



# Calendar 2023

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#### **Disclaimer**

This publication contains information current at December 2022. UTS takes all due care to ensure that the information contained here is accurate, but reserves the right to vary any information described in this publication without notice. Readers are responsible for verifying information that pertains to them by contacting the university.

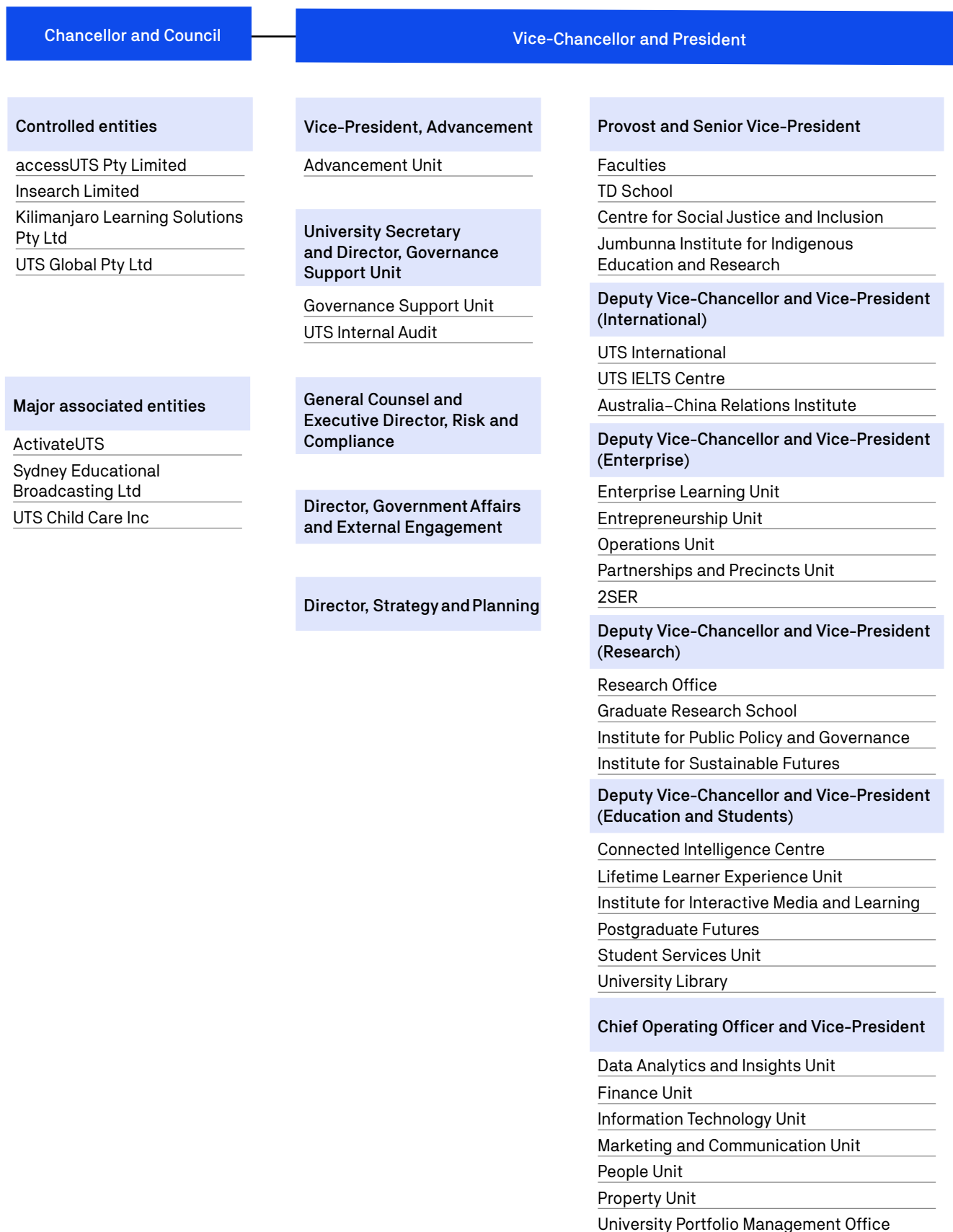
#### **Editorial and production**

Governance Support Unit

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# UTS organisational structure



# Governance and management

## UTS profile

UTS is the top-ranked young university in Australia (Times Higher Education Young University Rankings 2022 and QS Top 50 Under 50 2021).

With an innovative and creative outlook, we provide our students with a career-focused education. Our teaching and learning model is both practice-oriented and research-inspired. It integrates the best of online and face-to-face experiences.

Students gain real-world experience through UTS's strong links to industry.

UTS research spans a range of disciplines, including data sciences, engineering, health, sustainability, social futures, applied economics, robotics, microbiology and quantum computation. UTS researchers provide practical and relevant solutions to issues of national and international importance.

The social and cultural diversity of the UTS community creates a vibrant and rich place to learn and work. We are based in the heart of Sydney's creative precinct and close to the city centre.

## UTS strategy

The UTS 2027 strategy sets out our vision — where we want to be by 2027 — is a leading public university of technology recognised for our global impact.

Our strategy embraces the concept of a 'lifetime of learning'. We must view the whole workforce, and beyond, as our prospective learner community.

To do this, we will focus on five key initiatives:

- lifetime of learning
- connected research
- distinctive identity
- working together, and
- sustainable partnerships.

Underpinning everything that we do will be our commitment to:

- social justice and accessibility
- responsible leadership
- excellence in Indigenous higher education and research.

## UTS governance

UTS's object and functions are outlined in section 6 of the University of Technology Sydney Act 1989 (NSW) (UTS Act).

Governance at UTS operates within the framework prescribed by the UTS Act and the University of Technology Sydney By-law 2005 (NSW), and the university's rules, policies and procedures.

## UTS Council

The university is governed by a 20-member Council, including elected and appointed members who have the expertise and background relevant to UTS's governance needs. The Council's powers are set out in the UTS Act, the UTS By-law and UTS Rules.

## Academic Board

Council has delegated to Academic Board a range of powers for academic matters. Academic Board advises Council on the university's core business of teaching, learning and research.

## UTS Council

UTS Council is the university's governing body. Council's powers and functions include the control and management of the university's affairs and concerns. Council may act in all matters in a manner that best promotes UTS's objectives and interests.

As constituted in accordance with the provisions of the University of Technology Sydney Act 1989 (NSW), and other university governance instruments, the UTS Council consists of the following members.

### Chancellor

Catherine Livingstone, AO, BA (Accounting) (Hons) (Macq), HonDBus (Macq), HonDSc (Murdoch), HonDBus (UTS), HonDLitt (Sydney), HonDSc (UOW), FCAANZ, FAATSE, FAICD, FAAS

Term: 1 December 2016 to 30 November 2020, 1 December 2020 to 30 November 2024

### Vice-Chancellor and President

Professor Andrew Parfitt, BE, PhD (Adel), SMIEEE, FIEAust

### Chair of Academic Board

Professor Anthony Dooley, PhD (ANU)

Head of School, Mathematical and Physical Sciences

Terms: 9 March 2021 to 31 December 2022

### Deputy Chancellor

Dr John Laker, AO, BEc(Hons) (Sydney), PhD (LSE), HonDSc (Sydney)

Deputy Chancellor (elected by Council): 1 December 2018 to 30 November 2020; 1 December 2020 to 30 November 2022, 1 December 2022 to 31 October 2024

### Members appointed by the Minister

Dr Sue Barrell, AO, BSc(Hons) (UC), PhD (ANU), GradDipMeteorology (BMTc), FTSE, GAICD

Term: 1 November 2018 to 31 October 2022, 1 November 2022 to 31 October 2024

Antony Riordan, BEc, LLB (Macq)

Term: 1 November 2022 to 31 October 2024

### Members appointed by Council

Michelene Collopy, JP, BEc (ANU), CA, FPS, GAICD

Terms: 4 October 2011 to 31 October 2012, 1 November 2012 to 31 October 2016, 1 November 2016 to 31 October 2020, 1 November 2020 to 3 October 2023

Pro-Chancellor (elected by Council): 1 December 2018 to 31 October 2020; 1 November 2020 to 3 October 2023

Dianne Hill, BAcc (UniSA), Fellow (UTS), FCA, FAICD, MIIA

Term: 1 July 2019 to 31 October 2022, 1 November 2022 to 31 October 2026

Richard Howes, BCom(Hons), BEcon (UQ), AMP (HBS)

Term: 1 March 2022 to 31 October 2025

Pro-Chancellor (elected by Council): 1 December 2022 to 31 October 2024

Dr John Laker, AO, BEc(Hons) (Sydney), PhD (LSE), HonDSc (Sydney)

Terms: 1 July 2015 to 31 October 2018; 1 November 2018 to 31 October 2022, 1 November 2022 to 31 October 2026

Kim McKay, AO, BA (Comm) (UTS)

Term: 1 March 2022 to 31 October 2025

Dr Lisa O'Brien, MBBS(Hons), MBA, MHRM&C (Sydney), FRACMA, GAICD

Term: 1 March 2020 to 31 October 2023

Dr Jack Steele, BSc(Hons), PhD (UWA)

Term: 19 August 2020 to 31 October 2023

Pro-Chancellor (elected by Council): 1 December 2022 to 31 October 2024

### Elected members of academic staff

Professor Prahbu Sivabalan, Associate Dean, External Engagement

Term: 1 November 2022 to 31 October 2023

Professor Isabella Alexander, Professor, Faculty of Law

Term: 1 November 2022 to 31 October 2024

### [Elected member of professional staff](#)

Patrick Tooth, Information Services Librarian

Terms: 1 November 2020 to 31 October 2022, 1 November 2022 to 31 October 2024

### [Elected undergraduate student](#)

Kurt Cheng, Bachelor of Law, Bachelor of Communications

Term: 1 November 2022 to 31 October 2024

### [Elected postgraduate student](#)

Peter Munford, Juris Doctor (Law)

Term: 1 November 2020 to 31 October 2022, 1 November 2022 to 31 October 2024

### [University Secretary](#)

William Paterson, BA(Hons) (Sydney), MEdAdmin (UNSW)

## [UTS Council committees](#)

### [Audit and Risk Committee](#)

The Audit and Risk Committee provides independent assurance and assistance to the Council in relation to the university's risk, control and compliance framework, and its external accountability responsibilities.

### [Commercial Activities Committee](#)

The Commercial Activities Committee advises Council on all matters relating to the university's commercial activity. It takes action, as appropriate, to assess, approve and monitor commercial activity.

### [Finance Committee](#)

The Finance Committee advises Council on matters relating to the distribution and supervision of university finances and acts on behalf of Council in areas of delegated authority.

### [Governance Committee](#)

The Governance Committee advises Council on matters relating to university governance, in particular on the planning and development of Council's skills, knowledge and experience.

### [Honorary Awards Committee](#)

The Honorary Awards Committee advises Council on policy relating to honorary awards and recommends nominations for honorary awards.

### [Nominations Committee](#)

The Nominations Committee recommends to Council candidates whom Council may, either nominate to the minister for appointment as Council members, or appoint as Council members.

### [Infrastructure Committee](#)

The Infrastructure Committee advises Council on capital development and management matters within the context of the capital works budget.

### [Remuneration Committee](#)

The Remuneration Committee advises Council on the Vice-Chancellor's and the Provost's performance.

### [Student/Council Liaison Group](#)

The Student/Council Liaison Group is a forum for UTS students, members of Council and UTS senior management to discuss matters of UTS policy and governance relevant to the student body.

## UTS Council former members

1988–1989 Gerard Joseph Gubbins Barry, DipTech (Eng), BE (NSWIT), FIEAust  
1988–1989 Dr Kenneth Brown, BSc, PhD (UNSW), MAIB  
1988–1989 Associate Professor Margaret Burchett, BSc, PhD (Sydney), DipEd (UNE), MAIBiol, MAIH  
1988–1989 Dr Sandra Egger, BPsych, PhD (UWA)  
1988–1989 Michael Fry, MA (Camb), MSc (Lond) 1988–1989 RA Gillett, BA, MLitt, DipEd (UNE)  
1988–1989 Professor Vernon Ireland, BE (UNSW), BA, MEngSc, PhD (Sydney), ASTC, FAIB, MIEAust  
1988–1989 Shiamala Kathirvayloo  
1988–1989 GE Kennan, DipTech (Mgmt) (NSWIT), ASTC, MIProdE, MIEE  
1988–1989 Professor Gunther Kress, BA, DLitt (Newc), DipGenLing (Lond)  
1988–1989 John Mackinolty, LLM (Melb)  
1988–1989 John Richardson, BEc, MBA (Sydney), AASA, CPA, ACIS, FCES  
1988–1989 S Sinclair (NSWIT)  
1988–1989 GI Smith, BE (NSWIT)  
1988–1989 William Kent Smith, BComm (Mktg) (UNSW)  
1988–1989 A Towle, BBus (NSWIT)  
1988–1992 Wendy Machin, MP, BA (NSWIT)  
1988–1994 Warren Grimshaw, BBus, DipPubAdmin (NSWIT), ASTC  
1988–1994 Anne McRitchie, BA (Melb), FIDIA  
1988–1995 The Hon. Richard Bull, MP  
1988–1996 Professor Roy Guthrie, DSc, PhD (Lond), DUniv (Griff), HonLLD (Humb), CChem, FTSE, FRSC, FRACI, FAIM  
1988–1998 Emeritus Professor Richard Johnson, AO, BArch, HonDArch (Sydney), LFRAIA, RIBA, HonFRAIC, HonFAIA  
1988–1998 David Lance, BEc (Sydney)  
1988–1990 Professor Brian Low, BSc, DipEd, BEd (UQ), PhD (UNSW)  
1988–1998 Donald McNeill, BE(Hons) (UNSW)  
1988–1990 Pamela Neville, BA (Sydney), DipTerEd (UNE)  
1989–1990 Sue Burgess, BA (Cant), MLib (UNSW), ALAA  
1990–1990 Feyi Akindoyeni  
1990–1990 Peter Cozens  
1990–1990 Graham Ireland, LLB (Sydney)  
1990–1990 Thea Seabrook, MA (Sydney), MEd (Admin) (UNSW)  
1990–1991 Professor Tony Blake, AM, BEd, MSc (Melb), PhD (Purdue)  
1990–1992 Stan Ashmore-Smith, BA, BEd (UQ), MAPsS  
1990–1994 John Clark, JP, BA, DipEd (Tas), MA (Ed) (Lond), MACE  
1990–1994 Dr Carina Clarke, BSc(Hons), PhD (Sydney)  
1990–1998 Dr Doreen Clark, AM, BSc(Hons) (Sydney), PhD (UNSW), FRACI, FTSE, MRSC, AIFST  
1990–2005 The Hon. Ian Sheppard, AO, QC, LLB (Sydney), HonMA (KCAE)  
1991–1992 Sue Mason-Cox, RN, BA (UTS)  
1991–1994 Dr Valerie Levy, BA (Col), MA (Penn), PhD (Claremont)  
1991–1994 Emeritus Professor Robin Parsons, AM, RN, RM, BA(Hons) (Sydney), PhD (Macq), FCN (NSW)  
1991–1995 Professor Neville Quarry, BArch (Melb), MArch (Rice), LFRAIA  
1992–1992 Anthony Nicolaou 1992–1993 Bruce Jeffery, MP  
1992–1994 Paulene Graham, BA, DipEd (Macq), GradDipAdmin (UTS), MIPMA  
1992–1994 Peter O'Brien  
1993–1995 Adrian Cruickshank, MP  
1994–1996 Alister Air  
1994–1996 Anna Pannunzio, MAHRI  
1994–1998 Dr Karen Coleman, BA(Hons) (UNSW), PhD (Macq)  
1994–1998 Warren Grimshaw, BBus, DipPubAdmin (NSWIT), ASTC  
1994–1998 Emeritus Professor Neville Stephenson, BSc(Hons), MSc (Sydney), PhD, DSc (UNSW), FRACI  
1994–2002 Margaret Trask, AM, BA (UNE), MLib (UNSW), FLAA  
1994–2002 Valerie Wood, BSc (Witw), BArch (NSWIT), MBA (UTS)  
1994–2006 Patrick Healy, BE (NUI), DIC, MSc (Lond), MBA (UNSW), MIEAust, MAIPM, MAIB, MAIPA

1995–1996 Peter Nagle, BA, BLegS (Macq), DipLabourRelLaw (Sydney), DipLaw (BAB), MP

1995–1997 The Hon. Patricia Staunton, AM, LLB (Lond), MLC

1995–1998 Michelle Swift, BA (Sydney), GradDipComm (UTS)

1995–1999 Jack Beetson, AssocDipAdultEd, BEd (UTS)

1995–1999 Associate Professor Joyce Kirk, BA, DipEd (Sydney), MLitt (UNE), MA (Lib) (CCA), MInfSc, FALIA, ARMA

1995–2002 Paolo Totaro, AM, DottGiurisp (Naples), DipMusic (Naples Con)

1996–1998 David Rosen, BMusEd (Sydney), LLB, GradDipLegPrac (UTS)

1996–2002 Professor Tony Blake, AM, BEd, MSc (Melb), PhD (Purdue)

1996–2002 Sally Halliday, MAHRI

1996–2004 Tony Stewart, MP, BA (UNSW), DipEd (SydTeachColl)

1997–1999 The Hon. Peter Primrose, BSocStd (Sydney), MLC

1998–1999 Genevieve Derwent

1998–2000 Aaron Low, BE (UNSW)

1998–2001 Bruce Kendall, DipTeach (UTS), GradDipEmpRels (UWS)

1998–2002 Dr Ken Boston, AO, MA, PhD (Melb), FACE, FRGS, FAIM

1998–2002 Margery Hourihan, BA(Hons) (Sydney), MLitt (UNE), HonMUniv (UTS)

1998–2003 Emeritus Professor Helen Garnett, BSc(Hons) (Sydney), PhD (Wales), FTSE, FAICD

1998–2004 The Hon. Sir Gerard Brennan, AC, KBE, BA LLB (UQ), HonLLD (Dub), HonLLD (UQ), HonLLD (ANU), HonLLD (Melb), HonLLD (UTS), HonDLitt (CQU), HonDUniv (Griff)

1998–2006 Kenneth Rennie, AM, FCA

1998–2010 Dr Valerie Levy, BA (Col), MA (Penn), PhD (Claremont)

1999–2000 Neville Roach, BA(Hons) (Bom), FACS

1999–2000 Nina Silove

1999–2003 Professor Alan Johnson, BAppSc (SAIT), MEdMgmt, PhD (Flin), MA(Hons), DSc (UOW), FASP, FASM, FAIBiol

1999–2003 The Hon. Helen Sham-Ho, MP, BA, DipSocWk (Sydney), BLegS (Macq)

1999–2004 Associate Professor Diane Brown, RN, BAppSc (UC), GradDipHEd (UNSW), PhD (UWS), MCN (NSW), MRCNA, MNSWCN, AFACHSE

2000–2001 Prashant Kumar, BBus (UTS)

2000–2002 Sunanda Creagh

2001–2002 Siddarth Munivelu

2002–2004 Nirav Parekh

2002–2004 Anne Robinson, DipOT (COT), AccOT, GradDipAdmin (KCAE), MBus (EmpRels) (UTS)

2002–2004 Garth Williams

2002–2006 Emeritus Professor Steve Bakoss, BE (Sydney), MS (Calif), MEngSc, PhD (UNSW), FIEAust

2002–2006 Professor Larissa Behrendt, LLB, BJuris (UNSW), LLM, SJD (Harv)

2002–2006 Colin Grady, JP, GradDipFin (KCAE), MBA (NSWIT), FCPA, CA (NZ), FAIM, AFAIM, MICM

