the course description and accompanying assessment materials were not applied fairly and appropriately.
 - (2) An application for review must be given and considered in accordance with University policies and procedures.
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- (3) Following consideration of the application the University must—
 - (a) confirm the original grade or change the grade; and
 - (b) notify the applicant in writing of the decision and the reasons for it.
- (4) If the application is approved, the University may confirm means of assessing the student.

Division 6 — Time limits for Program Completion

35. Time limit for program completion

- (1) Except as otherwise provided in these Regulations or the program specification, and subject to Commonwealth and State regulatory requirements, a student must complete a program within ten years after commencement.
- (2) In calculating time for the purposes of this regulation a period of leave is included in the calculation of time unless the University has made an exception due to specified circumstances.
- (3) The University may refuse to re-enrol a student who has exceeded the applicable time limit.

Division 7 — Academic progress

36. Student responsibility

- (1) Academic progress is the process by which students are able to advance their program, having fulfilled academic and administrative requirements.
- (2) It is the responsibility of a student to maintain satisfactory academic progress.

37. Institutes etc to review academic progress

- (1) Institutes, Schools, TAFE and Divisions must review the academic progress of students.
 - (2) The academic progress of students may be reviewed—
 - (a) at intervals;
 - (b) on the basis of assessment outcomes; or
 - (c) by reference to statistical data, components of progress or individual performance, as the Institute, School, TAFE or Division considers appropriate.
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38. Unsatisfactory progress

- (1) If an Institute, School, TAFE or Division assesses a student's academic progress as unsatisfactory, it must make a determination about the consequences of that assessment.
- (2) The determination may be that the student—
 - (a) may remain enrolled, or may re-enrol, in the program or course;
 - (b) may remain enrolled, or may re-enrol, subject to conditions;
 - (c) is suspended from the program for a specified period; or
 - (d) is excluded from the program, and may not be enrolled, or may not re-enrol, in the program.
- (3) The Institute, School, TAFE or Division must notify the student of the determination.
- (4) If the Institute, School, TAFE or Division has decided to impose conditions or suspend or exclude the student, the notification must also inform the student of the student's right to apply for a review of the decision.
- (5) The University must establish a procedure for the review of decisions made under this regulation.

39. Notification to the Academic Board

- (1) The University must establish a procedure for notification to the Academic Board in relation to determinations about student unsatisfactory progress.
- (2) Notifications to the Academic Board must include—
 - (a) statistical information about determinations and decisions; and
 - (b) analysis of that information.

40. Exercise of powers and functions under this Part

Powers and functions conferred on an Institute, School, TAFE or Division under this Part may be exercised by the Executive Dean, Dean or Chief Executive (as the case may be) or other member of staff nominated by the Executive Dean, Dean or Chief Executive.

Part 4 — Student Senate

41. Student Senate

- (1) There continues to be a Student Senate.
- (2) The objective of the Student Senate is to improve the student experience for all University students, including—
 - (a) students at all University campuses;
 - (b) students at partner provider locations; and
 - (c) students studying online or by distance education.
- (3) The Student Senate must make recommendations to the Vice-Chancellor in relation to the use of the proceeds of the student services and amenities fee consistently with laws and guidelines of local, State and Commonwealth governments.

42. Student Senate Charter

- (1) The Charter for the Student Senate is set out in Schedule 1 to these Regulations.
- (2) The Charter for the Student Senate has effect according to its terms.

Part 5 — Student Misconduct

Division 1 — Preliminary

43. Objective of this Part

The objective of this Part is to—

- (a) maintain and protect academic integrity at the University; and
- (b) facilitate the proper functioning of the University by regulating the conduct of students who are on University premises, using University facilities or services or participating in University activities.

Division 2 — Academic misconduct by students

44. Academic misconduct

- (1) It is academic misconduct if a student—
 - (a) in relation to an examination or assessment—
 - (i) cheats;
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- (ii) engages in plagiarism;
- (iii) improperly colludes with another person;
- (iv) fails to comply with examination or assessment rules or directions;
- (v) engages in other conduct with a view to gaining unfair or unjustified advantage;
- (b) in relation to student research, commits research misconduct;
- (c) resubmits in whole or in part one's own work for another assessment item;
- (d) gives or provides one's own work to someone else without authorisation;
- (e) falsifies or misrepresents data or results;
- (f) uses or possesses any unauthorised or prohibited information, books, notes, paper or other materials;
- (g) without authorisation, materially contributes to a student's work or accepts such contribution from another person;
- (h) copies from or otherwise uses the answer of any other person engaged in the performance of the same or comparable component of assessment or permits any other person to copy from or otherwise use the student's answer;
- (i) forges or falsifies documents to gain for the student, or for any other person, any academic advantage or advancement to which the student or that other person is not entitled;
- (j) purchases or obtains assessment materials from commercial services or other individuals;
- (k) sells assessment materials to entities or individuals.