2002–2006 Margo Humphreys, MDR (UTS), MAICD

2002–2011 Dianne Leckie, BBus(KCAE), MEcon (Macq), FCPA, MAICD

2002–2011 Warwick Watkins, AM, AMP:ISMP (Harv), MNatRes, DipScAg (UNE), HDA (Hawks), FAPI, Hon FISA

2002–2014 Professor Ross Milbourne, AO, BCom, MCom(Hons) (UNSW), PhD (Calif), FASSA, FAICD

2003–2004 The Hon. Tony Burke, BA, LLB (Sydney)

2003–2009 Professor Tony Baker, BSc(Hons), PhD (UNSW), HonPhD (Phranakhon Rajabhat), FRACI, FAICD

2003–2010 Dr Katherine Woodthorpe, BSc(Hons) (UMIST), PhD (Leic), FAICD

2003–2014 Megan Cornelius, AM, BA (Sydney), FAICD, FAIM, FACS, Fellow of UTS

2004–2004 The Hon. Eric Roozendaal, BA (Macq), LLB (UNSW)

2004–2004 Anand Somani, BE (NSWIT)

2004–2006 Eva Cox, AO, BA(Hons) (UNSW)

2004–2006 Rebekah Doran

2004–2008 Peter Brady, BE (Civil) (UTS), DipEngPrac (UTS), MIEAust, APESMA

2005–2008 Tony Stewart, MP, BA (UNSW), DipEd (SydTeachColl)

2006–2007 Ross Fowler, BE, MBA (NSWIT), FIEAust, FTSE

2006–2007 Duha Zaater, BBA (AAST), MBA (UTS)

2006–2008 Michael Nguyen

2006–2010 Patricia Kelly, BA (Comm) (NSWIT)



2006–2012 Christopher Cahill, GradDipInfoSys (CSU)

2006–2014 Professor Jenny Onyx, MA (Well), PhD (Macq)

2006–2014 Professor Greg Skilbeck, BSc(Hons), PhD (Sydney), MAIG

2006–2018 Robert Kelly, BCom (UNSW), LLB, LLM (Sydney), MBA (UNSW), FCIS, FAICD, FGIA

2006–2018 Brian Wilson, AO, MCom(Hons) (Auck), HonDUniv (UTS)

2006–2018 Russell Taylor, AM, MBA, GradDipPSM (UTS), GradDipArts (ANU)

2008–2008 Ross Laidlaw, BEc (Monash), GradDipAppFinInvest (SIA)

2008–2010 Mayank Sharma

2008–2010 Michelle Swainson

2008–2010 Timothy Dugan, BAppSc (MedRad) (RMIT), MBA (MBS), GradDipCompSecPrac (CSA), DipAppSc (Nurs) (FIT)

2008–2011 The Hon. Penny Sharpe, MLC

2008–2020 Dr Ron Sandland, AM, BSc(Hons) (Sydney), PhD (UNSW), HonDSc (Melb), FTSE

2009–2010 Professor Thomas Clarke, BSocSc (Birm), MA, PhD (Warw)

2010–2010 Sudarshan Zanwar

2010–2012 Patricia Azarias, BA(Hons) (Sydney), MA (Oxf), MPA (Prin)

2010–2012 Rachael Durrant

2010–2014 Su-Ming Wong, ME (Cant), MBA (AGSM)

2011–2011 Siddarth Mehta

2011–2012 Thomas Robertson, BCom(Hons) (UWA), GDipAppFin, GDipFinPlanning (Finsia), FFin

2012–2013 Douglas McDonald

2012–2013 Zohaib Raza, BSc(Hons) (LUMS), (MProfAcc) (UTS)

2013–2014 Elizabeth Hanley, BSocSc (UNSW)

2005–2016 Michael Sexton, SC, LLB(Hons) (Melb), LLM (Virginia)

2014–2016 Professor Andrew Jakubowicz, BA (Sydney), PhD (UNSW)

2014–2016 Abhishek Loumish, BTech(Hons), ECE (LPU)

2014–2016 Aaron Ngan

2014–2018 Professor Sally Varnham, LLB, LLM(Hons) (Well), AdvCerTTg (WP), PhD (UNSW)

2014–2019 Dr Marilyn Sleigh, BSc(Hons) (Sydney), PhD (Macq), FAICD, FTSEs

2015–2020 Professor Joanne Gray, RN, RM, BHSc (RMIHE), GradCertHEdTeaching&Learning (UTS), GradDipWomensStudies (Deakin), MNurs (Flin), PhD (UTS)

2016–2018 Professor Anthony Dooley

2016–2018 Michael Rosser, DipOT (COT), AccOT, GradDipAdmin (KCAE), MBus (EmpRels) (UTS) 2016–2018 Bijay Sapkota

2017–2018 Brett Clegg, BBus (UTS), MComm (Hons) (UNSW)

2018–2020 Priyanshu Bhardwaj; enrolled Bachelor of Business

2018–2020 Associate Professor Sarah Kaine, Associate Professor, Management Discipline Group, UTS Business School

2018–2020 Aaron Ngan; enrolled Master of Not-for-Profit and Social Enterprise Management

2018–2020 Alicia Pearce, Program Manager, Athena SWAN, Equity and Diversity Unit

2014–2021 Professor Attila Brungs, BSc(Hons) (UNSW), DPhil (Oxon), FTSE, FRSN

2018–2021 Aden Ridgeway, HonLittD (UTS)

2021–2021 Professor Maryanne Dever, BA(Hons) (UQ), MA(Hons), PhD (Sydney)

2010–2022 Peter Bennett, BEc, DipEd (Monash), MBA (Melb), FCPA, MAICD, SA Fin

2011–2022 Tony Tobin, BA LLB (UQ)

2018–2022 Distinguished Professor Larissa Behrendt, AO, Director, Jumbunna Research, Jumbunna Institute for Indigenous Education and Research and Associate Dean (Indigenous Research), Office of the Pro Vice-Chancellor (Indigenous Leadership and Education)

2020–2022 Professor Anita Stuhmcke, Dean, Faculty of Law

2020–2022 Juneyt Adem Cihan, Enrolled: Bachelor of Business

## University honours

UTS confers honorary awards and titles on people who have contributed to the achievement of the university's vision and objectives, to scholarship or professional practice, or to the advancement of society in Australia or overseas.

### Emeritus Professors

Ronald Werner, AM, MSc, PhD (UNSW), HonDUniv (UTS), ASTC, FRACI (1988)  
Colin Field, BSc (R'dg), MSc (Lond), PhD (WI), FlInstPMIBiol (1988)  
Robin Parsons, AM, BA (Sydney), PhD (Macq), FCN (NSW) (1989)  
Neville Stephenson, OAM, MSc (Sydney), PhD, DSc (UNSW), FRACI (1989)  
Brett Davis, BArch (Sydney), FRAIA (1990)  
Terence Sabine, DSc (Melb), FAIP (1991)  
Gerard Sutton, BE, MEngSc (UNSW), PhD (CUA), MAAS (1991)  
Robert Breakspere, AO, PhD (Exe), FRSC, CChem, FRACI (1993)  
Geoffrey Bartholomew, BSc, LLB (Lond), LLM (UTas), DSU (Paris), of Grays Inn and the Supreme Court of NSW (1993)  
Ken Faulkes, ME, PhD (UNSW), MS (Ill), FIEAust (1994)  
Barry Thornton, AM, PhD, DSc, FTSE, FlInstP, FBCS, FACS, FNYAcSc, FAIEng, FRAeS (1994)  
Gunther Kress, BA (UON), DipGenLing (Lond), DLitt (UON), HonDUniv (UTS) (1992)  
Allan Pattison, MSc, PhD (Stan), HonDUniv (UTS), ASTC, FIEAust (1995)  
David Fraser, BEc (Sydney), MCom (UNSW), FCA, ACIS, FAIM (1995)  
Roy Guthrie, AM, DSc, PhD (Lond), DUniv (Griff), HonDUniv (UTS), HonLLD (Humber), FTSE, FRSC, FRACI, FAIM (1996)  
Joseph Unsworth, BSc (Wales), MSc (UMIST), PhD (Macq), CChem, CPhys, FAIP, FPRI, SMIEEE (1996)  
Neville Quarry, AM, BArch (Melb), MArch (Rice), LFRAIA (1996)  
Anthony Shannon, AM, BSc, DipEd (Sydney), MA, PhD, MLitt (UNE), CMath, FCP, FIMA, FACE, FAustMS (1997)  
Judy Lumby, DipNEd (Armidale), BA (UNE), MHPEd (UNSW), PhD (Deakin), RN, ICN, FRCNA, FCN (NSW), MINA (1998)  
Christine Deer, BA, MTCP, DipEd (Sydney), PhD (Macq), FACE (1999)  
David Flint, AM, LLM (Sydney), BSc (Ecs) (Lond), DSU (Paris), Solicitor of the Supreme Courts of NSW and England (1999)  
Peter Parr, MSc, PhD (Belf), FIEAust, CPEng (1999)  
Robert (Bob) Robertson, MA (UVic), FRAIPR, FATRI (2000)  
Vic Ramsden, BE, MEngSc (Melb), PhD (Aston) (2000)  
Evan Leitch, MSc (Auck), PhD (UNE), FGS (2000)  
Mairead Browne, BA, DipPsych (NUI), MLib (UNSW), PhD (Macq), FALIA, MInfSc (2001)  
Brian Low, BSc, BEd (UQ), PhD (UNSW) (2001)  
Stephen Bakoss, BE (Sydney), MEngSc (UNSW), MS (Calif), PhD (UNSW), FIEAust, CPEng, MASCE (2001)  
Rod McDonald, BSc(Hons), PhD (ANU) (2001)  
Tony Blake, AM, BEd, MSc (Melb), PhD (Purdue, Indiana) (2002)  
Warren Yates, BSc, BE, PhD (Sydney), FIEAust, CPEng, SMIEEE, SMIEE (2002)  
Rod Belcher, BE, MEngSc (UQ), PhD (Lond), DIC, FIEAust, CPEng, MIEE (2003)  
Michael Knight, AM, DSc, PhD (Melb), FGS, MIE (Aust), MAIMM (2003)  
Lesley Johnson, BA (Sydney), MEd (UQ), PhD (Monash), FAICD, FAAH (2004)  
Carl Chiarella, BSc(Hons), MSc (Sydney), MCom(Hons), PhD (UNSW) (2004)  
Geoffrey Caban, BA, MEd (Sydney), DipEd (SydTeachColl), GradDipComm (NSWIT), MDIA (ED), AADM (2005)  
Tony Moon, BSc, PhD (Melb), FAIP (2005)  
Lesley Barclay, RN, CM, BA (ANU), MEd (Canberra), PhD (Flin), FACMI, FRCNA (2005)  
Alan Johnson, BAppSc (SAIT), MEdMgmt, PhD (Flin), MA(Hons), DSc (UOW), FASM, FAIBiol (2005)  
John Debenham, MA, MSc (Dub), PhD (Sydney) (2006)  
David Barker, AM, LLB (Lond), MPhil (Kent), LLM(Hons) (Camb), DipLG (Kent), GradDipLegPrac (UTS), FCIM (1984), FCIS (1984), FAIM (1988), MCI Arb (1999), FACE (2002), FAICD (2004), Solicitor of the Supreme Court of NSW and High Court of Australia (2007)  
Liz Jacka, BSc, BA (Auck), PhD (Sydney) (2007)  
Geoff Smith, BSc(Hons) (UNE), PhD (Monash), PhD (honoris causa) (Uppsala), FAIP (2007)  
Judith Donoghue, RN, CM, BA(Hons) (Macq), DipNEd (UNSW), PhD (Sydney), INDEN (Australian Committee Member) (2008)

Rob Lynch, DipPhysEd (W'gong TC), BEd(Hons), MEd (UWA), PhD (Ill) (2008)  
 Jill White, RN, RM, AssocDipNEd (Cumb), BEd (SCAE), MEd (Sydney), PhD (Adel) (2008)  
 David Boud, BSc(Hons), PhD (Sur), CPhys, FSRHE, FRSA, MlstP (2009)  
 Dexter Dunphy, BA(Hons), MEd(Hons) (Sydney), PhD (Harv), FAIM, FASSA (2009)  
 Richard Johnstone, BA (UON), PhD (Camb) (2009)  
 Robert Raison, BSc (Sydney), PhD (Monash), FAIBiol (2009)  
 Sue Rowley, BA, DipEd (Monash), BCA, PhD (UOW), FAICD (2009)  
 Mark Tennant, BA(Hons), DipEd (Sydney), PhD (Macq) (2009)  
 Archie Johnston, BSc(Hons), PhD (H-W), FIEAust, CPEng, MICE (2010)  
 Ken Miller, BCom (UNSW), MBA, PhD (Ohio State), MMRSA, FAMI (2010)  
 Paul Hager, BSc(Hons), BA(Hons) (Sydney), GradDipEd (SydTeachColl), PhD (Sydney) (2010)  
 Lindsay Botten, BSc(Hons), PhD (UTas), FAIP, FAustMS, FOSA (2012)  
 Theo van Leeuwen, BA (Nederlandse Film Academie), MA(Hons) (Macq), PhD (Sydney) (2013)  
 Jenny Edwards, BSc(Hons), PhD (Sydney) (2014)  
 Ross Milbourne, AO, BCom, MCom(Hons) (UNSW), PhD (Calif), FASSA, FAICD (2014)  
 Jenny Onyx, MA (Well), PhD (Macq) (2014)  
 Tony Baker, BSc(Hons), PhD (UNSW), HonPhD (Phranakhon Rajabhat), FRACI, FAICD (2016)  
 Heather Goodall, BA(Hons), PhD (Sydney), GradDipAdultEd (Cmnty) (UTS) (2016)  
 Bruce Milthorpe, BA(Hons) (Macq), GradDipHEd (UNSW), PhD (ANU), FBSE, GAICD (2016)  
 Vicki Sara, AO, BA(Hons), PhD (Sydney), DOC (Karolinska Institute), HonDSc (USQ), HonDSc (VicMelb), HonDSc (UTS), HonDUniv (QUT), FAA, FTSE (2016)  
 Nicky Solomon, MA (Sydney), DipEd (SydTeachColl), PhD (UTS) (2016)  
 Jill Stein-Parbury, RN, BSN, MEd (Pitt), PhD (Adel), FCNA (2016)  
 Peter Booth, BEc (Sydney), GradDipEd (SydTeachColl), MEc (UNE), PhD (Griff), FCPA, FCA (2017)  
 Roy Green, BA LLB (Adel), PhD (Camb) (2017)  
 Andrew Jakubowicz, BA(Hons) (Sydney), PhD (UNSW) (2017) Jill McKeough, LLB, BA (UNSW), LLM (Sydney) (2017)  
 William Purcell, BCom(Hons), PhD (UNSW), DipJapaneseStud (Kyoto U Foreign St) (2017)  
 Keith Crews, BE(Hons) (UNSW), ME, PhD (UTS), AIWSc, MIABSE, FIAgrE, MIEAust, CPEng (2018)  
 John Daly, RN, BA (UOW), BHSc (RMIHE), GradCertEdMgmt (UNE), MEd(Hons) (UOW), PhD (SCU), FACN, FAAN (2018)  
 Rosemary Johnston, AM, DipEd, BA (Sydney), MA, PhD (Macq) (2018)  
 Greg Skilbeck, BSc(Hons), PhD (Sydney), MAIG (2018)  
 Kenneth Waldron, BE, MEngSc (Sydney), PhD (Stan), DEng (Sydney) (2018)  
 Derek Eamus, BSc(Hons) (Sus), PhD (Wales) (2019)  
 Desley Luscombe, BScArch, BArch(Hons), MArch, PhD (UNSW), FRAIA (2019)  
 Elizabeth Savage, BSc (Arch)(Hons) (Sydney), MSc (Econ) (LSE), FASSA (2019)  
 Deepak Sharma, BEng (Punjab), MEng, DEng (AIT) (2019)  
 Stewart Clegg, BSc (Hons) (Aston), PhD (Bradford), DLitt (UTS), DPhil (Umea) (2020)  
 Gamini Dissanayake, BSc(Eng) (Sri Lanka), MSc (Birmingham), PhD (Birmingham) (2020)  
 Christine Duffield, BScN (UWO), DNE (Armidale), MHP (UNSW), PhD (UNSW), RN, FACN, FAICD, FACHSM, FAAN (2020)  
 John Ellis, BSc (Hons) (Reading), PhD (Liverpool), DSc (Liverpool) (2020)  
 Michael Eyles, BSc (Hons) (Sydney), PhD (Sydney) (2020)  
 Perry Forsythe, B.Build (Hons 1) (UNSW), PhD (UNSW), FAIB (2020)  
 Cathrine Fowler, RM, CM'craft, DipTeachNurs (SCAE), BEd, MEd, PhD (UTS) (2020)  
 William Gladstone, BSc (Hons) (UNSW), PhD (MQU) (2020)  
 Marion Haas, BPhty (UQ), MPH (Sydney), GradDipAppEpi (NSW Health), PhD (Sydney) (2020)  
 Doan Hoang, BEng (Hons 1) (UWA), PhD (UNE), PGCert Higher Ed (UTS) (2020)  
 Caroline Homer AO, MNurs (UTS), PhD (UTS), MMedSc (Clin Epi) (Sydney) (2020)  
 Debra Jackson AO, RN, BHSc(Nsg) (SCU), MN(Ed) (Sydney), PhD (Flinders), SFHEA, FACN (2020)  
 Louise McWhinnie, BA (Hons) (Middlesex), PhD (UNSW) (2020)  
 Cynthia Mitchell, BE (Chemical, Hons 1) (UQ), PhD (UNSW), Hon DTech (Chalmers), FIEAust, FTSE, Dip Bus (Chalmers) FICDA (2020)  
 Alexander Novikov, MSc (Moscow), PhD (Moscow), DSc (Moscow) (2020)  
 Alastair Pennycook, BA (Hons) (Leeds), Med (TESL) (Montreal), PhD OISE (Toronto), FAHA (2020)  
 Jane Phillips, RN, BAppSc – Nursing (Curtin), PGDipHlthProm (Curtin), PhD (UWS) (2020)

Matthew Phillips, BSc (UNSW), PhD (UTS) (2020)  
 Eckhard Platen, MSc (Dresden), PhD (Dresden), DSc (Berlin) (2020)  
 Paul Redmond OAM, BA LLB (Sydney), LLM (Hons) (Sydney) (2020)  
 Debra Jackson AO, RN, BHSc(Nsg) (SCU), MN(Ed) (Sydney), PhD (Flin), FACN, SFHEA, (2020)  
 Doan Hoang, BEng(Hons) (UWA), PhD (UON) (2020)  
 William Gladstone, BSc(Hons) (UNSW), PhD (Macq) (2020)  
 Gamini Dissanayake, BSc(Eng)(Hons) (Peradeniya), MSc, PhD (Birm) (2020)  
 Stewart Clegg, BSc(Hons) (Aston), PhD (Brad), DLitt (UTS), DPhil (Umea), FASSA (2020)  
 Louise McWhinnie, BA(Hons) (Middx), PhD (UNSW) (2020)  
 Alexander Novikov, MSc, PhD, DSc (Moscow) (2020)  
 John Ellis, BSc(Hons) (R'dg), PhD, DSc (Liv) (2020)  
 Eckhard Platen, MSc, PhD (Dresden), DSc (Berlin) (2020)  
 Cynthia Mitchell, BChemEng(Hons) (UQ), PhD (UNSW), HonDTech (Chalmers), FTSE, FIEAust (2020)  
 Alastair Pennycook, BA(Hons) (Leeds), MEd (McGill), PhD (Tor) (2020)  
 Jane Phillips, RN, BAppSc (Nursing), GDipHlthProm (Curtin), PhD (UWS), FACN (2020)  
 Christine Duffield, BSc(Nursing), GradCert(Cardiac) (Ontario), GDipEd (Nursing) (Armidale), MHP, PhD (UNSW), FACN, FAAN, FAICD, FACHSM (2020)  
 Perry Forsythe, BBuild(Hons), PhD (UNSW) (2020)  
 Cathrine Fowler, BEd (Adult), MEd (Adult), PhD (UTS) (2021)  
 Suzanne Benn, BSc, GradDipEd (Sydney), MScSoc, MEng (Pretoria), PhD (UNSW) (2021)  
 Elizabeth Harry, BSc(Hons), PhD (Sydney) (2021)  
 Michael Cortie, BSc, PhD (Wits) (2021)  
 Igor Hawryszkiewicz, BEng, MEng (Adel), PhD (MIT) (2021)  
 Saravanamuthu Vigneswaran, BSc (Peradeniya), MEnvEng (AIT), DEng (Montpellier), DrSc (Toulouse) (2021)  
 Attila Brungs, BSc(Hons) (UNSW), DPhil (Oxon), FTSE, FRSN (2021)  
 Shirley Alexander AM, BSc, MAppStats (Macq), GradDipEd (SCAE) (2022)  
 Elizabeth (Liz) Dennis AC, BSc(Hons), PhD (Sydney), FAA, FTSE (2022)  
 Hung Tan Nguyen AM, BE(Hons), ME, PhD (Newcastle) (2022)  
 James (Jim) Peacock AC, BSc(Hons), PhD (Sydney), FAA, FRS, FTSE (2022)  
 Didar Zowghi, BSc(Hons) (Essex), MSc, PhD (Macq) (2022)

## Chancellor Emeritus

The Hon. Sir Gerard Brennan, AC, KBE, BA LLB (UQ), HonLLD (Dub), HonLLD (UQ), HonLLD (ANU), HonLLD (Melb), HonDLitt (CQld), HonDUniv (Griff) (2018)  
 Professor Vicki Sara, AO, BA(Hons), PhD (Sydney), DOC (Karolinska Institute), HonDSc (USQ), HonDSc (VicMelb), HonDUniv (QUT), FAA, FTSE (2018)

## Vice-Chancellor Emeritus

Professor Tony Blake, AM, BEd, MSc (Melb), PhD (Purdue, Indiana) (2018)  
 Professor Ross Milbourne, AO, BCom, MCom(Hons) (UNSW), PhD (Calif), FASSA, FAICD (2018)  
 Professor Attila Brungs, BSc(Hons) (UNSW), DPhil (Oxon), HonDUniv (UTS), FTSE, FRSN (2021)

## Fellows of the University

Brian Finn, AO (1989)  
 Peter Fritz, AM, DipTech (Sc), BAppSc, DipTech (Com), MDR (UTS), FACS, FASA, FASE (1989)  
 Kevin Kirby, AO (1989)  
 Kenneth Knight, AM, MEd (Sydney), PhD (UQ), ALAA, FRAIPA, FSAG (1989)  
 Sir Laurence Street, AC, KCMG, KStJ, QC, LLB(Hons) (Sydney), HonLLD (Macq and Sydney), HonDEc (UNE), FCI Arb (UK), HonFIA (Aust) (1990)  
 Margaret Trask, AM, BA (UNE), MLib (UNSW), FLAA (1991)  
 Graham Ireland, LLB (Sydney) (1992)  
 Stepan Kerkyasharian, AM (1995)  
 Anne McRitchie, BA (Melb), FIDA (1995)  
 Henry Tsang, OAM (1995)  
 John Allen, BA, LLB, LLM (1997)  
 The Hon. Peter Baldwin, BA, BEE, MP (1998)

Megan Cornelius, AM, BA (Sydney), FAICD, FACS, FAIM (1998)  
Donald (Don) McNeill, BE(Hons) (UNSW) (1998)  
David Murray, AO, BBus (NSWIT), MBA (Macq), HonDLitt (Macq), FCPA, FAIB (1998)  
John Green, BSc(Hons) (UWA), PhD (La Trobe) (1998)  
Michael Fay, BA, MEd (Sydney) (2000) Phillip Porter, BA, MA (UNSW) (2000)  
David Taylor (2000)  
Khoo Peng, FCA, RA(M), CPA (2000)  
Kathleen Baker, BHealthAdmin, MEdAdmin (UNSW) (2004)  
Elizabeth Shing, BA(Hons) (HK), MBA (LondBus), DEd (Bulacan), HonDBA (IMC and UON), FCMI (2008)  
Ooi Chee Kok (2009)  
John Curtis, AM, BA, LLB(Hons) (ANU) (2012)  
Brian McFadyen, BA, LLB (Sydney), FAPI, MAICD (2012)  
Alex Byrne, BE(Elec) (Sydney), GradDipLib (CCAIE), GradAdvDipLib, MA (Canb), PhD (Sydney), FALIA (2014)  
Michael Sexton, SC, LLB(Hons) (Melb), LLM (Virginia) (2017)  
Richard White, MBIT (UTS) (2017)  
Craig Roy, BSc (UNSW), MBA (RRMC), MSc (Macq), FAICD (2018)  
Jon Hutchison, AM, BCom (Melb), CPA, MAIM (2018)  
Dianne Hill, BA (UniSA), FCA, FAICD (2018)  
Laurie Cowled (2019)  
Roland Slee, BE (Sydney), GAICD, FIEAust (2019)  
Sherri Fields, BSocSc(Hons) (UNSW) (2022)  
Katie Payten, BIT (UTS), MCom (UNSW) (2022)  
Andrew Penfold AM, LLB(Hons) (UTS) (2022)  
Monika Law, BA (Sydney) (2022)  
Robert Coombe, LLB(Hons) (UTS) (2022)  
Elaine Henry OAM, BSc(Hons) (OxfBrookes) (2022)  
Lyn Lewis-Smith, GradDipBusTech (UNSW) (2022)  
Geoffrey Lloyd, LLM (UTS) (2022)  
Philippa Marlow (2022)  
Guy Templeton, BE(Elec) (UNSW), MBA (UTS), CPEng (2022)  
Scott Wharton, LLB (UTS), BSc (USyd), EMBA (Tsinghua) (2022)

### Honorary Doctors of Business (HonDBus)

David Murray, AO, BBus (NSWIT), MBA (Macq), HonDLitt (Macq), FCPA, FAIB (2010)  
SP Kothari, PhD (UI), AAA, AFA (2013)  
Greg Poche, AO, DipTech, BBus (NSWIT), DUniv (Flin) (2013)  
Catherine Livingstone, AO, BA(Hons) (Macq), HonDSc (Murdoch), HonDBus (Macq), FCA, FTSE, FAICD, FAA (2014)  
George Koukis, BBus (NSWIT) (2017)  
David Thodey, AO, BA (Victoria), HonDocSc (Deakin) (2018)  
Warren Hogan, BEcFin(Hons) (Macq) (2022)

### Honorary Doctors of Creative Arts (HonDCA)

Mem Fox, AM, DipT (Rose Bruford), BA (Fin), GradDipLang&Lit (SACAE), HonDLitt (Wolv) (2011)  
Paul Cox (2011)  
Stephen Page, AO, DipDance (NAISDA Dance College) (2015)

### Honorary Doctors of Design (HonDDes)

William Mitchell, BArch (Melb), MEnvDes (Yale), MA (Camb), FRAIA, FAAAS (2010)  
Frank Gehry (2015)  
Carla Zampatti, AC (2016)  
Gene Sherman, AM, PhD (Sydney) (2017)

## Honorary Doctors of Engineering (HonDEng)

Gordon Craig, AM, OBE, ASTC, CPEng, FIEAust, FRAPI, LGE, LGTCP (1995)

John Nutt, AM, BE (UQ), PhD (Manc), HonDSc (Macq), HonFIE (Aust), FIStructE (UK), MICE (UK), FTSE, FRSA (2001)

Brian Anderson, AC, Order of the Rising Sun, Japan, BSc, BE (Sydney), PhD (Stan), DHC (Louvain), HonDScTech (ETH Zurich), HonDEng (Sydney, Melb, UON), HonDSc (UNSW), FAA, FTSE, FIEEE, HonFIEAust, FRS (2013)

Peter Bailey, BE, MEngSc (Sydney) (2019)

## Honorary Doctors of Health Sciences (HonDHlthSc)

Graeme Clark, AC, MBBS(Hons), MS, PhD (Sydney), FRCS (Edin & Eng), HonFRCS, FRACS, FAA, FRS (2013)

Jane Sandall, CBE, RM, RN, HV, PhD (Sur) (2014)

Rosemary Bryant, AO, RN, BA (Adel), GradDipHlthAdmin (SAIT), DUniv (Flin and QUT), FACN (2015)

Patricia Davidson RN, BA, MEd (UOW), PhD (UON), FAHA, FACN, FAAN (2022)

## Honorary Doctors of Laws (HonLLD)

The Rt Hon. Lord Gordon Slynn of Hadley, GBE, PC, QC, LLB, MA (Camb) (1991)

John 'Hal' Wootten, AC, QC, BA, LLB (Sydney) (1993)

Patricia O'Shane, AM, LLB (UNSW), LLM (Sydney) (1993)

Sir Laurence Street, AC, KCMG, KStJ, QC, LLB(Hons) (Sydney), HonLLD (Macq and Sydney), HonDEc (UNE), FCIArb (UK), HonFIA (Aust) (1998)

The Hon. Sir Gerard Brennan, AC, KBE, BA LLB (UQ), HonLLD (Dub), HonLLD (UQ), HonLLD (ANU), HonLLD (Melb), HonDLitt (CQld), HonDUniv (Griff) (1998)

Nelson Mandela (2000)

The Hon. Sir William Deane, AC, KBE, BA, LLB (Sydney), DiplIntLaw (The Hague), HonLLD (Sydney), HonLLD (Griff), HonLLD (Notre Dame), HonLLD (Dub), HonDUniv (SCU), HonDUniv (ACU), HonDUniv (QUT), HonDUniv (UWS), HonDrSacTheol (MelbCollDivinity) (2002)

The Rt Hon. John Malcolm Fraser, AC, CH, MA (Oxf), HonLLD (Sth Carolina), HonDUniv (Deakin) (2002)

The Hon. Andrew Kwok-nang Li, CBE, GBM, JP, MA, LLM (Camb), HonDLitt (HKUST), HonLLD (Baptist), HonLLD (Open HK), HonLLD (HK), HonDUniv (Griff), HonLLD (UNSW) (2005)

The Hon. Michael Kirby, AC, CMG, BA, BEc, LLM (Sydney) (2009)

Elizabeth Broderick, BA LLB (UNSW) (2010)

James Spigelman, AC QC, BA(Hons), LLB(Hons) (Sydney) (2013)

The Hon. Dame Quentin Bryce, AD, CVO, BA, LLB (UQ), HonLLD (Macq), HonDLitt (CSU), HonDUniv (Griff), HonDUniv (QUT), HonDUniv (JCU), HonLLD (UQ), HonLLD (Sydney, Melb), HonDLitt (UWS) (2015)

The Hon. Justice Ann Ainslie-Wallace, BA LLB (UNSW) (2018)

Richard Potok, BCom LLB (UNSW), BCL (Oxf), HonDoc (Canberra) (2019)

Anthony (Tony) McAvoy, LLB (QIT) (2022)

Katherine Eastman SC, BA LLB (UNSW), LLM International Human Rights (UCL), LLM (UTS), GradDipLaw (IntHR) (EIU) (2022)

## Honorary Doctors of Letters (HonLittD)

Harry Seidler, AC, OBE, MArch (1991)

The Hon. Barry Jones, AC, MA, LLB (Melb), DSc (Macq), FTSE, FAHA, FAA, FASSA, MP (1993)

Ingrid Moses, AO, DiplSozWirt (Erlangen-Nurnberg), MA, PhD (UQ), GradDipTertEd (DDIAE) (1993)

The Hon. John Button, BA, LLB, HonDBus (RMIT) (1995)

The Hon. Edward Gough Whitlam, AC, QC, BA, LLB, HonDLitt (Sydney) HonDLitt (UOW) HonDLitt (La Trobe), HonLLD (Philippines) (1995)

Aung San Suu Kyi, AC, BA, MA (Oxf) (1997)

Panithaya Chareonthaitawee, BSc, MD, DA, FFARCS, DRCS (1997)

Michael Dodson, AM, LLB, BJuris (Monash) (1998)

Sir Ronald Wilson, AC, KBE, CMG, QC, LLB (UWA), LLM (Penn) (1998)

His Excellency Dr Árpád Göncz, DLaws (Pázmány Péter University of Arts and Sciences) (1999)

Warren Horton, AM, BA (Sydney), HonDLitt (LaTrobe), FALIA (2000)

Glenn Murcutt, AO, LFRAIA, HonFAIA, HonFRIBA, HonFRAIC, HonFSAFA, HonDSc (UNSW) (2003)

Ismail Serageldin, BSc (Cairo), MRP, PhD (Harv) (2004)

Charles 'Chicka' Dixon, HonDLitt (UNSW), HonDLitt (Macq) (2006)

JM (John) Coetzee, BA, MA (Cape Town), PhD (Texas) (2008)

David Goodman, BA(Hons) (Manc), DipEcon (Peking), PhD (Lond), FASSA (2009)  
 Neal Blewett, AC, BA, DipEd (UTas), MA, PhD, HonFellow (Oxf), HonLLD (UTas), HonDLitt (Hull), HonLLD (ANU), FRHS (2010)  
 Aden Ridgeway (2010)  
 Brian Sherman, AM (2010)  
 The Hon. Bruce Baird, AM, BA (Sydney), MBA (Melb), HonPhD (UON) (2012)  
 Tim Costello, AO, LLB, DipEd (Monash), BDivinity (BTS Ruschlikon), MTheol (Whitley), Doctorate of Sacred Theology (2013)  
 Sekia Holland, BA (UTS), MSc (Wis) (2013)  
 Thomas Keneally, AO, DLitt (honoris causa) (UQ, UWS, NUI, FDU, Rollins) (2013) Jenny Brockie, BA DipEd (Macq) (2017)  
 Ian Watt, AC, BCom(Hons) (Melb), MEcon, PhD (La Trobe) (2017)

## Honorary Doctors of Science (HonDSc)

Peter Doherty, AC, BVSc, MVSc (UQ), PhD (Edin), HonDVSc (UQ), HonDSc (ANU), HonDSc (Edin), HonDSc (Tufts), HonDSc (Warsaw), HonDSc (La Trobe), HonDSc (Lond), HonDSc (UAB), HonDSc (NCSU), HonDSc (Guelph), HonDSc (Penn), HonDSc (Mich St), HonDSc (Ill), HonDMSc (Rhodes), HonDPh (Kyorin), FAA, FRS, FRACP (2003)  
 Russell Howard, BSc, BSc(Hons), PhD (Melb) (2004)  
 Robin Batterham, AO, BE, PhD, HonLLD (Melb), AMusA, FAA, FTSE, FEng, FNAE, CPE, CE, CSci, FAusIMM, FISS, FICHEM, FIEAust, FAIM, FAICD (2006)  
 Robin Warren, MB BS, MD (Adel), HonMD (UWA), HonDUniv (Adel), FRCPA, HonFRACP, FAA (2009)  
 Vicki Sara, AO, BA(Hons), PhD (Sydney), DOC (Karolinska Institute), HonDSc (USQ), HonDSc (VicMelb), HonDUniv (QUT), FAA, FTSE (2009)  
 Kathleen Dracup, DNSc (Calif), FAAN (2010)  
 Martha Hill, BSN (JohnsH), MSN (Penn), PhD (JohnsH) (2012)  
 William Peacock, AC, BSc, PhD (Sydney), HonDSc (CSU), HonDScAg (Sydney), HonDSc (UGent), HonDSc (UNSW), FAA, FRS, FTSE, FAIAS (2014)

## Honorary Doctor of Technology (HonDTech)

Paul Scully-Power, AM, BSc(Hons), DipEd, DSc (Sydney) (2019)

## Honorary Doctors of the University (HonDUniv)

Ronald Werner, AM, MSc, PhD (UNSW), ASTC, FRACI (1988)  
 Gunther Kress, BA (UON), DipGenLing (Lond), DLitt (UON) (1995) Jeremy Hirschhorn, DiplIng, DrTechSc (Vienna), FIEAust (1993) Ellice Swinbourne, AM, BSc(Hons), PhD, ASTC, FRACI (1994)  
 John Kaye, AO, BComm (UQ), MBE, MA, MSc (Soc) (UNSW), FSTC (1995)  
 Ann Curthoys, BA, DipEd (Sydney), PhD (Macq) (1995)  
 Margaret Burchett, BSc, PhD (Sydney), DipEd (UNE), FAIH, MAIBiol (1996) Allan Pattison, MSc, PhD (Stan), ASTC, FIEAust (1996)  
 Roy Guthrie, AM, DSc, PhD (Lond), DUniv (Griff), HonLLD (Humber), FTSE, FRSC, FRACI, FAIM (1996)  
 Barry Thornton, AM, PhD, DSc, FTSE, FlinstP, FBCS, FACS, FNYAcSc, FAIEng, FRAeS (1997)  
 Doreen Clark, AM, BSc(Hons) (Sydney), PhD (UNSW), FRACI, FTSE, Associate – AIFST, MRSC (1999)  
 Richard Johnson, AO, BArch, HonDArch (Sydney), LFRAIA, RIBA, HonFRAIC, HonFAIA (1999)  
 David Lance, BEc (Sydney) (1999)  
 Peter Parr, MSc, PhD (Belf), FIEAust, CPEng (1999) Brian Low, BSc, BEd (UQ), PhD (UNSW) (2001)  
 Robyn Kemmis, BA(Hons) (UNE), MA (Essex) (2002) Margaret Trask, AM, BA (UNE), MLib (UNSW), FLAA (2002)  
 Tony Blake, AM, BEd, MSc (Melb), PhD (Purdue, Indiana) (2003)  
 Lesley Johnson, BA (Sydney), MEd (UQ), PhD (Monash) FAICD, FAAH (2004)  
 Robert (Bob) Robertson, MA (UVic), FRAIPR, FATRI (2005)  
 The Hon. Sir Gerard Brennan, AC, KBE, BA LLB (UQ), HonLLD (Dub), HonLLD (UQ), HonLLD (ANU), HonLLD (Melb), HonLLD (UTS), HonDLitt (CQld), HonDUniv (Griff) (2005)  
 Richard Johnstone, BA (UON), PhD (Camb) (2006)  
 The Hon. Ian Sheppard, AO, QC, LLB (Sydney), HonMA (KCAE) (2006)  
 John Hughes, BSc (Sydney), FACS, MBCS, MIEEE (2006)  
 Jeffrey FitzGerald, LLB(Hons) (Melb), LLM, PhD (Northwestern) (2007)  
 Ken Rennie, AM, FCA (2007)