45. Definition of 'plagiarism'

- (1) For the purposes of these Regulations a student engages in plagiarism if the student presents another person's work as though it is the student's own work.
 - (2) Without limiting sub-regulation (1), a student uses another person's work as though it is the student's own work if the student, without appropriate attribution—
 - (a) when writing a computer program and presenting it as owned by the student, incorporates the coding of a computer program written by another person;
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- (b) uses work from any source other than the student's own work, including—
 - (i) a book, journal, newspaper article, set of lecture notes, current or past student's work or any other person's work;
 - (ii) work created by use of artificial intelligence;
 - (c) uses a musical composition, audio, visual, design, graphic or photographic work created by another person; or
 - (d) uses teaching aids created by another person, including an object, artefact, costume or model.
- (3) Without limiting sub-regulation (1), it is plagiarism if a student produces and submits or presents as the student's own work an assessment item which has been—
- (a) prepared in conjunction with another person (other than sanctioned group work); or
 - (b) obtained (directly or indirectly) from an academic cheating service.
- (4) In this regulation *academic cheating service* means the provision of work to or the undertaking of work for students, in circumstances where the work—
- (a) is, or forms a substantial part of, an assessment task that students are required to personally undertake; or
 - (b) could reasonably be regarded as being, or forming a substantial part of, an assessment task that students are required to personally undertake.

Note: See also section 114A of the *Tertiary Education Quality and Standards Agency Act 2011* (Cth).

46. Research misconduct

- (1) It is research misconduct if a person dishonestly, recklessly or negligently deviates from accepted standards of scientific and scholarly conduct of research.
 - (2) Without limiting the meaning of sub-regulation (1), it is research misconduct if a person, in relation to research—
 - (a) fabricates or falsifies data or results;
 - (b) commits plagiarism;
 - (c) fails to make appropriate attribution or acknowledgment of sources and contributions, or makes a misleading attribution or acknowledgement;
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- (d) fails to disclose a conflict of interest;
 - (e) fails to obtain necessary regulatory or ethical approval;
 - (f) fails to comply with relevant regulatory or ethical approval conditions or requirements;
 - (g) fails to comply with the applicable research code.
- (3) It is not research misconduct if a person's actions are based on—
- (a) a judgment which the person makes honestly and reasonably;
or
 - (b) an error that is minor and unintentional.
- (4) In this regulation *applicable research code* means the Australian Code for Responsible Conduct of Research, including any update of that Code.

Division 3 — Suspected academic misconduct

47. Protecting the integrity of an examination

- (1) An examination supervisor may confiscate anything in the apparent possession of a student if—
- (a) the student apparently intends to enter an examination room or is in an examination room; and
 - (b) the thing being confiscated appears to indicate that cheating has occurred, is occurring or may occur.
- (2) A student may be refused entry to an examination or expelled from an examination room if the student fails to give to an examination supervisor something which—
- (a) the supervisor has requested to examine for the purpose of ascertaining whether it may be confiscated; or
 - (b) the supervisor has confiscated or attempted to confiscate.

48. Removal from the premises and confiscation

- (1) A member of staff or a security officer may confiscate anything in the apparent possession of a student if—
- (a) the student apparently has committed, is committing or intends to commit academic misconduct; and
 - (b) the thing being confiscated appears to indicate that academic misconduct has occurred, is occurring or may occur.
- (2) If a student appears to be committing academic misconduct—
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- (a) the University may refuse to allow the student access to University premises;
- (b) a security officer may expel the student from University premises.