Rodney Cavalier, BA(Hons) (Sydney) (2008) Dr Paul Woolley, BA, DPhil (York) (2011)  
 Dr Valerie Levy, BA (Col), MA (Penn), PhD (Claremont) (2011)  
 Dr Katherine Woodthorpe, BSc(Hons) (UMIST), PhD (Leic), FAICD (2011)  
 Dianne Leckie, BBus (KCAE), MEd (Macq), FCPA, MAICD (2011)  
 Zhe Wei Zhou, BE (Chongqing), ME (Huazhong), PhD (Shanghai) (2012)  
 Dr Chau Chak Wing (2014)  
 The Hon. Dame Marie Bashir, AD, CVO, MBBS (Sydney), FRANZCP (2015)  
 Professor Ross Milbourne, AO, BCom, MCom(Hons) (UNSW), PhD (Calif), FASSA, FAICD (2015)  
 Professor Peter Booth, BEc (Sydney), GradDipEd (SydTeachColl), MEd (UNE), PhD (Griff), FCPA, FCA (2017)  
 Glen Boreham, AM, BEc (Sydney), FAICD (2017)  
 Mark Scott, AO, BA, DipEd, MA (Sydney), MPA (Harv), HonDLitt (Sydney), HonDBus (UNSW), FAICD (2017)  
 Brian Wilson, AO, MCom(Hons) (Auck) (2017)  
 Zareh Nalbandian (2018)  
 Robert Kelly, BCom (UNSW), LLB, LLM (Sydney), MBA (UNSW), FCIS, FAICD, FGIA (2019)  
 Russell Taylor, AM, MBA, GradDipPSM (UTS), GradDipArts (ANU) (2019)  
 Dr Ron Sandland AM, BSc (Hons) (Sydney), PhD (UNSW), HonDSc (Melbourne) (2020)  
 Shirley Alexander AM, BSc, MAppStats (Macq), GradDipEd (SCAE) (2022)  
 Attila Brungs, BSc(Hons) (UNSW), DPhil (Oxon), FTSE, FRSN (2022)  
 Anne Dwyer, BBus (CSturt) (2022)  
 Dr Ron Sandland AM, BSc(Hons) (Sydney), PhD (UNSW), HonDSc (Melb), FTSE (2022)  
 Patrick Woods, BSc (Guelph), MBA (McM), ACPA, FAICD (2022)

### Honorary Master of Arts (HonMA)

The Hon. Ian Sheppard, AO, QC, LLB (Sydney), HonMA (KCAE) (1989)

### Honorary Masters of the University (HonMUniv)

Athol Berglund, BA (Sydney), LTCL MACE (1993)  
 Erwin Eder, BEc (Sydney) (1993)  
 Stephen Young, MA (Sydney) (1993)  
 Dorothy Peake, BA (Sydney), MLib (UNSW) FLAA (1994)  
 Marie Waterhouse, BA(Hons) (Melb), MSc (Psych) (UNSW), MAPsS (1996)  
 Margery Hourihan, BA(Hons), MLitt (UNE), DipEd (Sydney) (1996)  
 Sirinun Krisnachinda, BA (Ohio), MA (Oregon) (1997)  
 Pusadee Sinseubpol, BEd (Prasarnmit), MEd (Kasetsart) (1997)

### UTS Distinguished Service Award

Alan Brady, BSurv, MSurvSc, GradDipHigherEd (UNSW), MISAust (2008)  
 Patrick Healy, BE (NUI), DIC, MSc (Lond), MBA (UNSW), MIEAust, MAIPM (2008)  
 Stephen Wallace (2008)  
 Maureen McMahon (2009)  
 Tom O'Sullivan, BA (Sydney), LLB (ANU), SnrExecDevProg (UNSW) (2011)  
 Joan Tranter, DipTeachAdultEd, GradDipAdultEd (ITATE) (2012)  
 Emeritus Professor Tony Moon, PhD (Melb), FAIP (2013)  
 Emeritus Professor Jenny Edwards, BSc(Hons), PhD (Sydney) (2015)  
 Emeritus Professor Rob Lynch, DipPhysEd (W'gong TC), BEd(Hons), MEd (UWA), PhD (Ill) (2016)  
 Glen Rabbitt, BArch (UTS), MUrbanDevDesign (UNSW) (2018)  
 Emeritus Professor Rosemary Johnston, AM, DipEd, BA (Sydney), MA, PhD (Macq) (2019)  
 Brett Smout, BA(Psych)(Hons) (Macq), PhD (Sydney), MAPS (2019)  
 Beverley Bosman, BA(Hons) (Monash), MBA (NSWIT) (2022)  
 Jane Hall, BA (Macq), PhD (Sydney), FASSA (2022)  
 Jonathan Tyler, BCom (UNSW), PhD (UTS), FCA (2022)  
 Jacqueline Wise, MMgmt (Mktg) (MGSM), MA (UTS) (2022)  
 Michelle Callen, BA, MA (St And) (2022)  
 Peter Ralph, BAppSc (NSWIT), MAIBiol, PhD (UTS) (2022)

Note: The qualifications shown are those advised at the time of conferral, unless advised later.



## Academic Board

Academic Board is the principal advisory body to the UTS Council on academic matters. The board oversees the quality of teaching, learning, research, scholarship, policy development and other academic matters. It also discusses matters referred to it by Council.

The board plays a key role in the UTS community. It provides a forum for the discussion and debate of the university's academic direction, and ensures that the university's academic direction aligns with UTS's strategic direction.

### Composition

Academic Board composition includes ex officio and elected members.

In addition to the Vice-Chancellor, ex officio positions include the Provost, Deputy Vice-Chancellors and deans. Elected members of Academic Board comprise staff and student members.

## Academic Board committees

### Board of Studies of the Institute for Sustainable Futures

The Board of Studies of the Institute for Sustainable Futures advises the institute director on academic matters concerning courses of study at the institute, and on issues relating to students (not otherwise covered under the UTS Rules), such as granting institute scholarships. The board refers matters to and seeks advice from the institute's postgraduate research committee.

### Courses Accreditation Committee

The Courses Accreditation Committee makes recommendations to Academic Board on the accreditation of proposed or existing coursework award courses and pan-university subjects, the discontinuation of accreditation and related policy and practice. It is also responsible for advising the board on admission standards and, as necessary, the recognition and policy related to foundation programs and articulation arrangements.

### Executive Committee

The Executive Committee provides support for the business of Academic Board and ensures that the board's work assists UTS to achieve its vision.

### Higher Degree Research Board

The Higher Degree Research Board has a dual role: operating as equivalent to a faculty board (in the Graduate Research School), dealing with matters related to the administration of graduate research education; and as a committee of Academic Board, dealing with academic matters related to graduate research training and supervision.

### Research Committee

The Research Committee is a university-wide advisory and consultative committee. It deals with the strategic planning and policy directions for research as well as developing the university's research culture and profile.

### Teaching and Learning Committee

The Teaching and Learning Committee is a university-wide advisory and consultative committee. It deals with the strategic planning, policy directions, quality, standard and integrity for teaching and learning in coursework programs, as well as the development of the university's teaching and learning culture and profile.

## Appeals committees

### Admissions Non-disclosure Appeals

The Admissions Non-disclosure Appeals Committee makes determinations on appeals against withdrawal of offer and cancellation of enrolment.

### Graduate Research Students' Appeals

The Graduate Research Students' Appeals Committee makes determinations on graduate research student appeals against discontinuation of candidature on grounds of unsatisfactory progress or unsatisfactory examination.

### Internships Appeals

The Internships Appeals Committee makes determinations on appeals against decisions of the Deputy Vice-Chancellor (Education and Students) relating to deferral of a student's participation in any part of required professional experience that would have the effect of preventing the student from continuing their course.

# University of Technology Sydney Act 1989 (NSW)

## Part 1 – Preliminary

### 1 Name of Act

This Act may be cited as the University of Technology Sydney Act 1989.

### 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

### 3 Definitions

1. In this Act:

**commercial functions of the University** means the commercial functions described in section 6(3)(a).

**Council** means the Council of the University.

**professional staff** of the University means the staff of the University that is not the academic staff.

**University** means the University of Technology Sydney established by this Act.

Note. The Interpretation Act 1987 contains definitions and other provisions that affect the interpretation and application of this Act.

2. In this Act, a reference to a graduate of the University is a reference to a person who is the recipient of a degree or diploma, or of such other award or certificate as may be prescribed by the by-laws, conferred or awarded:

- a. by the University,
- b. by or on behalf of any former institution that has, pursuant to this Act or to the Higher Education (Amalgamation) Act 1989 or otherwise, become a part of the University, or
- c. by any predecessor of any such institution.

3. In this Act:

- a. a reference to a function includes a reference to a power, authority and duty, and
- b. a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

4. Notes included in this Act do not form part of this Act.

## Part 2 – Constitution and functions of the University

### 4 Establishment of University

A University, consisting of:

- a. a Council,
- b. Convocation,
- c. the professors and full-time members of the academic staff of the University and such other members or classes of members of the staff of the University as the by-laws may prescribe, and
- d. the graduates and students of the University, is established by this Act.

### 5 Incorporation of University

The University is a body corporate under the name of the University of Technology Sydney.

### 6 Object and functions of University

1. The object of the University is the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence.

2. The University has the following principal functions for the promotion of its object:

- a. the provision of facilities for education and research of university standard,
- b. the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry,
- c. the provision of courses of study or instruction across a range of fields, and the carrying out of research, to meet the needs of the community,
- d. the participation in public discourse,
- e. the conferring of degrees, including those of Bachelor, Master and Doctor, and the awarding of diplomas, certificates and other awards,
- f. the provision of teaching and learning that engage with advanced knowledge and inquiry,
- g. the development of governance, procedural rules, admission policies, financial arrangements and quality assurance processes that are underpinned by the values and goals referred to in the functions set out in this subsection, and that are sufficient to ensure the integrity of the University's academic programs.

3. The University has other functions as follows:
  - a. the University may exercise commercial functions comprising the commercial exploitation or development, for the University's benefit, of any facility, resource or property of the University or in which the University has a right or interest (including, for example, study, research, knowledge and intellectual property and the practical application of study, research, knowledge and intellectual property), whether alone or with others,
  - a1. without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,
  - b. the University may develop and provide cultural, sporting, professional, technical and vocational services to the community,
  - c. the University has such general and ancillary functions as may be necessary or convenient for enabling or assisting the University to promote the object and interests of the University, or as may complement or be incidental to the promotion of the object and interests of the University,
  - d. the University has such other functions as are conferred or imposed on it by or under this or any other Act.
4. The functions of the University may be exercised within or outside the State, including outside Australia.

## 7 Facilities for students, staff and others

The University may, for the purposes of or in connection with the exercise of its functions, provide such facilities for its students and staff and other members of the university community as the University considers desirable.

## Part 3 – The Council, authorities and officers of the University

### Division 1 – The Council

#### 8 Definitions

In this Division:

**appointed member** means a Council appointed member or a Ministerially appointed member.

**categories of members** – see section 8B(3).

**constitution rules** – see section 8B(4). elected member – see section 8D.

**external person** means a person other than a member of the academic or professional staff of the University or an undergraduate or graduate student of the University.

**Council appointed member** – see section 8F.

**graduate member** – see section 8E.

**Ministerially appointed member** – see section 8G.

**official member** – see section 8H.

#### 8A Council

1. There is to be a Council of the University.
2. The Council is the governing authority of the University and has the functions conferred or imposed on it by or under this Act.
3. Schedule 1 has effect in relation to the members and procedure of the Council.

#### 8B Size of Council

1. The Council is to consist of a minimum of 11, and a maximum of 22, members.
2. The total number of members is to be determined from time to time by a resolution passed by at least two-thirds of the members of the Council (the **total number of members**).
3. The Council is to include the following categories of members:
  - a. official members,
  - b. elected members,
  - c. Council appointed members,
  - d. Ministerially appointed members.
4. Subject to subsection (6), the number of members (other than official members) in each category is to be prescribed by rules made by the Council (in this Division called the **constitution rules**).
5. A rule for the purposes of subsection (4) may be made only by a resolution passed by at least two-thirds of the members of the Council.
6. The majority of the total number of members must be external persons.

Note. Depending on the circumstances, the Chancellor may be counted as an external person for the purposes of subsection (6).

7. The number of members in any one category of members must not at any time constitute a majority of the total number of members.
8. The Council must give the Minister written notice of the terms of any resolution passed under this section within 7 days after it is passed.

## **8C Qualifications and experience of members**

1. Of the members of the Council:
  - a. at least 2 must have financial expertise (as demonstrated by relevant qualifications and by experience in financial management at a senior level in the public or private sector), and
  - b. at least one must have commercial expertise (as demonstrated by relevant experience at a senior level in the public or private sector).
2. All appointed members must have expertise and experience relevant to the functions exercisable by the Council and an appreciation of the object, values, functions and activities of the University.

## **8D Elected staff and student members**

1. The constitution rules are to prescribe the number of persons to comprise the following categories of members:
  - a. elected (academic staff) members,
  - b. elected (professional staff) members,
  - c. elected (student) members.

Note. There may also be elected (graduate) members if the constitution rules so provide —see section 8E.
2. Of the members elected under this section:
  - a. at least one must be a member of the academic staff of the University elected by members of the academic staff, and
  - b. at least one must be a member of the professional staff of the University elected by members of the professional staff, and
  - c. at least one must be a student of the University who:
    - i. is not employed on a full-time basis (or on such other basis as the by-laws may prescribe) as a member of the academic or professional staff of the University, and
    - ii. is elected by the students of the University.
3. The members referred to in subsection (2) (a)–(c) are:
  - a. to have such qualifications as may be prescribed by the by-laws, and
  - b. to be elected in the manner prescribed by the by-laws.

## **8E Graduate members**

1. At least one member of the Council, or such greater number of members as may be prescribed by the constitution rules, must be external persons who are graduates of the University.
2. The constitution rules may provide for the persons referred to in subsection (1) to become members of the Council in any one or more (or combination) of the following ways:
  - a. by election as elected (graduate) members in the manner prescribed by the by-laws,
  - b. by appointment by the Council under section 8F,
  - c. by appointment by the Minister under section 8G.
3. A rule providing for the appointment of a member by the Minister under section 8G may be made only with the approval of the Minister.
4. The members referred to in subsection (1) are to have such qualifications (if any) as may be prescribed by the by-laws.

## **8F Council appointed members**

1. The Council may appoint as members of the Council such number of external persons as is prescribed by the constitution rules for the category of Council appointed members.
2. The by-laws are to prescribe the procedures for the nomination of persons for appointment under this section.

## **8G Ministerially appointed members**

1. The Minister may appoint as members of the Council 2 external persons, or such greater number of external persons (not exceeding 6) as is prescribed by the constitution rules for the category of Ministerially appointed members.
2. The Minister may not appoint a member of the Parliament of New South Wales, the Parliament of the Commonwealth or another State or the Legislative Assembly of a Territory as a Ministerially appointed member.
3. Without limiting the discretion of the Minister under subsection (1), the Council may suggest to the Minister persons who the Council considers would be appropriate for appointment by the Minister.

## **8H Official members**

The official members of the Council are the following:

- a. the Chancellor,
- b. the Vice-Chancellor,
- c. the person for the time being holding the office of presiding member of the Academic Board (if the person is not the Vice-Chancellor) or of deputy presiding member of the Academic Board (if the presiding member is the Vice-Chancellor).

## **9 Term of office**

1. Subject to this Act, a member of the Council holds office as follows:
  - a. in the case of an official member, while the member holds the office by virtue of which he or she is a member,
  - b. in the case of a Ministerially appointed member or Council appointed member, for such term (not exceeding 4 years) as may be specified in the member's instrument of appointment,
  - c. in the case of an elected member other than an elected (graduate) member, for such term (not exceeding 2 years) as may be prescribed by the by-laws,
  - d. in the case of an elected (graduate) member, for such term (not exceeding 4 years) as may be prescribed by the by-laws.
2. The need to maintain an appropriate balance of experienced and new members on the Council must be taken into account:
  - a. by the Council, when making the by-laws required under this section, and
  - b. by the Minister and the Council, when appointing members to the Council.
3. A person must not be appointed or elected to serve more than 12 consecutive years of office (unless the Council otherwise resolves in relation to the person).

## **Division 2 – Other officers and bodies**

### **10 Chancellor**

1. The Council shall:
  - a. at its first meeting or as soon as practicable thereafter, and
  - b. whenever a vacancy in the office of Chancellor occurs,elect a person (whether or not a member of the Council) to be Chancellor of the University.
2. The Chancellor, unless he or she sooner resigns or is removed from office as Chancellor or ceases to be a member of the Council, holds office for such period (not exceeding 4 years), and on such conditions, as may be prescribed by the by-laws.
3. The Chancellor has the functions conferred or imposed on the Chancellor by or under this or any other Act.

### **11 Deputy Chancellor**

1. The Council shall:
  - a. at its first meeting or as soon as practicable thereafter, and
  - b. whenever a vacancy in the office of Deputy Chancellor occurs, elect one of its members to be Deputy Chancellor of the University.
2. The Deputy Chancellor, unless he or she sooner resigns or is removed from office as Deputy Chancellor or ceases to be a member of the Council, holds office for 2 years from the date of his or her election and on such conditions as may be prescribed by the by-laws.
3. In the absence of the Chancellor, or during a vacancy in the office of Chancellor or during the inability of the Chancellor to act, the Deputy Chancellor has all the functions of the Chancellor.

### **11A Removal from office of Chancellor or Deputy Chancellor**

1. The Council may remove the Chancellor or Deputy Chancellor from office by a no confidence motion passed in accordance with this section if it considers it in the best interests of the University to do so.
2. The removal from office may be effected only if the no confidence motion is supported by at least a two-thirds majority of the total number of members for the time being of the Council at two consecutive ordinary meetings of the Council.
3. The Chancellor or Deputy Chancellor may be removed from office under this section despite section 21G(6) and without the need to establish any breach of duty.
4. This section applies to the Chancellor and Deputy Chancellor holding office on the commencement of this section and all subsequent holders of those offices.

## **12 Vice-Chancellor**

1. The Council shall, whenever a vacancy in the office of Vice-Chancellor occurs, appoint a person, whether a member of the Council or not, to be Vice-Chancellor of the University.
2. The Vice-Chancellor holds office for such period, and on such conditions, as the Council determines.
3. The Vice-Chancellor is the chief executive officer of the University and has such functions as are conferred or imposed on the Vice-Chancellor by or under this or any other Act.

## **13 Visitor**

1. The Governor is the Visitor of the University but has ceremonial functions only.
2. Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

## **14 Convocation**

1. Convocation shall consist of:
  - a. the members and past members of the Council,
  - b. the graduates of the University,
  - c. the professors and full-time members of the academic staff of the University and such other members or classes of members of the staff of the University as the by-laws may prescribe, and
  - d. such graduates of other universities, or other persons, as are, in accordance with the by-laws, admitted as members of Convocation.
2. The first meeting of Convocation shall be convened by the Vice-Chancellor.
3. Subject to the by-laws, meetings of Convocation shall be convened and the business at the meetings shall be as determined by Convocation.
4. A quorum at any meeting of Convocation shall be such number of members as may be prescribed by the by-laws.
5. Convocation has such functions as may be prescribed by the by-laws.
6. The Council may establish a Standing Committee and such other committees of Convocation as it considers necessary.

## **15 Academic Board**

1. There shall be an Academic Board of the University consisting of:
  - a. the Vice-Chancellor, and
  - b. such other persons as the Council may, in accordance with the by-laws, determine.
2. Subject to subsection (1), the constitution and functions of the Academic Board shall be as prescribed by the by-laws.