Division 4 — Student general misconduct

49. Student general misconduct

- (1) It is general misconduct if a student—
 - (a) fails to comply with a Code of Conduct;
 - (b) while on University premises, using University facilities or services or engaging in University activities—
 - (i) commits an offence;
 - (ii) engages in conduct which causes the University to be guilty of a crime; or
 - (iii) intentionally or recklessly causes injury to another person;
 - (c) intentionally or recklessly causes damage to, or commits theft of University property or property on university premises;
 - (d) interferes with or improperly or unsafely uses University property, facilities or services;
 - (e) while on University premises, using University facilities or services or engaging in University activities engages in improper behaviour, including—
 - (i) harassment;
 - (ii) threatening or intimidating behaviour;
 - (iii) use of abusive or offensive language;
 - (iv) disorderly behaviour;
 - (v) breach of the peace;
 - (vi) access, display, download, upload or broadcast of offensive material;
 - (vii) acting in breach of laws or rules of conduct relating to smoking, alcohol consumption, use of drugs, gambling, occupational health and safety or discrimination.;
 - (f) interferes with University teaching or learning activities;

- (g) engages in conduct which is detrimental to the reputation of the University;
- (h) engages in a pattern or sequence of conduct which places substantial demands on University resources, vexatiously or without proper justification;
- (i) forges University documents or documents submitted to the University;
- (j) offers a bribe or other improper inducement in relation to the provision of University services or the performance of the functions or duties of University staff;
- (k) engages in misrepresentation in relation to the provision of University services or the performance of the functions or duties of University staff;
- (l) falsely claims an identity, qualification, prior learning or experience;
- (m) falsely uses a title;
- (n) acts in breach of a University statute or regulation relating to conduct;
- (o) engages in a breach of copyright; or
- (p) incites another person to commit general misconduct.

Division 5 — Investigation of suspected student misconduct

50. Investigation of suspected student misconduct

If it appears that student misconduct has occurred, the University may initiate an investigation in accordance with applicable University policies and procedures.

51. Student Misconduct Committee

- (1) The Student Misconduct Committee is hereby established.
- (2) The Student Misconduct Committee Charter is set out in Schedule 2.
- (3) The Student Misconduct Committee Charter has effect according to its terms.

52. Sanctions for student misconduct

- (1) If the Student Misconduct Committee decides that a student has committed student misconduct, the Committee may do one or more of the following—
 - (a) reprimand and caution the student;
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- (b) direct that the student undertake a course of corrective action;
 - (c) direct that the student undertake a course of counselling;
 - (d) suspend the student for a specified period;
 - (e) deny the student access to or use of University premises, University facilities and services and University activities for a specified period;
 - (f) require the student to refrain from contact with specified persons;
 - (g) impose conditions on the student's attendance at University premises, University facilities and services and University activities;
 - (h) require the student to re-submit the whole or part of the assessment, examination or research;
 - (i) disallow or amend a mark or grade for the whole or part of an assessment, examination or research;
 - (j) fail the student in a course or program; and/or
 - (k) in the case of research misconduct concerning externally funded research under a contract requiring the misconduct to be dealt with in accordance with the Australian Code for Responsible Conduct of Research, take a course of action in accordance with that Code.
- (2) In addition, the Student Misconduct Committee may—
- (a) exclude the student; and/or
 - (b) prevent the student from re-enrolling, receiving results, graduating or receiving an award.
- (3) The power conferred by sub-regulation (2) may be exercised only if the student has first been advised of the proposed decision and given reasonable opportunity to make a submission.
- (4) The University must inform the student in writing of the decision before it takes effect.
- (5) A student who fails to comply with a sanction imposed under this regulation is guilty of general misconduct.

Division 6 — Summary and emergency sanctions

53. Summary exclusion

- (1) If a student behaves in a disruptive, disorderly, offensive, unsafe or threatening manner while on University premises, using University
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facilities and services or engaging in University activities, a University staff member, authorised officer or security officer may exclude the student from the University premises, using University facilities and services or engaging in University activities immediately and for a reasonable period.

- (2) A student must comply with an exclusion given under this regulation.
- (3) A student who fails to comply with an exclusion given under this regulation is guilty of general misconduct.

Example 1

A student causes disruption to a class and the teacher decides to exclude the student from the class. The teacher may do so by directing the student to leave the class and not return until the next class. No written notice of exclusion is required.

Example 2

A student behaves in a disorderly manner in an examination and the invigilator decides to exclude the student from the examination. The invigilator may do so by directing the student to leave the examination and not return. No written notice of exclusion is required. (The student may also be guilty of student academic misconduct.)

Example 3

A student is behaving in a threatening manner on campus. A security officer may exclude the student from the University premises by ordering the student to leave University premises. No written notice of exclusion is required.

54. Emergency intervention and serious incidents

- (1) A senior officer may, if satisfied that a student has engaged in serious general misconduct or that a student's conduct or presence otherwise poses a risk of injury or damage to any person or property or to the interests or good reputation of the University—
 - (a) exclude the student from the University premises indefinitely or for a period determined by serious misconduct intervention the Vice-Chancellor or the deputy vice-chancellor; and
 - (b) suspend or terminate the student's enrolment.
 - (2) The senior officer must give written notice to the student of the decision as soon as reasonably practicable setting out the reasons for the decision.
 - (3) If the senior officer is reasonably satisfied that it is appropriate or necessary in the circumstances, an exclusion under this regulation may be expressed to take effect immediately and, if so expressed, shall take effect immediately, even if the written notice cannot be given to the student concerned immediately.
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55. Effect of sanctions

Nothing in regulation 53 or 54 affects any other right or remedy which the University may have against the student —

- (a) under other University legislation;
- (b) under other legislation; or
- (c) at common law.

Division 7 — Appeals

56. Student Appeals Committee

- (1) The Student Appeals Committee is hereby established.
- (2) The Student Appeals Committee Charter is set out in Schedule 3.
- (3) The Student Appeals Committee Charter has effect according to its terms.

57. Appealable decisions

A decision is an appealable decision if it is—

- (a) a decision by the Student Misconduct Committee that a person has committed student misconduct;
- (b) a final decision made by the University in response to a student complaint, other than a frivolous or trivial complaint;
- (c) a student unsatisfactory progress decision;
- (d) a decision in respect of which University legislation or other legislation or an applicable Commonwealth or State regulatory framework allows or requires a right of review or appeal; or
- (e) a deemed refusal within the meaning of regulation 58.

58. Deemed refusal

- (1) A deemed refusal occurs 30 days after a person applies for a decision if—
 - (a) the decision, if made, would be a reviewable decision affecting the applicant in the applicant's capacity as a student; and
 - (b) the University has not notified the applicant that a decision has been made.
 - (2) This regulation does not prevent a late decision being made in respect of an application.
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- (3) If, after an application is made for review of a deemed refusal, the University notifies the applicant that the decision referred to in sub-regulation (1) has been made, the applicant must—
 - (a) withdraw the application for review of a deemed refusal; or
 - (b) notify the Student Appeals Committee that the application is to be treated as an application for review of the decision.

59. Application for review

- (1) A person may apply to the Executive Officer of the Student Appeals Committee for review of a decision if the decision was an appealable decision affecting the person in the person's capacity as a student.
 - (2) An application must be on one or more of the following grounds—
 - (a) that there was relevant evidence which—
 - (i) was not taken into account by the decision-maker; and
 - (ii) was not known by the applicant before the decision and could not reasonably have been known;
 - (b) that the decision was manifestly wrong;
 - (c) that a procedural irregularity occurred which may have affected the decision;
 - (d) that the penalty imposed was manifestly excessive;
 - (e) that there was a deemed refusal.
 - (3) The application must be lodged with the Executive Officer within 30 days after the person was notified of the decision (or, in the case of a deemed refusal, within 30 days after the date of the deemed refusal).
 - (4) The Executive Officer may accept a late application, taking into consideration—
 - (a) how late the application is;
 - (b) the reasons why it is late;
 - (c) whether the delay has caused prejudice or will have an adverse effect on University administration.
 - (5) The application must be in the form set out in the applicable University procedure.
 - (6) If the Executive Officer determines that the decision that is the subject of the application is not an appealable decision, the Executive Officer must, as soon as is practicable, provide notification of that determination, with reasons, to the applicant and to the relevant Institute, School, TAFE or Division.
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- (7) If the Executive Officer determines that the decision is an appealable decision, the Executive Officer must refer the application to the Student Appeals Committee for hearing and determination.

60. Hearing and determination by the Student Appeals Committee

- (1) The Student Appeals Committee must conduct a hearing in accordance with University policies and procedures.
- (2) The determination must be that the appealable decision—
 - (a) is affirmed;
 - (b) is amended as set out in the decision; or
 - (c) is set aside.
- (3) The Student Appeals Committee must include a written statement of reasons for the determination.
- (4) The statement of reasons may include recommendations for—
 - (a) counselling;
 - (b) intervention;
 - (c) corrective or other measures that should be taken.

Part 6 — Conferring of Awards and Ceremonies

61. Procedures for conferring of awards and graduation ceremonies

The Council may, on the recommendation of the Vice-Chancellor, determine procedures to be followed in relation to—

- (a) the conferring of awards; and
- (b) graduation ceremonies.