## **Part 4 – Functions of Council**

### **Division 1 – General**

#### **16 Functions of Council**

- 1A. The Council:
  - a. acts for and on behalf of the University in the exercise of the University's functions, and
  - b. has the control and management of the affairs and concerns of the University, and
  - c. may act in all matters concerning the University in such manner as appears to the Council to be best calculated to promote the object and interests of the University.
- 1B. Without limiting the functions of the Council under subsection (1A), the Council is, in controlling and managing the affairs and concerns of the University:
  - a. to monitor the performance of the Vice-Chancellor, and
  - b. to oversee the University's performance, and
  - c. to oversee the academic activities of the University, and
  - d. to approve the University's mission, strategic direction, annual budget and business plan, and
  - e. to oversee risk management and risk assessment across the University (including, if necessary, taking reasonable steps to obtain independent audit reports of entities in which the University has an interest but which it does not control or with which it has entered into a joint venture), and
  - e1. without limiting paragraph (e), to enter into or participate in arrangements or transactions, or combinations of arrangements or transactions, to effect financial adjustments for the management of financial risks, and
  - f. to approve and monitor systems of control and accountability for the University (including in relation to controlled entities within the meaning of section 16A), and

- g. to approve significant University commercial activities (within the meaning of section 21A), and
  - h. to establish policies and procedural principles for the University consistent with legal requirements and community expectations, and
  - i. to ensure that the University's grievance procedures, and information concerning any rights of appeal or review conferred by or under any Act, are published in a form that is readily accessible to the public, and
  - j. to regularly review its own performance (in light of its functions and obligations imposed by or under this or any other Act), and
  - k. to adopt a statement of its primary responsibilities, and
  - l. to make available for members of the Council a program of induction and of development relevant to their role as such a member.
1. Without limiting the functions of the Council under subsection (1A), the Council may, for and on behalf of the University in the exercise of the University's functions:
    - a. provide such courses, and confer such degrees and award such diplomas and other certificates, as it thinks fit,
    - b. appoint and terminate the appointment of academic and other staff of the University,
    - c. (Repealed)
    - d. obtain financial accommodation (including, without limitation, by the borrowing or raising of money) and do all things necessary or convenient to be done in connection with obtaining financial accommodation,
    - e. invest any funds belonging to or vested in the University,
    - f. promote, establish or participate in (whether by means of debt, equity, contribution of assets or by other means) partnerships, trusts, companies and other incorporated bodies, or joint ventures (whether or not incorporated),
    - g. (Repealed)
    - h. establish and maintain branches and colleges of the University, within the University and elsewhere,
    - i. make loans and grants to students, and
    - j. impose fees, charges and fines.
  2. The functions of the Council under this section shall be exercised subject to the by-laws.
  3. Schedule 2 has effect in relation to the investment of funds by the Council.

Note. The Annual Reports (Statutory Bodies) Act 1984 regulates the making of annual reports to Parliament by the Council and requires the Council to report on the University's operations (including in relation to risk management and insurance arrangements) and a range of financial and other matters.

## 16A Controlled entities

1. The Council must ensure that a controlled entity does not exercise any function or engage in any activity that the University is not authorised by or under this Act to exercise or engage in, except to the extent that the Council is permitted to do so by the Minister under this section.
  2. The Minister may, by order in writing, permit the Council to authorise a controlled entity to exercise a function or engage in an activity of the kind referred to in subsection (1). Permission may be given in respect of a specified function or activity or functions or activities of a specified class.
  3. The Governor may make regulations providing that subsection (1) does not apply to functions or activities of a specified class.
  4. Nothing in the preceding subsections confers power on a controlled entity to engage in any activity.
  5. Nothing in the preceding subsections affects any obligations imposed on a controlled entity by or under any Act or law, other than an obligation imposed on the controlled entity by the Council at its discretion.
- 5A. The Council is, as far as is reasonably practicable, to ensure:
- a. that the governing bodies of controlled entities:
    - i. possess the expertise and experience necessary to provide proper stewardship and control, and
    - ii. comprise, where possible, at least some members who are not members of the Council or members of staff, or students, of the University, and
    - iii. adopt and evaluate their own governance principles, and
    - iv. document, and keep updated, a corporate or business strategy containing achievable and measurable performance targets, and
  - b. that a protocol is established regarding reporting by governing bodies of controlled entities to the Council.
6. In this section:
 

**controlled entity** means a controlled entity (within the meaning of the Government Sector Finance Act 2018) of the University or Council.

## **17 Delegation**

1. The Council may, in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its functions (except this power of delegation) to any member or committee of the Council or to any authority or officer of the University or to any other person or body prescribed by the by-laws.
2. If a function of the Council is delegated to the Vice-Chancellor in accordance with subsection (1) and the instrument of delegation authorises the sub-delegation of the function, the Vice-Chancellor may (subject to any condition to which the delegation is subject) sub-delegate the function to any person or body referred to in subsection (1).

## **17A Operation of certain Acts**

Nothing in this Act limits or otherwise affects the operation of the Ombudsman Act 1974, the Government Sector Finance Act 2018 or the Government Sector Audit Act 1983 to or in respect of the University or the Council.

## **17B Recommendations of Ombudsman or Auditor-General**

The Council must include in each annual report of the Council as part of the report of its operations a report as to any action taken by the Council during the period to which the report relates to implement any recommendation made in a report of the Ombudsman or the Auditor-General concerning the Council or the University:

- a. whether or not the recommendation relates to a referral by the Minister under section 21E, and
- b. whether or not the recommendation relates to a University commercial activity (as defined in section 21A).

## **Division 2 – Property**

### **18 Powers of Council relating to property**

1. The Council:
  - a. may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and
  - b. has the control and management of all property at any time vested in or acquired by the University and may, subject to this section, dispose of property in the name and on behalf of the University.
2. The Council may, subject to this section, alienate, mortgage, charge or demise any lands of the University and may dispose of or otherwise deal with any other property of the University.
- 2A. The Council must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
3. Despite subsection (2A), the Council may, without the approval of the Minister, lease any such lands if:
  - a. the term of the lease does not exceed 21 years, and
  - b. the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.
4. In the case of a lease of any lands of the University, or any renewal of the lease, to a residential college affiliated with the University, the lease:
  - a. shall be for a term not exceeding 99 years, and
  - b. shall be at a nominal rent, and
  - c. shall contain a condition that the lease shall not be assigned and such other conditions as the Council thinks fit.
- 4A. The Council may enter into a voluntary planning agreement under the Environmental Planning and Assessment Act 1979:
  - a. except as provided by paragraph (b) —without the approval of the Minister, or
  - b. in the case of an agreement requiring any lands acquired by the University from the State at nominal or less than market value to be dedicated free of cost — only with the approval of the Minister.
5. The rule of law against remoteness of vesting does not apply to or in respect of any condition of a gift, grant, bequest or devise to which the University has agreed.

### **19 Powers of Council over certain property vested in Crown**

1. Where any property used for the conduct of the University is vested in the Crown or a Minister of the Crown (whether as Constructing Authority or otherwise), the Council has the control and management of that property and is responsible for its maintenance.
2. Nothing in subsection (1) enables the Council to alienate, mortgage, charge or demise any land vested in the Crown or a Minister of the Crown (whether as Constructing Authority or otherwise).
3. Notwithstanding subsection (2), the Council may (on behalf of the Crown or a Minister of the Crown) lease land of which it has, pursuant to this section, the control and management.
4. Such a lease:
  - a. must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and



- b. must contain a condition that the lease must not be assigned and such other conditions as the Council thinks fit.
5. The Council is, in the exercise of its functions under this section, subject to the control and direction of the Minister.

## 20 Acquisition of land

1. The Minister may, for the purposes of this Act, acquire land (including an interest in land) by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. The Minister may do so only if the University:
  - a. applies to the Minister for acquisition of the land, and
  - b. makes provision to the satisfaction of the Minister for the payment of the purchase price or of compensation for compulsory acquisition (together with all necessary charges and expenses incidental to the acquisition).
3. For the purposes of the Public Works Act 1912, any acquisition of land under this section is taken to be for an authorised work and the Minister is, in relation to that authorised work, taken to be the Constructing Authority.
4. Sections 34, 35, 36 and 37 of the Public Works Act 1912 do not apply in respect of works constructed under this section.

## 21 Grant or transfer of certain land to University

1. If land on which the University is conducted is vested in the Crown or a Minister of the Crown (whether as Constructing Authority or otherwise), the land may:
  - a. if it is vested in the Crown — be transferred to the University subject to such trusts, conditions, covenants, provisions, exceptions and reservations as the Minister for Natural Resources thinks fit, or
  - b. if it is vested in a Minister of the Crown — be conveyed or transferred to the University for such estate, and subject to such trusts and rights of way or other easements, as the Minister in whom the land is vested thinks fit.
2. A conveyance, transfer or other instrument executed for the purposes of this section:
  - a. is not liable to stamp duty under the Stamp Duties Act 1920, and
  - b. may be registered under any Act without fee.

## Division 3 — Commercial activities

### 21A Definitions

In this Division:

**the Guidelines** means the guidelines determined for the time being under section 21B.

**University commercial activity** means:

- a. any activity engaged in by or on behalf of the University in the exercise of commercial functions of the University, and
- b. any other activity comprising the promotion of, establishment of or participation in any partnership, trust, company or other incorporated body, or joint venture, by or on behalf of the University, that is for the time being declared by the Guidelines to be a University commercial activity.

### 21B Guidelines for commercial activities

1. The Council must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.
2. The Council may by resolution amend or replace the Guidelines from time to time.
3. Without limitation, the Guidelines may contain provision for or with respect to the following in connection with University commercial activities:
  - a. requiring feasibility and due diligence assessment,
  - b. requiring the identification of appropriate governance and administrative arrangements (including as to legal structures and audit requirements),
  - c. requiring the undertaking of risk assessment and risk management measures,
  - d. regulating and imposing requirements concerning the delegation by the Council of any of its functions under this Act in connection with University commercial activities,
  - e. declaring a specified activity to be a University commercial activity for the purposes of paragraph (b) of the definition of that expression in section 21A,
  - f. establishing a protocol regarding the rights and responsibilities of members of the Council in relation to commercialisation, with a view to avoiding real or apparent conflicts of interest.
4. The Council must ensure that the Guidelines are complied with.
5. (Repealed)
6. (Repealed)

### **21C Register of commercial activities**

1. The Council is to maintain a Register of University commercial activities and is to enter and keep in the Register the following details of each of those activities:
  - a. a description of the activity,
  - b. details of all parties who participate in the activity,
  - c. details of any appointment by or on behalf of the University to relevant boards or other governing bodies,
  - d. details of any meetings at which relevant matters were considered and approved for the purposes of compliance with the Guidelines,
  - e. such other details as the Guidelines may require.
2. The Guidelines may make provision for the following:
  - a. exempting specified activities or activities of a specified class from all or specified requirements of this section,
  - b. altering the details to be included in the Register in respect of specified activities or activities of a specified class,
  - c. enabling related activities to be treated as a single activity for the purposes of the Register.
3. The Council must comply with any request by the Minister to provide the Minister with a copy of the Register or any extract from the Register.

### **21D Reports to Minister on commercial activities**

1. The Minister may request a report from the Council as to University commercial activities or as to any particular University commercial activity or aspect of a University commercial activity.
2. The Council must provide a report to the Minister in accordance with the Minister's request.

### **21E Referral of matters to Ombudsman or Auditor-General**

The Minister may refer a University commercial activity or any aspect of a University commercial activity (whether or not the subject of a report by the Council to the Minister):

- a. to the Auditor-General for investigation and report to the Minister, or
- b. as a complaint to the Ombudsman that may be investigated by the Ombudsman as a complaint under the Ombudsman Act 1974.

## **Part 4A – Duties of Council members**

### **21F Duties of Council members**

The members of the Council have the duties set out in Schedule 2A.

### **21G Removal from office for breach of duty**

1. The Council may remove a member of the Council from office for breach of a duty set out in Schedule 2A.
2. The removal from office may be effected only at a meeting of the Council of which notice (including notice of the motion that the member concerned be removed from office for breach of duty) was duly given.
3. The removal from office may be effected only if the motion for removal is supported by at least a two-thirds majority of the total number of members for the time being of the Council.
4. The motion for removal must not be put to the vote of the meeting unless the member concerned has been given a reasonable opportunity to reply to the motion at the meeting, either orally or in writing.
5. If the member to whom the motion for removal refers does not attend the meeting, a reasonable opportunity to reply to the motion is taken to have been given if notice of the meeting has been duly given.
6. A member of the Council may not be removed from office by the Council for breach of duty except pursuant to this section.

## **Part 5 – General**

### **22 Advance by Treasurer**

The Treasurer may, with the approval of the Governor, advance to the Council money for the temporary accommodation of the University on such terms and conditions in relation to repayment and interest as may be agreed upon.

### **22A Stamp duty exemption**

1. Unless the Treasurer otherwise directs in a particular case, neither the University nor the Council is liable to duty under the Duties Act 1997, in respect of anything done by the University or Council for the purposes of the borrowing of money or the investment of funds of the University under this Act.
2. The Treasurer may direct in writing that any other specified person is not liable to duty under the Duties Act 1997 in respect of anything done for the purposes of the borrowing of money or the investment of funds of the University under this Act, and the direction has effect accordingly.

## **23 Financial year**

The financial year of the University is:

- a. if no period is prescribed as referred to in paragraph (b) — the year commencing on 1 January, or
- b. the period prescribed by the by-laws for the purposes of this section.

## **24 No religious test or political discrimination**

A person shall not, because of his or her religious or political affiliations, views or beliefs, be denied admission as a student of the University or be ineligible to hold office in, to graduate from or to enjoy any benefit, advantage or privilege of the University.

## **25 Exemption from membership of body corporate or Convocation**

A student or graduate of the University or a member of staff of the University is entitled to be exempted by the Council, on grounds of conscience, from membership of the body corporate of the University or of Convocation, or both.

## **26 Re-appointment or re-election**

Nothing in this Act prevents any person from being re-appointed or re-elected to any office under this Act if the person is eligible and otherwise qualified to hold that office.

## **27 Seal of University**

The seal of the University shall be kept in such custody as the Council may direct and shall only be affixed to a document pursuant to a resolution of the Council.

Note. Documents requiring authentication may be sufficiently authenticated without a seal in accordance with section 50(3) of the Interpretation Act 1987.

## **28 By-laws**

1. The Council may make by-laws, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to:
  - a. the management, good government and discipline of the University,
  - b. the method of election of members of the Council who are to be elected,
  - c. the manner and time of convening, holding and adjourning the meetings of the Council or Academic Board,
  - d. the manner of voting (including postal voting or voting by proxy) at meetings of the Council or Academic Board,
  - e. the functions of the presiding member of the Council or Academic Board,
  - f. the conduct and record of business of the Council or Academic Board,
  - g. the appointment of committees of the Council or Academic Board,
  - h. the quorum and functions of committees of the Council or Academic Board,
  - i. the resignation of members of the Council, the Chancellor, the Deputy Chancellor or the Vice-Chancellor,
  - j. the tenure of office, stipend and functions of the Vice-Chancellor,
  - k. the designation of members of staff of the University as academic staff, professional staff, full-time staff, part-time staff or otherwise,
  - l. the number, stipend, manner of appointment and dismissal of officers and employees of the University,
  - m. admission to, enrolment in and exclusion from courses of studies,
  - n. the payment of such fees and charges, including fines, as the Council considers necessary, including fees and charges to be paid in respect of:
    - i. entrance to the University,
    - ii. tuition,
    - iii. lectures and classes,
    - iv. examinations,
    - v. residence,
    - vi. the conferring of degrees and the awarding of diplomas and other certificates,
    - vii. the provision of amenities and services, whether or not of an academic nature, and
    - viii. an organisation of students or of students and other persons,
  - o. the exemption from, or deferment of, payment of fees and charges, including fines,
  - p. without limiting the operation of paragraphs (n) and (o), the imposition and payment of penalties for parking and traffic infringements,
  - q. the courses of lectures or studies for, the assessments for and the granting of degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours,
  - r. the assessments for, and the granting of, fellowships, scholarships, exhibitions, bursaries and prizes,

- s. the admission of students and former students of other universities and institutions of higher education to any status within the University or the granting to graduates of such universities or institutions, or to other persons, of degrees or diplomas without examination,
  - t. the establishment and conduct of places of accommodation for students (including residential colleges and halls of residence within the University) and the affiliation of residential colleges,
  - u. the affiliation with the University of any educational or research establishment,
  - v. the creation of faculties, schools, departments, centres or other entities within the University,
  - w. the provision of schemes of superannuation for the officers and employees of the University,
  - x. the form and use of academic costume,
  - y. the form and use of an emblem of the University or of any body within or associated with the University,
  - z. the use of the seal of the University, and
  - aa. the making, publication and inspection of rules.
2. A by-law has no effect unless it has been approved by the Governor.

## **29 Rules**

1. The by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to which by-laws may be made, except the matters referred to in sections 3(2), 8B, 8D(2)(c) (i) and (3)(a), 8E(4) and 8F, 10(2), 14 (1), 16(1)(d) and (e), 23 and 28(1)(k) and clause 3 of Schedule 1 (to the extent it relates to appointments).
- 1A. Despite subsection (1), only the Council may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 8D(3)(b), 8E(2)(a) and 28(1)(b) and clause 3 of Schedule 1 (to the extent it relates to elections) (election rules).
- 1B. Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.
- 1C. The Council must ensure that any election rule it makes is made readily available to the public by whatever means the Council considers appropriate as soon as practicable after it is made.
2. A rule:
  - a. has the same force and effect as a by-law, and
  - b. may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule, and
  - c. takes effect on the day on which it is published or on such later day as may be specified in the rule, and
  - d. must indicate the authority or officer who made the rule and that it is made under this section.
3. In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.
4. The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

## **30 Recovery of charges, fees and other money**

Any charge, fee or money due to the University under this Act may be recovered as a debt in any court of competent jurisdiction.

## **31 Repeal etc**

1. The University of Technology, Sydney Act 1987 and the University of Technology, Sydney (Miscellaneous Provisions) Act 1987 are repealed.
2. The Council of the University of Technology, Sydney, as constituted immediately before the repeal of the University of Technology, Sydney Act 1987, is dissolved.
3. The persons holding office as members of the Council, Chancellor and Deputy Chancellor immediately before the repeal of the University of Technology, Sydney Act 1987 cease to hold office as such on that repeal.

## **32 Savings and transitional provisions**

Schedule 3 has effect.

## **Schedule 1 – Provisions relating to members and procedure of the Council**

(Section 8A (3))

### **1 (Repealed)**

## **2 Vacation of office**

The office of a member of the Council becomes vacant if the member:

- a. dies, or
- b. declines to act, or
- c. resigns the office by writing under his or her hand addressed:
  - i. in the case of a member appointed by the Minister, to the Minister, or
  - ii. in the case of a member appointed by the Council, to the Chancellor, or
  - iii. in the case of an elected member, to the Vice-Chancellor, or
- d. becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes any assignment of his or her estate for their benefit, or
- e. becomes a mentally incapacitated person, or
- f. is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
- g. is, or becomes, disqualified from managing a corporation under Part 2D.6 of the *Corporations Act 2001* of the Commonwealth, or
- h. is removed from office by the Council pursuant to section 21G, or
- i. is absent from 3 consecutive meetings of the Council of which reasonable notice has been given to the member personally or in the ordinary course of post and is not, within 6 weeks after the last of those meetings, excused by the Council for his or her absence, or
- j. in the case of an elected member, or a member appointed under section 8E, ceases to be qualified for election or appointment, or
- k. in the case of a member appointed by the Minister, is removed from office by the Minister, or
- l. in the case of a member appointed by the Council, is removed from office by the Council.

## **3 Filling of vacancy in office of member**

1. If the office of an appointed or elected member of the Council becomes vacant, a person shall, subject to this Act and the by-laws, be appointed or elected to fill the vacancy.
2. The by-laws may provide that, in such circumstances (other than expiration of term of office) as may be prescribed, a person shall be appointed or elected in such manner as may be prescribed instead of in the manner provided for by this Act.

## **4 Committees of the Council**

1. The Council may establish committees to assist it in connection with the exercise of any of its functions.
2. It does not matter that any or all of the members of a committee are not members of the Council.
3. The procedure for the calling of meetings of a committee and for the conduct of business at those meetings shall be as determined by the Council or (subject to any determination of the Council) by the committee.

## **5 Liability of Council members and others**

No matter or thing done or omitted to be done by:

- a. the University, the Council or a member of the Council, or
- b. any person acting under the direction of the University or the Council,

shall, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other Act, subject a member of the Council or a person so acting personally to any action, liability, claim or demand.

## **6 General procedure**

The procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall, subject to this Act and the by-laws, be as determined by the Council.