62. Honorary awards

- (1) The University may, in accordance with section 46 of the Statute, confer the following honorary awards—
 - (a) Honorary Doctorate; and
 - (b) Fellow of the University.
 - (2) An honorary award must not be made to a current elected representative in government in Australia at local, State or Commonwealth level, or to current staff, students or members of committees of the University or to persons being remunerated by the University.
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Part 7 — Repeals and Transitional Provisions

63. Transitional provisions

- (1) In this Regulation—
- commencement date* means the day these Regulations come into force;
- revoked regulations* means regulations revoked by these Regulations or by the Federation University Australia (Academic) Regulations 2022 or the Federation University Australia (Operations) Regulations 2022.
- (2) A hearing or appeal commenced under the revoked regulations which is not concluded on the commencement date may be continued as if the revoked regulations remained in force.
- (3) The Student Senate, as constituted immediately before the commencement date, continues in office until the Student Senate is constituted in accordance with the Student Senate Charter.
- (4) 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,

64. Revocation of Regulations

The following Regulations are revoked—

- (a) Regulation 2.2 – Appeals Committee;
 - (b) Regulation 2.4 – The Student Discipline Committee;
 - (c) Student Regulation 5.2 – Entry Quotas, Admissions and Enrolment;
 - (d) Regulation 5.3 – Assessment;
 - (e) Regulation 5.3.2 – Assessment;
 - (f) Regulation 5.4 – Exclusion for Reasons of Unfitness;
 - (g) Regulation 5.6 – Admission to and Granting of Academic Awards from 1 January 2014 – Persons Enrolled as a Student of the University of Ballarat;
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Federation University Australia (Students) Regulations 2022

Part 7 — Repeals and Transitional Provisions

- (h) Regulation 6.1 – Student Discipline;
- (i) Federation University (Interim) Regulations 2021.

LEGISLATIVE HISTORY

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

Schedule 1 Student Senate Charter



Student Senate

Charter

This Charter sets out the objectives and functions of the Student Senate, the responsibilities of its members and details of the membership and operations of the Student Senate.

Objective

The objective of the Student Senate is to improve the student experience for all University students, including—

- students at all University campuses; and
- students at partner provider locations; and
- students studying online or by distance education.

The Student Senate must make recommendations to the Vice-Chancellor in relation to the use of the proceeds of the student services and amenities fee consistently with laws and guidelines of local, State and Commonwealth governments.

Membership

The Student Senate consists of members, selected in accordance with University policies and procedures, as follows—

- ex officio members; and
- elected members; and
- co-opted members.

Meetings of the Student Senate

Meetings of the Student Senate are to be conducted in accordance with the University policies and procedures.

The Student Senate must select one of its members to be the Chair.

Student Senate Procedures

The University must establish policies and procedures to be followed by the Student Senate, including procedures in relation to—

- the performance of the Student Senate’s functions;
- the conduct of meetings of the Student Senate;
- attendance at meetings of the Student Senate;
- reporting;
- dispute resolution.

The University must consult with the Student Senate before making policies and procedures under this regulation.

Schedule 2 Student Misconduct Committee Charter



Student Misconduct Committee

Charter

This Charter sets out the objectives and functions of the Student Misconduct Committee, the responsibilities of its members and provides details of its membership and operations.

Purpose

The Student Misconduct Committee is responsible for considering cases of alleged student misconduct. It has two jurisdictions—

- *original jurisdiction*: cases of alleged student misconduct in which a complaint is heard and determined by the Student Misconduct Committee;
- *appellate jurisdiction*: appeals against decisions made under University legislation by an Institute, School, TAFE or Division.

Functions

The Student Misconduct Committee has the following functions—

- to consider applications made to it in accordance with University legislation and procedures, and, where it finds that there has been student misconduct, to impose appropriate penalties;
- to consider appeals against decisions made under University legislation and procedures by an Institute, School, TAFE or Division;
- to report to the Vice-Chancellor in relation to the performance of its functions, including making recommendations relating to its functions.

Hearings

The Student Misconduct Committee, where appropriate, may sit in Sections, each comprising three members.

The quorum for a meeting of the Student Misconduct Committee is three members.

Membership

The membership of the Student Misconduct Committee comprises suitably qualified persons appointed by the Vice-Chancellor, which may include —

- one or more students who are a member of a University committee or body constituted under University legislation;
- other members, whether or not members of University staff.

A member of the Student Misconduct Committee holds office for the term, and on the conditions, specified in the instrument of appointment. An appointment may be made for a specified hearing, or for a specified term.

The Vice-Chancellor must appoint one member of the Student Misconduct Committee to be the Chair.

Role and responsibilities of Student Misconduct Committee members

Members of the Student Misconduct Committee must apply themselves diligently to their task, and strive to apply the following qualities—

- *knowledge and technical skills* –conscientious, with commitment to high standards;
- *fair treatment* –courtesy, tolerance and compassion;
- *communication* – firm but not arrogant, with courtesy, patience, tolerance, fairness, sensitivity, compassion and self-discipline;
- *dispute resolution* – decisive, confident, with courage, independence and impartiality;
- *efficiency* – commitment to serving the public, and to timeliness and efficient case management and use of resources;
- *professionalism and integrity* – capacity to maintain personal and Student Misconduct Committee independence, integrity and reputation, and to be ethical, patient, honest, tolerant, responsible, collegiate and considerate;
- *leadership and management* – planning and organisation, teamwork, initiative, problem-solving and capacity to manage one’s own performance.

Executive Officer of the Student Misconduct Committee

The Vice-Chancellor must appoint a person to be the Executive Officer of the Student Misconduct Committee.

The functions of the Executive Officer are to—

- receive applications to the Student Misconduct Committee in accordance with University legislation and procedures;
 - to decide whether an application contains sufficient grounds and—
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Federation University Australia (Students) Regulations 2022

Schedule 2 Student Misconduct Committee Charter

- if the application does not contain sufficient grounds, to notify the applicant that the application will not be heard;
- if the application contains sufficient grounds, to fix a hearing date and notify the applicant;
- to notify applicants of the outcome of appeals;
- to maintain records of the work of the Student Misconduct Committee.

Schedule 3 Student Appeals Committee Charter



Student Appeals Committee

Charter

This Charter sets out the objectives and functions of the Student Appeals Committee, the responsibilities of its members and provides details of its membership and operations.

Purpose

The Student Appeals Committee considers and determines appeals in accordance with University legislation.

Functions

The Student Appeals Committee has the following functions—

- to consider any applications for review made in accordance with University legislation;
- to report to the Vice-Chancellor in relation to the performance of its functions, including making recommendations relating to its functions.

Hearings

A member of the Student Appeals Committee must not hear an appeal against a decision of the Student Misconduct Committee if the member was a member of the Student Misconduct Committee which made the decision appealed against.

Membership

The Student Appeals Committee, where appropriate, may sit in Sections, each comprising three members.

The quorum for a meeting of the Student Appeals Committee is three members.

The membership of the Student Appeals Committee comprises suitably qualified persons appointed by the Vice-Chancellor, which may include —

- one or more students who are a member of a University committee or body constituted under University legislation;
 - other members, whether or not members of University staff.
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Federation University Australia (Students) Regulations 2022

Schedule 3 Student Appeals Committee Charter

A member of the Student Appeals Committee holds office for the term, and on the conditions, specified in the instrument of appointment. An appointment may be made for a specified hearing, or for a specified term.

The Vice-Chancellor must appoint one member of the Student Appeals Committee to be the Chair.

Role and responsibilities of Student Appeal Committee members

Members of the Student Appeals Committee must apply themselves diligently to their task, and strive to apply the following qualities—

- *knowledge and technical skills* –conscientious, with commitment to high standards;
- *fair treatment* –courtesy, tolerance and compassion;
- *communication* – firm but not arrogant, with courtesy, patience, tolerance, fairness, sensitivity, compassion and self-discipline;
- *dispute resolution* – decisive, confident, with courage, independence and impartiality;
- *efficiency* – commitment to serving the public, and to timeliness and efficient case management and use of resources;
- *professionalism and integrity* – capacity to maintain personal and Appeals Committee independence, integrity and reputation, and to be ethical, patient, honest, tolerant, responsible, collegiate and considerate;
- *leadership and management* – planning and organisation, teamwork, initiative, problem-solving and capacity to manage one’s own performance.

Executive Officer of the Student Appeals Committee

The Vice-Chancellor must appoint a person to be the Executive Officer of the Student Appeals Committee.

The functions of the Executive Officer are—

- receive notices of appeal;
 - to decide whether a notice of appeal contains sufficient grounds and—
 - if the notice of appeal does not contain sufficient grounds, to notify the appellant that the appeal will not be heard;
 - if the notice of appeal contains sufficient grounds, to fix a hearing date and notify the appellant;
 - to notify appellants of the outcome of appeals;
 - to maintain records of the work of the Student Appeals Committee.
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