## **6A Use of technology**

1. Without limiting clause 6, a meeting of the Council may be called or held using any technology consented to by all the members of the Council.
2. The consent may be a standing one.
3. A member may only withdraw his or her consent a reasonable period before the meeting.
4. If the members are not all in attendance at one place and are holding a meeting using technology that permits each member to communicate with other members:
  - a. the members are, for the purpose of every provision of this Act and by-laws concerning meetings of the Council, taken to be assembled together at a meeting and to be present at that meeting, and
  - b. all proceedings of those members conducted in that manner are as valid and effective as if conducted at a meeting at which all of them were present.

## **7 Presiding member**

1. The Chancellor shall preside at all meetings of the Council at which the Chancellor is present.
2. At any meeting of the Council at which the Chancellor is not present, the Deputy Chancellor shall preside and, in the absence of both the Chancellor and the Deputy Chancellor, a member elected by and from the members present shall preside.
3. Except as provided by subclause (4), at the meetings of a committee constituted by the Council a member appointed by the Council (or, if no member is so appointed, elected by and from the members present) shall preside.
4. At any meeting of a committee constituted by the Council at which the Chancellor is present, the Chancellor is entitled, if he or she so desires, to preside at that meeting.

## **8 Quorum**

At any meeting of the Council, a majority of the total number of members for the time being of the Council constitutes a quorum.

## **9 Voting**

A decision supported by a majority of the votes cast at a meeting of the Council at which a quorum is present is the decision of the Council.

## **10 Remuneration**

The Council may, but need not, provide from time to time for a member of the Council to be paid such remuneration (if any) as is determined by a resolution passed by at least two-thirds of the members of the Council.

## **Schedule 2 – Investment**

(Section 16)

### **1 Definition of ‘funds’**

For the purposes of this Schedule, the funds of the University include funds under the control of the University and real property, securities or other property comprising an investment.

### **2 (Repealed)**

### **2A Funds managers**

1. The Council may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.
2. Such a funds manager may on behalf of the Council invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

### **3 Investment common funds**

1. The Council may establish one or more investment common funds.
2. The Council may from time to time, without liability for breach of trust, bring into or withdraw from any such investment common fund the whole or any part of trust funds or other funds of the University.
3. Subject to subclause (4), the Council must periodically distribute the income of each investment common fund among the funds participating in the common fund, having regard to the extent of the participation of each fund in the common fund during the relevant accounting period.
4. The Council may, if it considers it expedient to do so, from time to time add some portion of the income of an investment common fund to the capital of the common fund or use some portion of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.
5. If an investment is brought into an investment common fund:
  - a. the University is to be taken to hold that investment on behalf of and for the benefit of the common fund instead of the participating trust fund or other fund, and
  - b. that participating fund is to be taken to have contributed to the common fund an amount of money equivalent to the value attributed to the investment by the Council at the time it is brought into the common fund, and
  - c. on the withdrawal of that participating fund from the common fund, the amount of money to be withdrawn is to be the amount equivalent to the value attributed by the Council to the equity in the common fund of that participating fund at the time of withdrawal.
6. The inclusion in an investment common fund of trust funds does not affect any trust to which those trust funds (or money attributed to them) are subject.
7. On the withdrawal of trust funds from an investment common fund, the funds (or money attributed to them) continue to be subject to the trust.

#### **4 Terms of trust to prevail**

In respect of the trust funds of the University:

- a. the investment powers of the Council, and
  - b. the power of the Council to bring the trust funds into an investment common fund,
- are subject to any express direction in or express condition of the trust.

### **Schedule 2A – Duties of Council members**

(Section 21F)

#### **1 Duty to act in best interests of University**

A member of the Council must carry out his or her functions:

- a. in good faith in the best interests of the University as a whole, and
- b. for a proper purpose.

#### **2 Duty to exercise care and diligence**

A member of the Council must act honestly and exercise a reasonable degree of care and diligence in carrying out his or her functions.

#### **3 Duty not to improperly use position**

A member of the Council must not make improper use of his or her position:

- a. to gain, directly or indirectly, an advantage for the member or another person, or
- b. to cause detriment to the University.

#### **4 Duty not to improperly use information**

A member of the Council must not make improper use of information acquired because of his or her position:

- a. to gain, directly or indirectly, an advantage for the member or another person, or
- b. to cause detriment to the University.

#### **5 Disclosure of material interests by Council members**

1. If:

- a. a member of the Council has a material interest in a matter being considered or about to be considered at a meeting of the Council, and
- b. the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Council.

2. A disclosure by a member of the Council at a meeting of the Council that the member:

- a. is a member, or is in the employment, of a specified company or other body, or
  - b. is a partner, or is in the employment, of a specified person, or
  - c. has some other specified interest relating to a specified company or other body or to a specified person,
- is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

3. Particulars of any disclosure made under this clause must be recorded by the Council in a book kept for the purpose and that book must be open at all reasonable hours for inspection by any person on payment of a reasonable fee determined by the Council.

4. After a member of the Council has disclosed the nature of an interest in any matter, the member must not, unless the Council otherwise determines:

- a. be present during any deliberation of the Council with respect to the matter, or
- b. take part in any decision of the Council with respect to the matter.

5. For the purpose of the making of a determination by the Council under subclause (4), a member of the Council who has a material interest in a matter to which the disclosure relates must not:

- a. be present during any deliberation of the Council for the purpose of making the determination, or
- b. take part in the making by the Council of the determination.

6. A contravention of this clause does not invalidate any decision of the Council.

7. This clause does not prevent a person from taking part in the consideration or discussion of, or from voting on any question relating to, the person's removal from office by the Council pursuant to section 21G or the person's remuneration pursuant to clause 10 of Schedule 1.

8. This clause applies to a member of a committee of the Council and the committee in the same way as it applies to a member of the Council and the Council.
9. For the purposes of this clause, a member has a material interest in a matter if a determination of the Council in the matter may result in a detriment being suffered by or a benefit accruing to the member or an associate of the member.
10. In this clause:
 

**associate** of a member means any of the following:

  - a. the spouse, de facto partner, parent, child, brother or sister, business partner or friend of the member,
  - b. the spouse, de facto partner, parent, child, brother or sister, business partner or friend of a person referred to in paragraph (a) if that relationship is known to the member,
  - c. any other person who is known to the member for reasons other than that person's connection with the University or that person's public reputation.

Note. 'De facto partner' is defined in section 21C of the *Interpretation Act 1987*.

## Schedule 3 – Savings and transitional provisions

(Section 32)

### Part 1A – General

#### 1A Savings or transitional regulations

1. The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.
2. Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
3. To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - a. to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - b. to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

### Part 1 – Interim Council

#### 1 Interim Council of the University

1. Pending the commencement of section 9, the Council shall consist of:
  - a. the Chancellor (if the Chancellor is not otherwise a member of the Council),
  - b. the Vice-Chancellor,
  - c. the person for the time being holding the office of:
    - i. presiding member of the Academic Board (if that person is not the Vice-Chancellor), or
    - ii. deputy presiding member of the Academic Board (if the presiding member is the Vice-Chancellor),
  - d. the person who held office immediately before the commencement of this clause as the Principal of the Kuring-gai College of Advanced Education, and
  - e. not more than 16 persons appointed by the Minister.
2. The members of the Council shall, subject to this Act, hold office until the Council is duly constituted under section 9.
3. If a Council is duly constituted under section 9 before the expiration of 2 years from the commencement of this clause, the person referred to in subclause (1)(d) shall, until the expiration of that period, be taken to be an official member of the Council so constituted.
4. The first meeting of the Council shall be convened by the first Vice-Chancellor who shall preside at all meetings of the Council until a Chancellor is elected.
5. The Council shall make all necessary by-laws and take all necessary steps to ensure, as far as possible, that a Council is duly constituted under section 9 so as to take office within 12 months after the commencement of this clause or within such extended time as is specified in a proclamation at any time during that period of 12 months.
6. The provisions of this Act (except clause 1 of Schedule 1) applicable to the Council or the members of the Council apply to the Council as constituted in accordance with this clause or the members holding office under this clause.
7. Nothing in this Act prevents the Council from being constituted in accordance with this clause before the commencement of section 4 and, if the Council is so constituted, it may exercise its functions (as far as is practicable) even though the University has not yet been established under this Act.

Editorial note. The period within which the Council, as constituted under this clause, may exercise its functions was extended until 30.11.1990. See Gazette No 109 of 31.8.1990, p 7846.



## **2 Chancellor**

1. The Council constituted under this Part shall:
  - a. at its first meeting or as soon as practicable thereafter, and
  - b. whenever a vacancy in the office of Chancellor occurs,elect a person (whether or not a member of the Council) to be Chancellor of the University.
- 1A. The Chancellor elected under this clause does not assume office before the commencement of section 4 otherwise than for the purpose of exercising his or her functions as a member of the Council.
2. The Chancellor elected under this clause shall, subject to this Act, hold office until a Chancellor is duly elected under section 10.
3. Section 10(1) and (2) do not apply to or in respect of the Chancellor elected under this clause.

## **3 Deputy Chancellor**

1. The Council constituted under this Act shall:
  - a. at its first meeting or as soon as practicable thereafter, and
  - b. whenever a vacancy in the office of Deputy Chancellor occurs,elect one of its members to be Deputy Chancellor of the University.
- 1A. The Deputy Chancellor elected under this clause does not assume office before the commencement of section 4.
2. The Deputy Chancellor elected under this clause shall, subject to this Act, hold office until a Deputy Chancellor is duly elected under section 11.
3. Section 11(1) and (2) do not apply to or in respect of the Deputy Chancellor elected under this clause.

## **4 First Vice-Chancellor**

1. The first Vice-Chancellor shall be the person who, immediately before the commencement of this clause, held office as the Vice-Chancellor of the University of Technology, Sydney.
2. The first Vice-Chancellor shall be taken to have been appointed for the residue of his or her term of office as Vice-Chancellor immediately before that commencement.
3. Section 12(2) does not apply to or in respect of the first Vice-Chancellor.

## **Part 2 – Savings**

### **5 University a continuation of the old University**

The University is a continuation of, and the same legal entity as, the University of Technology, Sydney, established by the *University of Technology, Sydney Act 1987*.

### **6 Convocation**

1. Convocation includes:
  - a. past members of the governing body of any of the former institutions that have, pursuant to this Act or to the *Higher Education (Amalgamation) Act 1989* or otherwise, become a part of the University, and
  - b. graduates of any of those institutions.
2. In this clause, a reference to a former institution includes a reference to any predecessor of the institution.

### **7 Saving of delegations**

Any delegation made or taken to have been made by the Council of the University of Technology, Sydney under the *University of Technology, Sydney Act 1987* shall be taken to be a delegation under this Act by the Council.

### **8 Existing investments**

Nothing in this Act affects the validity of any investment made on behalf of the University before the commencement of Schedule 2.

### **8A Conduct of elections etc**

1. For the purpose only of enabling the Council to be duly constituted on or after the commencement of section 9, elections may be conducted and appointments made before that commencement as if:
  - a. the whole of this Act, and
  - b. sections 16 and 24 of the *Higher Education (Amalgamation) Act 1989*, were in force.
2. A member who is elected or appointed to the Council under this clause does not assume office before the commencement of section 9.

## 8B Control and direction

The governing bodies of:

- a. the University of Technology, Sydney, established under the *University of Technology, Sydney Act 1987*,
- b. the Kuring-gai College of Advanced Education, and
- c. the Institute of Technical and Adult Teacher Education,

are subject to the control and direction of the Council pending the dissolution of those bodies.

## 9 By-laws

Any by-laws in force immediately before the commencement of this clause under the *University of Technology, Sydney Act 1987*:

- a. continue in force as if they had been made by the Council, and
- b. may be amended and revoked accordingly.

## 10 Validation relating to elections

Any act, matter or thing done in relation to the conduct of elections referred to in Chapter 3 of the University of Technology, Sydney, By-law 1990 before the commencement of that By-law that would have been validly done if that By-law were then in force, is validated.

## 11 Visitor

1. Section 13(2) extends to disputes and other matters arising before the commencement of this clause.
2. However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the dispute or other matter is to be dealt with and determined as if the *University Legislation (Amendment) Act 1994* had not been enacted.

## 12 Effect of the University Legislation (Amendment) Act 1994 on existing by-laws and rules

1. Any by-law made or taken to have been made under this Act and in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the *University Legislation (Amendment) Act 1994*, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.
2. Any rule in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the *University Legislation (Amendment) Act 1994*, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

## Part 3 – Provisions consequent on enactment of Universities Legislation Amendment (Financial and Other Powers) Act 2001

### 13 Investment powers

Until an order is made under clause 2 of Schedule 2 (as substituted by the *Universities Legislation Amendment (Financial and Other Powers) Act 2001*), approval is taken to have been given by order under that clause to the investment by the Council of any funds of the University in any manner that the Council was authorised to invest those funds immediately before the Council ceased to be an authority for the purposes of Part 3 (Investment) of the *Public Authorities (Financial Arrangements) Act 1987*.

### 14 Validation

Any act or omission occurring before the substitution of section 6 by the *Universities Legislation Amendment (Financial and Other Powers) Act 2001* that would have been valid had that section as so substituted been in force from the commencement of that section as originally enacted is (to the extent of any invalidity) taken to be, and always to have been, valid.

## Part 4 – Provisions consequent on enactment of University Legislation Amendment Act 2004

### 15 Definitions

In this Part:

**amending Act** means the *University Legislation Amendment Act 2004*.

**former section 9** means section 9 as in force immediately before its substitution by the amending Act.

**new section 9** means section 9 as substituted by the amending Act.

**relevant day** means the date of assent to the amending Act.

### 16 General

The provisions of this Part are subject to any regulations made under clause 1A.

## 17 Constitution of Council

1. Subject to this Act, on the relevant day:
  - a. a person holding office under former section 9(2) ceases to hold that office, and
  - b. a person holding office under former section 9(4) or (6) is taken to be appointed as a member under new section 9(1)(b) or (c), respectively, for the balance of the person's term of office, and
  - c. a person holding office under former section 9 (5)(a), (b), (c), (c1) or (d) is taken to be elected as a member under new section 9(1)(d), (e), (f), (g) or (h), respectively, for the balance of the person's term of office.
2. The Council is to make all necessary by-laws and take all necessary steps to ensure, as far as possible, that the Council is duly constituted under new section 9 as soon as is reasonably practicable after the relevant day.
3. For the purposes of making the by-laws referred to in subclause (2), the Council must be constituted so as to include all of the members required to be appointed under new section 9(1)(b).
4. The Council is taken to be properly constituted until such time as it is constituted in accordance with new section 9.
5. A casual vacancy occurring in the office of a member before the Council is duly constituted under new section 9 is to be filled as follows:
  - a. if the vacancy occurs in the office of a member appointed under new section 9(1)(b), the Minister is to appoint a person whom the Minister considers appropriate,
  - b. if the vacancy occurs in the office of a member appointed under new section 9(1)(c), the Council is to appoint a person whom the Council considers appropriate,
  - c. if the vacancy occurs in the office of a member elected under new section 9(1)(d) or (e), the Council is to appoint a person qualified to hold that office,
  - d. if the vacancy occurs in the office of a member elected under new section 9(1)(f) or (g), the Council is to appoint a person qualified to hold that office following consultation with the relevant student body or bodies recognised by the Council,
  - e. if the vacancy occurs in the office of a member elected under new section 9(1)(h), the Council is to appoint a person qualified to hold that office following consultation with members of Convocation whose names are entered in the Roll of Convocation.
6. Subject to this Act, a member appointed under subclause (5) holds office from the time that person is appointed under that subclause until the expiry of the term of that member's predecessor.
7. Subject to this Act, if, on the expiry:
  - a. of a member's term of office that is continued under subclause (1)(b) or (c), or
  - b. in the case of a member appointed under subclause (5), of the term of office of the member's predecessor, the by-laws necessary to enable a person to be duly appointed or elected (as the case may be) to that office under new section 9 are not yet in force, the member may continue to hold that office until such time as a person is so duly appointed or elected.
8. For the purposes of subclause (1), a member filling a casual vacancy and holding office immediately before the relevant day is taken to hold that office immediately before the relevant day under the provision under which the member's predecessor was elected or appointed.
9. A person who ceases to hold office under subclause (1)(a):
  - a. is not entitled to any remuneration or compensation because of loss of that office, and
  - b. is eligible (subject to this Act and if otherwise qualified) to be appointed as a member.

## 18 Maximum incumbency for Council members

1. Consecutive years of office served by a member of the Council immediately before the relevant day are to be taken into account in applying clause 1(3) of Schedule 1 in respect of the member.
2. However, clause 1(3) of Schedule 1 does not affect the operation of clause 17(1)(b) or (c) or (7) of this Schedule.

## 19 Application of section 21G

Section 21G, as inserted by the amending Act, applies only in relation to breaches of duty constituted by acts or omissions occurring after the relevant day.

## 20 Continuation of Council

No amendment made by the amending Act affects the continuity of the Council.

## Part 5 — Provisions consequent on adoption of standard governing body provisions

### 21 Adoption of standard governing body provisions under the Universities Governing Bodies Act 2011

1. Terms used in this clause and also in the *Universities Governing Bodies Act 2011* have the same meaning in this clause as they have in that Act.
2. In this clause:  
**amended provision** means a provision of this Act and the by-laws as amended by the Universities Governing Bodies (University of Technology, Sydney) Order 2012.

**existing appointed member** of the Council means a member of the Council as constituted immediately before the governing body resolution took effect.

**governing body resolution** means the governing body resolution passed by the Council on 18 April 2012.

3. An existing appointed member of the Council continues in office until the expiration of the term for which the member was to hold office immediately before the governing body resolution took effect (subject to the member's office becoming vacant earlier for a reason other than the expiration of the member's term of office).
4. The proportion of Council and Ministerially appointed members of the Council specified under the constitution rules is, until all existing appointed members of that category cease to hold office as referred to in subclause (3), taken to be the number of existing appointed members in those categories at any particular time.
5. A requirement of the by-laws relating to the time within which persons who may be suitable for appointment as a Council or Ministerially appointed member of the Council are required to be identified or recommended, does not apply in respect of the nomination of a person for appointment to fill a vacancy in the office of an existing appointed member.
6. A person who, immediately before the governing body resolution took effect, held office as an elected member of the Council is taken to have been elected under the corresponding category of membership set out in amended provisions.

## Part 6 – Provisions consequent on enactment of Universities Legislation Amendment (Regulatory Reforms) Act 2014

### 22 Definition

In this Part:

**amending Act** means the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*.

### 23 Guidelines for commercial activities

The Guidelines approved for the time being under section 21B, as in force immediately before the amendments made to that section by the amending Act, continue to have effect as if they were Guidelines determined by the Council under that section as amended.

### 24 Existing investments

An amendment made to this Act by the amending Act does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

### 25 Previously acquired land

Section 18(2)–(3), as inserted by the amending Act, extend to land acquired from the State before the insertion of those subsections.

## Part 7 – Provision consequent on enactment of Statute Law (Miscellaneous Provisions) Act 2017

### 26 Financial accommodation and risk management

An amendment made to this Act by the *Statute Law (Miscellaneous Provisions) Act 2017* does not affect the validity of any financial accommodation made by or on behalf of the University, any transaction or arrangement entered into or participated in to manage a financial risk, or any disposal or other dealing with property of the University, before the commencement of the amendment.

## Historical notes

The following abbreviations are used in the historical notes

am	amended	LW	legislation website	Sch	Schedule
cl	clause	no	number	Schs	Schedules
cll	clauses	p	page	sec	section
Div	Division	pp	pages	secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
ins	inserted	rep	repealed	subst	substituted

### Table of amending instruments

*University of Technology Sydney Act 1989* No 69 (formerly University of Technology, Sydney, Act 1989). Assented to 23.5.1989. Date of commencement, Part 2, secs 9–13, 23–25 and 31 and cll 5–7 and 9 of Sch 3 excepted, 1.9.1989, sec 2 and GG No 92 of 1.9.1989, p 6368; date of commencement of Part 2, secs 10–13, 23–25 and 31 and cll 5–7, 8A, 8B and 9 of Sch 3, 1.1.1990, sec 2 and GG No 124 of 22.12.1989, p 11036, date of commencement of sec 9, 1.11.1990, sec 2 and GG No 133 of 26.10.1990, p 9427.

This Act has been amended as follows:

1989	No 130	<i>Miscellaneous Acts (Higher Education) Repeal and Amendment Act 1989</i> . Assented to 30.8.1989. Date of commencement of the provisions of Sch 2 relating to the <i>University of Technology, Sydney, Act 1989</i> , assent, sec 2(1).
	No 179	<i>Universities Legislation (Investment) Amendment Act 1989</i> . Assented to 14.12.1989. Date of commencement, assent, sec 2.
	No 226	<i>Statute Law (Miscellaneous Provisions) Act (No 3) 1989</i> . Assented to 21.12.1989. Date of commencement of the provision of Sch 2 relating to the <i>University of Technology, Sydney, Act 1989</i> , assent, sec 2.
1990	No 108	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 1990</i> . Assented to 13.12.1990. Date of commencement of the provision of Sch 1 relating to the <i>University of Technology, Sydney, Act 1989</i> , assent, sec 2.
1992	No 57	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 1992</i> . Assented to 8.10.1992. Date of commencement of the provision of Sch 2 relating to the <i>University of Technology, Sydney, Act 1989</i> , assent, Sch 2.
1994	No 16	<i>University Legislation (Amendment) Act 1994</i> . Assented to 10.5.1994. Date of commencement of item (1) of the provisions of Sch 1 relating to the <i>University of Technology, Sydney, Act 1989</i> and so much of item (5) of those provisions as inserts cl 11 of Sch 3 to that Act, 10.6.1994, sec 2 and GG No 78 of 10.6.1994, p 2761; date of commencement of item (2) of those provisions, 9.9.1994, sec 2 and GG No 115 of 9.9.1994, p 5635; date of commencement of items (3) and (4) of those provisions and so much of item (5) as inserts cl 12 of Sch 3 to that Act, 1.11.1994, sec 2 and GG No 139 of 14.10.1994, p 6252.
	No 95	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 1994</i> . Assented to 12.12.1994. Date of commencement of the provisions of Sch 1 relating to the <i>University of Technology, Sydney, Act 1989</i> , 10.2.1995, Sch 1 and GG No 14 of 10.2.1995, p 734.
1995	No 16	<i>Statute Law (Miscellaneous Provisions) Act 1995</i> . Assented to 15.6.1995. Date of commencement of the provisions of Sch 2 relating to the <i>University of Technology, Sydney, Act 1989</i> , 12.12.1994, Sch 2.
1996	No 24	<i>Financial Institutions (Miscellaneous Amendments) Act 1996</i> . Assented to 21.6.1996. Date of commencement, 12.7.1996, sec 2 and GG No 84 of 12.7.1996, p 3984.
1999	No 94	<i>Crimes Legislation Amendment (Sentencing) Act 1999</i> . Assented to 8.12.1999. Date of commencement of sec 7 and Sch 5, 1.1.2000, sec 2 (1) and GG No 144 of 24.12.1999, p 12184.
2001	No 101	<i>Universities Legislation Amendment (Financial and Other Powers) Act 2001</i> . Assented to 11.12.2001. Date of commencement, 1.3.2002, sec 2 and GG No 56 of 1.3.2002, p 1470.
2004	No 115	<i>University Legislation Amendment Act 2004</i> . Assented to 21.12.2004. Date of commencement, assent, sec 2.
2005	No 98	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2005</i> . Assented to 24.11.2005. Date of commencement of Sch 2.70, assent, sec 2 (2).
2008	No 23	<i>Miscellaneous Acts Amendment (Same Sex Relationships) Act 2008</i> . Assented to 11.6.2008. Date of commencement, 22.9.2008, sec 2 and GG No 118 of 19.9.2008, p 9283.
2010	No 19	<i>Relationships Register Act 2010</i> . Assented to 19.5.2010. Date of commencement of Sch 3, assent, sec 2 (2).
2011	No 51	<i>Universities Governing Bodies Act 2011</i> . Assented to 25.10.2011. Date of commencement, assent, sec 2.
2012	(463)	<i>Universities Governing Bodies (University of Technology, Sydney) Order 2012</i> . LW 14.9.2012. Date of commencement, on publication on LW, cl 2.
2013	No 47	<i>Statute Law (Miscellaneous Provisions) Act 2013</i> . Assented to 25.6.2013. Date of commencement of Sch 1.39, 5.7.2013, sec 2 (1).
2014	No 43	<i>Universities Legislation Amendment (Regulatory Reforms) Act 2014</i> . Assented to 26.8.2014. Date of commencement, assent, sec 2.

2015	No 15	<i>Statute Law (Miscellaneous Provisions) Act 2015</i> . Assented to 29.6.2015. Date of commencement of Sch 1.27, 1.8.2015, Sch 1.27.
2016	No 27	<i>Statute Law (Miscellaneous Provisions) Act 2016</i> . Assented to 7.6.2016. Date of commencement of Sch 1.30, 8.7.2016, sec 2 (1).
2017	No 22	<i>Statute Law (Miscellaneous Provisions) Act 2017</i> . Assented to 1.6.2017. Date of commencement of Sch 1.29, 7 days after assent, sec 2 (1).
	No 23	<i>Universities Legislation Amendment (Planning Agreements) Act 2017</i> . Assented to 1.6.2017. Date of commencement, 1.7.2017, sec 2.
	No 63	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2017</i> . Assented to 23.11.2017. Date of commencement of Sch 1.20, 14 days after assent, sec 2 (1).
2018	No 70	<i>Government Sector Finance Legislation (Repeal and Amendment) Act 2018</i> . Assented to 22.11.2018. Date of commencement of Sch 4.111[1]: not in force. Date of commencement of Sch 4.111[2] and [3], 1.7.2021, sec 2(1) and 2021 (305) LW 25.6.2021.

### Table of amendments

long title	am 2015 No 15, Sch 1.27 [1].
sec 1	am 2015 No 15, Sch 1.27 [2].
sec 3	am 1989 No 130, Sch 2; 2001 No 101, Sch 8 [1]; 2004 No 115, Sch 8 [1]; 2015 No 15, Sch 1.27 [3]; 2016 No 27, Sch 1.30 [1].
sec 5	am 2015 No 15, Sch 1.27 [4].
sec 6	subst 2001 No 101, Sch 8 [2]; am 2014 No 43, Sch 1.8 [1].
sec 7	subst 2001 No 101, Sch 8 [3].
Part 3, Div 1, heading	ins 2012 (463), Sch 1 [1].
sec 8	subst 2012 (463), Sch 1 [1]; am 2016 No 27, Sch 1.30 [2].
secs 8A–8C	ins 2012 (463), Sch 1 [1].
sec 8D	ins 2012 (463), Sch 1 [1]; am 2016 No 27, Sch 1.30 [2].
secs 8E–8H	ins 2012 (463), Sch 1 [1].
sec 9	am 1989 No 130, Sch 2; 1994 No 95, Sch 1; 1995 No 16, Sch 2; subst 2004 No 115, Sch 8 [2]; am 2005 No 98, Sch 2.70; subst 2012 (463), Sch 1 [1].
Part 3, Div 2, heading	ins 2012 (463), Sch 1 [1].
sec 10	am 2011 No 51, Sch 3.10 [1].
sec 11	am 2011 No 51, Sch 3.10 [2].
sec 11A	ins 2011 No 51, Sch 3.10 [3].
sec 13	subst 1994 No 16, Sch 1.
sec 16	am 1996 No 24, Sch 1; 2001 No 101, Sch 8 [4]–[11]; 2004 No 115, Sch 8 [3]; 2014 No 43, Sch 1.8 [2]; 2017 No 22, Sch 1.29 [1] [2].
sec 16, note	ins 2004 No 115, Sch 8 [4].
sec 16A	ins 2001 No 101, Sch 8 [12]; am 2004 No 115, Sch 8 [5]–[7]; 2018 No 70, Sch 4.111[2].
sec 17	am 1989 No 130, Sch 2; 2017 No 63, Sch 1.20.
sec 17A	ins 2001 No 101, Sch 8 [13]. Am 2018 No 70, Sch 4.111[3].
sec 17B	ins 2001 No 101, Sch 8 [13].
sec 18	am 1994 No 16, Sch 1; 2014 No 43, Sch 1.8 [3]–[5]; 2017 No 22, Sch 1.29 [3]; 2017 No 23, Sch 1.8.
sec 19	am 2014 No 43, Sch 1.8 [6] [7].
sec 20	subst 1992 No 57, Sch 2.
Part 4, Div 3	ins 2001 No 101, Sch 8 [14].
sec 21A	ins 2001 No 101, Sch 8 [14]; am 2014 No 43, Sch 1.8 [8].
sec 21B	ins 2001 No 101, Sch 8 [14]; am 2014 No 43, Sch 1.8 [9] [10].

secs 21C–21E	ins 2001 No 101, Sch 8 [14].
part 4A (secs 21f, 21g)	ins 2004 No 115, Sch 8 [8].
sec 22A	ins 2001 No 101, Sch 8 [15].
sec 27	am 2013 No 47, Sch 1.39 [1].
sec 28	am 1994 No 16, Sch 1; 2004 No 115, Sch 8 [9]; 2016 No 27, Sch 1.30 [2].
sec 29	subst 1994 No 16, Sch 1; am 2004 No 115, Sch 8 [10]; 2012 (463), Sch 1 [2]; 2014 No 43, Sch 1.8 [11]–[14].
Sch 1	am 1995 No 16, Sch 2; 1999 No 94, sec 7 (2) and Sch 5, Part 2; 2001 No 101, Sch 8 [16]; 2004 No 115, Sch 8 [11]; 2011 No 51, Sch 3.10 [4] [5]; 2012 (463), Sch 1 [3]–[5].
Sch 2	subst 1989 No 179, Sch 1; am 2001 No 101, Sch 8 [17]; 2014 No 43, Sch 1.8 [15] [16].
Sch 2A	ins 2004 No 115, Sch 8 [12]; am 2008 No 23, Sch 3.52; 2010 No 19, Sch 3.121 [1] [2]; 2013 No 47, Sch 1.39 [2].
Sch 3	am 1989 No 130, Sch 2; 1989 No 226, Sch 2; 1990 No 108, Sch 1; 1994 No 16, Sch 1; 2001 No 101, Sch 8 [18]; 2004 No 115, Sch 8 [13] [14]; 2012 (463), Sch 1 [6]; 2014 No 43, Sch 1.8 [17] [18]; 2017 No 22, Sch 1.29 [4].

# University of Technology Sydney By-law 2005

Note: This By-law is made under the *University of Technology Sydney Act 1989*, including section 28 (the general power to make by-laws).

## Part 1 – Preliminary

### 1 Name of By-law

This By-law is the University of Technology Sydney By-law 2005.

### 2 Application

This By-law applies to and in respect of the University of Technology Sydney, as established by the University of Technology Sydney Act 1989.

### 3 Definitions

1. In this By-law and in a rule:

**Academic Board** means the Academic Board established under section 15 of the Act.

**Chancellor** means the Chancellor of the University.

**close of nominations**, in relation to a Council election, means the date and time (as specified in the election rules) by which nominations for the election must be received by the Returning Officer.

**elected (academic staff) member** means a member of the Council referred to in section 8D(1)(a) of the Act.

**elected (postgraduate student) member** means a member of the Council referred to in section 8D(1)(c) of the Act who is a postgraduate student of the university.

**elected (professional staff) member** means a member of the Council referred to in section 8D(1)(b) of the Act.

**elected (undergraduate student) member** means a member of the Council referred to in section 8D(1)(c) of the Act who is an undergraduate student of the university.

**election rules** means rules made by the Council for or with respect to matters referred to in section 29(1A) of the Act.

**rule** means a rule made under section 29(1) of the Act.

**student** means a person enrolled as a candidate proceeding to a degree, diploma or other award course of the University, and includes both an undergraduate student and a postgraduate student.

**the Act** means the University of Technology Sydney Act 1989.

**University Secretary** means the University Secretary of the University.

**University website** means the website maintained by the University for the display of official notices.

**Vice-Chancellor** means the Vice-Chancellor of the University.

2. For the purposes of this By-law, a person is a **continuing or fixed-term member** of staff of the University if, regardless of whether the person is employed on a full-time or part-time basis, the person's conditions of employment by the University do not attract a casual loading.

3. (Repealed)

4. In the absence of a person who has been appointed to an office in the University by virtue of some other office held by him or her, whether in the University or elsewhere, any person acting in that other office holds that appointment ex officio, unless the Council resolves otherwise.

5. Notes included in this By-law are not part of this By-law.

## Part 2 – The Council

### Division 1 – The Chancellor

#### 4 Term of office of Chancellor

For the purposes of section 10(2) of the Act, the term of office of the Chancellor is 4 years from the date of his or her election.

### Division 2 – Elected members of Council

#### Subdivision 1 – Preliminary

#### 5 Returning Officer

1. An election referred to in this Division is to be conducted by a person appointed by the Council to be the Returning Officer for the election.

2. The Returning Officer may appoint a Deputy Returning Officer (with such powers as the Returning Officer may determine) and other persons to assist the Returning Officer in the conduct of all or any part of an election referred to in this Division.



3. The Returning Officer's decision is, subject to the Act and this By-law, final on all matters affecting the eligibility of candidates, the standards of behaviour expected during elections and election campaigns, the conduct and results of an election and such other matters as may from time to time affect the conduct of elections.

## **6     Rolls**

1. The Returning Officer is to keep the following:
  - a. for the purposes of section 8D(1)(a) of the Act — a Roll of Academic Staff containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons who are continuing or fixed-term members of the academic staff of the University,
  - b. for the purposes of section 8D(1)(b) of the Act — a Roll of Professional Staff containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons who are continuing or fixed-term members of the professional staff of the University,
  - c. for the purposes of section 8D(1)(c) of the Act — a Roll of Undergraduate Students containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons enrolled in courses that are listed in the register of undergraduate courses of the University with a minimum duration of one year full-time or equivalent,
  - d. for the purposes of section 8D(1)(c) of the Act — a Roll of Postgraduate Students containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons enrolled in courses that are listed in the register of postgraduate courses of the University with a minimum duration of one year full-time or equivalent.
2. A person who is both a student and a continuing or fixed-term member of the academic or professional staff of the University is not entitled to have the person's name entered on either of the Rolls referred to in subclause (1) (c) and (d).

### **Subdivision 2 — Provisions relating to candidates and voters**

#### **7     Qualification for elected (academic staff) member**

For the purposes of section 8D(3)(a) of the Act, in respect of an elected (academic staff) member, the prescribed qualification is that the person's name is entered on the Roll of Academic Staff.

#### **8     Qualification for election as elected (professional staff) member**

For the purposes of section 8D(3)(a) of the Act, in respect of an elected (professional staff) member, the prescribed qualification is that the person's name is entered on the Roll of Professional Staff.

#### **9     Qualification for election as elected (undergraduate student) member**

For the purposes of section 8D(3)(a) of the Act, in respect of an elected (student) member who is an undergraduate student of the University, the prescribed qualifications are that:

- a. the person's name is entered on the Roll of Undergraduate Students, and
- b. at the close of nominations for the election, the person has at least 2 years full-time study (or equivalent) remaining until completion of the person's course at the university.

Note. See clause 29(2A) for elections to fill casual vacancies.

#### **10    Qualification for election as elected (postgraduate student) member**

For the purposes of section 8D(3)(a) of the Act, in respect of an elected (student) member who is a postgraduate student of the University, the prescribed qualifications are that:

- a. the person's name is entered on the Roll of Postgraduate Students, and
- b. at the close of nominations for the election, the person has at least 2 years full-time study (or equivalent) remaining until completion of the person's course at the university.

Note. See clause 29(2A) for elections to fill casual vacancies.

### **Subdivision 3 — Ballot**

#### **11    Conduct of ballot**

A ballot for a Council election must be a secret ballot conducted in accordance with the election rules.

#### **12    Method of voting**

1. The method of voting for a Council election is optional preferential voting.
2. To cast a formal vote, voters indicate the name of their preferred candidate with the figure '1'.
3. Voters may use consecutive figures (starting with the figure '2') to indicate their order of preference for the remaining candidates.

### **13 Secrecy of ballot to be maintained**

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

### **Subdivisions 4–6**

#### **14–27I (Repealed)**

### **Subdivision 7 – Miscellaneous**

#### **28 Term of office of elected members of Council**

1. For the purposes of section 9(1)(c) of the Act, a member of Council elected under section 8D(1)(a), (b) or (c) of the Act holds office for 2 years.
2. For the purposes of section 9(1)(d) of the Act, a member of Council elected under section 8E of the Act holds office for 2 years.

#### **29 Casual vacancy in office of elected member of Council**

1. In the event that a casual vacancy in the office of a member of the Council elected under section 8D(1)(a), (b) or (c) of the Act occurs:
  - a. if less than half of that member's term of office remains, the Council, as soon as practicable after the vacancy occurs, with the consent of the runner-up in the most recent election for that office, may appoint the runner-up to hold that office under section 8D(1)(a), (b) or (c) of the Act for the remainder of the term of office, or
  - b. if the remainder of that member's term of office is or exceeds half of the term of office, the Returning Officer is to conduct an election among those persons qualified to vote at such an election in accordance with the Act and this By-law to fill the vacancy for the balance of the term of office.
- 1A. If the office is not filled in accordance with subclause (1)(a), the Council must by resolution appoint a person qualified to hold that office under section 8D(1)(a), (b) or (c) of the Act to hold office for the remainder of the term of office.
2. An election referred to in subclause (1)(b) is to be conducted as soon as practicable after the vacancy occurs (or, in a case to which clause 30 applies, from some earlier time in accordance with that clause).
- 2A. Despite clauses 9(b) and 10(b), the prescribed qualification for a person in an election referred to in subclause (1)(b) in respect of an elected (student) member is that, at the close of nominations for the election, the period of full-time study (or equivalent) remaining until completion of the person's course at the university exceeds the balance of the term of office concerned.
3. In this clause:  
**runner-up** in an election means the person who, in the vote counting process at the election, was the last remaining candidate for election aside from the person who was declared elected.

#### **30 Election in anticipation of resignation**

1. Any member of the Council who intends to resign in circumstances that would create a vacancy to which clause 29(1)(b) would apply if the resignation took effect as intended is under a duty to notify the Returning Officer as soon as practicable of:
  - a. his or her intention to resign, and
  - b. the date from which the resignation is intended to take effect.
2. On receipt of any such notification the Returning Officer, even though the resignation has not taken effect, may in accordance with the election rules proceed to conduct an election to fill the anticipated vacancy.
3. The election of a new member of the Council in accordance with subclause (2) does not take effect until after the incumbent member's resignation takes effect.

### **Division 3 – Appointed members of Council**

#### **31–33 (Repealed)**

#### **34 Nominations procedure relating to appointments under sections 8F and 8G**

1. At least 3 months before the term of office of a member of the Council appointed under section 8F or 8G of the Act is due to expire, a Nominations Committee established by the Council is to identify persons who may be suitable for appointment as such a member.
2. The Committee is:
  - a. to determine which of those persons are to be recommended to the Council:
    - i. for suggestion for consideration for appointment by the Minister, or
    - ii. for appointment by the Council,as the case may be, and

- b. to recommend the length of appointment for each such person, and
  - c. to forward those recommendations to the Council at least 2 months before the relevant term of office is due to expire.
3. In determining the persons to be recommended under subclause (2)(a), the Committee is to have regard to:
- a. the skills and experience of the continuing members of the Council, and
  - b. the skills and experience that will be needed for the Council as a whole (taking into account the matters referred to in section 8C of the Act), and
  - c. such other matters as the Committee considers relevant.
4. The Council is:
- a. to consider the recommendations forwarded by the Committee, and
  - b. to determine which of the recommended persons are to be:
    - i. suggested for consideration for appointment by the Minister, or
    - ii. appointed by the Council,
 as the case may be, and
  - c. to determine:
    - i. in the case of the persons referred to in paragraph (b)(i), the recommended length of appointment for each such person, or
    - ii. in the case of the persons referred to in paragraph (b)(ii), the length of appointment for each such person.
5. The Chancellor is to forward the determinations referred to in subclause (4)(b)(i) and (c)(i) to the Minister.
6. The Council is to make the determinations referred to in subclause (4) at least 1 month before the relevant term of office is due to expire.
7. The Council may make the determinations referred to in subclause (4) only at a meeting of the Council:
- a. convened by the University Secretary, and
  - b. of which the University Secretary has given each member of the Council at least 7 days' notice.
8. The notice referred to in subclause (7)(b) must:
- a. be posted or delivered to each member of the Council, and
  - b. state the date, time and place of the meeting, and
  - c. state the purpose of the meeting.
9. A failure to comply with a time limit specified in this clause does not affect the validity of a suggestion or an appointment.

**35 (Repealed)**

**36 Casual vacancy in the office of an appointed member of Council**

- 1. If a casual vacancy occurs in the office of a member of Council appointed under section 8F or 8G of the Act, the Chancellor is to forward to the Minister for consideration for appointment the name of a person nominated in accordance with the procedures set out in clause 34 in respect of such an office.
- 2. (Repealed)
- 3. The time limits specified in clause 34 may be disregarded for the purposes of this clause.

## Part 3 – Membership of Convocation

**37 Graduates of University**

For the purposes of section 3(2) of the Act, the following are prescribed:

- a. an associate diploma or certificate received on completion of a course with a minimum duration of one year full-time or its equivalent,
- b. an honorary degree.

**38 Prescribed staff members of Convocation**

For the purposes of section 14(1)(c) of the Act, Convocation includes persons who are continuing or fixed-term members of the academic or professional staff of the University.

**39 Prescribed additional members of Convocation**

In addition to the persons on whom membership is conferred by the Act or this Part, Convocation includes the following:

- a. past members of the Councils of any of the predecessors of the University and of the Councils of the Kuring-gai College of Advanced Education and the Sydney College of Advanced Education, including past members of the governing bodies of the predecessors of each of those institutions,
- b. those persons who have been admitted to membership of Convocation by virtue of section 14(1)(c) of the Act and who have ceased employment after serving for not less than 5 years as members of the staff of the University,

- c. Professors Emeriti and recipients of honorary awards of the University, if not otherwise members of Convocation,
- d. such other persons as are considered by the Council to have given conspicuous service to the University or to be specially qualified to advance the interests of the University and who are admitted, by resolution of Council, as members of Convocation.

#### **40 Exemption from membership**

The Council may exempt any person, on grounds of conscience, from membership of Convocation.

### **Part 4 – Rules**

#### **41–43 (Repealed)**

#### **44 Rules made by Council**

The Council may make rules for or with respect to any or all of the matters for or with respect to which rules may be made under the Act.

Note. Section 29(1) of the Act provides that the by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with the Act or the by-laws) for or with respect to matters for which by-laws may be made, except the matters referred to in sections 3(2), 8B, 8D, 8E and 8F(2), 10 (2), 14 (1), 16 (1) (d) and (e), 23 and 28(1)(b) and (k) of the Act and clauses 1(1)(c) and (d) and 3 of Schedule 1 to the Act.

#### **45 (Repealed)**

#### **46 Promulgation of rules**

1. A rule must be promulgated by publication on the University website.
2. The Council must ensure that all rules are publicly available for inspection on the University website.
3. Failure to comply with subclause (2) does not invalidate any rule.
4. (Repealed)

### **Part 5 – Miscellaneous**

#### **46A Meetings and committees of Academic Board**

The Academic Board may determine:

- a. the manner and time of convening, holding and adjourning its meetings, and
- b. the conduct of business and the manner of voting at its meetings, and
- c. the establishment of committees of the Board and the quorum, powers and duties of such committees.

#### **47 (Repealed)**

#### **47A Delegation by Council**

For the purposes of section 17 of the Act, the following persons are prescribed as persons to whom the Council may delegate its functions:

- a. any member of staff of the University,
- b. any person engaged as a contractor by the University.

#### **48 Repeal**

1. The University of Technology, Sydney, By-law 1995 is repealed.
2. Any act, matter or thing that, immediately before the repeal of the University of Technology, Sydney, By-law 1995, had effect under that By-law is taken to have effect under this By-law (but only to the extent that it relates to an act, matter or thing affected by this By-law and is not inconsistent with this By-law and the acts, matters or things done under this By-law).
3. In particular, any rule made pursuant to a provision of the repealed By-laws is taken to have been made pursuant to the corresponding provision of this By-law.
4. (Repealed)

## Historical notes

The following abbreviations are used in the historical notes

am	amended	LW	legislation website	Sch	Schedule
cl	clause	no	number	Schs	Schedules
cll	clauses	p	page	sec	section
Div	Division	pp	pages	secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
ins	inserted	rep	repealed	subst	substituted

### Table of amending instruments

University of Technology Sydney By-law 2005 (642) (formerly University of Technology, Sydney, By-law 2005). GG No 126 of 14.10.2005, p 8779. Date of commencement, on gazettal. This By-law has been amended as follows:

2012	(463)	Universities Governing Bodies (University of Technology, Sydney) Order 2012. LW 14.9.2012. Date of commencement, on publication on LW, cl 2.
2013	(532)	University of Technology, Sydney, Amendment By-law 2013. LW 13.9.2013. Date of commencement, on publication on LW, cl 2.
2015	No 15	<i>Statute Law (Miscellaneous Provisions) Act 2015</i> . Assented to 29.6.2015. Date of commencement of Sch 4, 1.8.2015, sec 2 (4).
2016	No 27	<i>Statute Law (Miscellaneous Provisions) Act 2016</i> . Assented to 7.6.2016. Date of commencement of Sch 1.31, 8.7.2016, sec 2 (1). The amendments made by Sch 1.31 [2] to the extent that it amended cll 3 (2), 11 (1) (a), 14 (1) (b), 16 (1) and 20 (1) were without effect as the provisions being amended were amended by the University of Technology Sydney Amendment By-law 2016.
	(430)	University of Technology Sydney Amendment By-law 2016. LW 8.7.2016. Date of commencement, on publication on LW, cl 2.

### Table of amendments

cl 1	am 2015 No 15, Sch 4.14 [1].
cl 2	am 2015 No 15, Sch 4.14 [2].
cl 3	am 2012 (463), Sch 2 [1]; 2013 (532), Sch 1 [1]–[3]; 2015 No 15, Sch 4.14 [3]; 2016 No 27, Sch 1.31 [1]; 2016 (430), Sch 1 [1] [2].
Part 2, Div 2, Subdiv 1, heading	ins 2013 (532), Sch 1 [4]
cl 5	am 2016 (430), Sch 1 [3] [4].
cl 6	am 2012 (463), Sch 2 [2]–[5]; 2013 (532), Sch 1 [5]; 2016 No 27, Sch 1.31 [2]; 2016 (430), Sch 1 [5] [6].
Part 2, Div 2, Subdiv 2, heading	ins 2013 (532), Sch 1 [6].
cl 7	subst 2012 (463), Sch 2 [6]; am 2016 (430), Sch 1 [7].
cl 8	subst 2012 (463), Sch 2 [7]; am 2016 No 27, Sch 1.31 [2]; 2016 (430), Sch 1 [7].
cl 9	subst 2012 (463), Sch 2 [8]; 2016 (430), Sch 1 [8].
cl 10	subst 2012 (463), Sch 2 [9]; 2016 (430), Sch 1 [8].
Part 2, Div 2, Subdiv 3, heading	ins 2013 (532), Sch 1 [7]; subst 2016 (430), Sch 1 [9].
Part 2, Div 2, Subdiv 3	subst 2016 (430), Sch 1 [9].
cl 11	am 2013 (532), Sch 1 [8]–[11]. subst 2016 (430), Sch 1 [9].
cl 12	subst 2013 (532), Sch 1 [12]; 2016 (430), Sch 1 [9].
cl 13	am 2013 (532), Sch 1 [13] [14]. subst 2016 (430), Sch 1 [9].

cl 14	subst 2012 (463), Sch 2 [10]; rep 2016 (430), Sch 1 [9].
Part 2, Div 2, Subdiv 4, heading	ins 2013 (532), Sch 1 [15]; rep 2016 (430), Sch 1 [9].
cl 15	am 2013 (532), Sch 1 [16]; rep 2016 (430), Sch 1 [9].
cl 15A	ins 2013 (532), Sch 1 [17]; rep 2016 (430), Sch 1 [9].
Part 2, Div 2, Subdiv 5, heading	ins 2013 (532), Sch 1 [17]; rep 2016 (430), Sch 1 [9].
cl 15b	ins 2013 (532), Sch 1 [17]; rep 2016 (430), Sch 1 [9].
cl 16	am 2012 (463), Sch 2 [11] [12]; rep 2016 (430), Sch 1 [9].
cII 17–19	rep 2016 (430), Sch 1 [9].
cl 20	am 2012 (463), Sch 2 [13]; rep 2016 (430), Sch 1 [9].
cl 21	am 2012 (463), Sch 2 [14]; rep 2016 (430), Sch 1 [9].
cII 22–27	rep 2016 (430), Sch 1 [9].
Part 2, Div 2, Subdiv 6 (cII 27a–27i)	ins 2013 (532), Sch 1 [18]; rep 2016 (430), Sch 1 [9].
Part 2, Div 2, Subdiv 7, heading	ins 2013 (532), Sch 1 [18].
cl 28	subst 2012 (463), Sch 2 [15].
cl 29	am 2012 (463), Sch 2 [16]; 2013 (532), Sch 1 [19]–[22]; 2016 (430), Sch 1 [10].
cl 30	am 2016 (430), Sch 1 [11].
cl 31	rep 2012 (463), Sch 2 [17].
cl 32	rep 2012 (463), Sch 2 [18].
cl 33	am 2012 (463), Sch 2 [19]; rep 2016 (430), Sch 1 [12].
cl 34	am 2012 (463), Sch 2 [20]–[23]; 2016 (430), Sch 1 [13] [14].
cl 35	rep 2012 (463), Sch 2 [24].
cl 36	am 2012 (463), Sch 2 [25]–[27].
cl 38	subst 2016 (430), Sch 1 [15]; am 2016 No 27, Sch 1.31 [2].
Part 4, Divs 1, 2 (cII 41–43)	rep 2016 (430), Sch 1 [16].
Part 4, Div 3, heading	rep 2016 (430), Sch 1 [16].
cl 44	am 2013 (532), Sch 1 [23].
cl 45	rep 2016 (430), Sch 1 [17].
cl 46	am 2013 (532), Sch 1 [24]; 2016 (430), Sch 1 [18] [19].
cl 46A	ins 2016 (430), Sch 1 [20].
cl 47	rep 2016 (430), Sch 1 [21].
cl 47A	ins 2013 (532), Sch 1 [25].
cl 48	am 2016 (430), Sch 1 [22].

# UTS Rules

## Changes to UTS Rules

The following changes to the UTS Rules – Student Rules and General Rules – were made in 2022.

Rule	Changes	Authorisation	Approval date	Effective date
section 16	Amendments to give effect to the replacement of the University Student Conduct Committee and consequential changes resulting from the Sexual Harm Prevention and Response Policy.	Council	30.11.2022	08.12.2022
Sch 3	Amendments to give effect to the replacement of the University Student Conduct Committee.	Council	30.11.2022	08.12.2022
Sch 4	Amendments to give effect to the replacement of the University Student Conduct Committee and consequential changes resulting from the Sexual Harm Prevention and Response Policy.	Council	30.11.2022	08.12.2022
section 16	Consequential changes resulting from amendments in relation to the replacement of the University Student Conduct Committee.	Deputy Director, Governance Support Unit	07.12.2022	08.12.2022
Sch 4	Consequential changes resulting from amendments in relation to the replacement of the University Student Conduct Committee.	Deputy Director, Governance Support Unit	07.12.2022	08.12.2022
Sch 5	Consequential changes resulting from amendments in relation to the replacement of the University Student Conduct Committee.	Deputy Director, Governance Support Unit	01.12.2022 07.12.2022	08.12.2022
Rule G3	Amendments to clarify the specific election from which runners-up can be selected to fill vacancies that arise.	Director, Governance Support Unit	14.11.2022	05.12.2022
Sch G1	Amendments to change the position titles of the new Executive Executive Director, People and Culture and Culture.	Deputy Director, Governance Support Unit	05.11.2022	05.12.2022
Sch G2	Amendments to change the position titles of the new Executive Executive Director, People and Culture and Culture.	Deputy Director, Governance Support Unit	05.11.2022	05.12.2022
Sch G2	Amendments to change the position title of the General Counsel and Executive Director, Risk and Compliance and remove the position title of Director, Risk.	Deputy Director, Governance Support Unit	24.11.2022	05.12.2022
Sch 1	Consequential changes resulting from the changes to the Subject Descriptions and Subject Outlines Policy.	Council	30.11.2022	01.12.2022
Sch G1	Amendments to align to changes to the delegations.	Council	19.10.2022	02.11.2022
Sch G2	Amendment to include Director, Internal Audit as a named position under Band 4.	Acting Vice-Chancellor	08.09.2022	08.09.2022

Rule	Changes	Authorisation	Approval date	Effective date
Sch G2	Amendment to reflect that four additional positions in ITU are provided with Band 4 general expenditure financial delegations and removal of the position of Head of IT, New Business, Enterprise and Community since the position has been absorbed into other positions.	Vice-Chancellor	12.08.2022	12.08.2022
section 12	Amendments to expand the role of the Thesis Examination Committee and amendments to replace 'examination' with 'assessment' and 'Graduate Research School Board' with its new title of 'Higher Degree Research Board'.	Council	15.06.2022	18.07.2022
Sch G2	Amendment to reflect title change of Deputy Director, Human Resources to Deputy Director, People.	Deputy Director, Governance Support Unit	09.06.2022	09.06.2022
Sch G2	Amendment to elevate the position of Executive Director Lifetime Learner Experience in the financial delegation banding to align with Directors with similar responsibilities.	Vice-Chancellor	20.04.2022	20.04.2022
Sch G2	Amendment to provide a financial delegation to the Deputy Directors in UTS International to improve operational workflow following the creation of the new Pro Vice-Chancellor position within UTS International.	Vice-Chancellor	09.03.2022	09.03.2022
Sch G2	Amendments to reflect changes to position titles and provide clarity on groupings of positions as part of the university's portfolio realignment program of work.	Director, Governance Support Unit	02.03.2022	02.03.2022
Rule G1	Amendments to expand the list of authorised officers to assist in the smooth running of the 2022 graduation ceremonies and provide greater flexibility for any future, intensive occurrences of ceremonial events.	Council	16.02.2022	18.02.2022
Sch G2	The schedule of approved senior executive alternates is amended to reflect the organisational change following the portfolio realignment of the Resources and Corporate Services portfolios under the new Chief Operating Officer.	Council	16.02.2022	18.02.2022



# Student Rules

## Section 1 – General

### 1.1 General

- 1.1.1 These Rules shall be known collectively as the ‘Student Rules’ and are made pursuant to section 29 of the University of Technology Sydney Act 1989 (NSW) and clause 44 of the University of Technology Sydney By-law 2005 (NSW).
- 1.1.2 Rules take effect in accordance with section 29(2)(c) of the Act and are promulgated in accordance with clause 46 of the By-law.
- 1.1.3 For the purposes of these Rules, unless the contrary intention is apparent, the definitions in Schedule 1 apply. Specific definitions may also be contained within a section of the Rules.

### 1.2 Application of these Rules

#### 1.2.1 General

Subject to the provisions of Rules 1.2.2 and 1.2.3, these Rules apply to all students of the University who are admitted to award course(s) or non-award study including those course(s) and study conducted by, or in partnership with, another institution.

#### 1.2.2 Conduct of students and other persons

These Rules apply to the conduct of a person that occurs while he or she is a student of the University. There are circumstances in which some of these Rules also apply to the conduct of a person who is an applicant and/or former student.

#### 1.2.3 Course conducted in conjunction with another institution

- (1) The provost may exclude the application of some or all of these Rules in the case of students who are enrolled in a UTS course which is conducted in conjunction with another institution of an appropriate standing whether in Australia or offshore.
- (2) Students must comply with all requirements including, without limitation, the rules, guidelines and code of conduct of the other institution for the duration of their studies at the other institution. Students who transfer to UTS to continue their study will then be subject to these Rules from the time of transfer.

### 1.3 Designation

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

## Section 2 – Student requirements

### 2.1 General conduct

- 2.1.1 Each student has individual responsibility to comply with the Act, the By-law, these Rules, and the codes of conduct, policies, procedures, directives, guidelines and any other form of regulation of the University and relevant external authorities. Each student is required to acknowledge, by means of a signed statement or electronic confirmation, his or her agreement to comply with them.
- 2.1.2 Each student is required to maintain a standard of conduct acceptable to the University at all times whilst on University premises or undertaking any work in relation to his or her University course, or engaged in any activity related to his or her study at or through the University, and in relation to both academic and non-academic matters.
- 2.1.3 For the purposes of Rule 2.1.2, a standard of conduct acceptable to the University includes, without limitation, a standard of conduct that does not prejudice the good name or academic standing of the University.
- 2.1.4 While on the premises of the University, or undertaking any work in relation to his or her University course, or engaged in any activity related to study at or through the University, a student shall comply with any reasonable directive from an officer of the University.
- 2.1.5 A student undertaking an offshore course, or participating in a period of offshore study as part of an international studies program or overseas exchange program, or participating in other offshore activities related to their studies, must comply with the conditions of participation as determined by the University and with all requirements including, without limitation, rules, regulations, policies, procedures, directives, guidelines and codes of conduct of the host institution or place of business.
- 2.1.6 A student participating in clinical practice, fieldwork, internships, industry or other practical experience must comply with all requirements including, without limitation, rules, regulations, policies, procedures, directives, guidelines and codes of conduct relating to such participation as determined by the University.

- 2.1.7 A student participating in learning experiences that are part of a course and that involve laboratories or similar University facilities or situations must comply with any code of conduct relating to such facilities or situations as determined by the University.
- 2.1.8 A student, potential student or person who is acting on behalf of or in relation to a student or potential student must not knowingly submit to the University a document or any item that:
- (1) is falsely signed; or
  - (2) contains any forged signature; or
  - (3) contains any false, untrue or misleading statement or information.
- 2.1.9 If the Vice-Chancellor (or the Vice-Chancellor's nominee) reasonably considers that a student's conduct may interfere with the freedom of other persons to pursue their studies, carry out their functions, participate in University life or otherwise negatively impact the University, the Vice-Chancellor or the Vice-Chancellor's nominee may (irrespective of or in addition to any misconduct proceedings) require the student to comply with specific attendance or participation conditions as notified to the student in writing.
- 2.1.10 Failure to:
- (1) comply with the Act, the By-law, these Rules, and the codes of conduct, policies, procedures, directives, guidelines and any other form of regulation of the University or relevant external authorities; or
  - (2) maintain a standard of conduct acceptable to the University; or
  - (3) comply with conditions set by the Vice-Chancellor or the Vice-Chancellor's nominee under Rule 2.1.9; or
  - (4) comply with any reasonable directives from an officer of the University; or
  - (5) comply with any other provision of Rules 2.1.1 to 2.1.8;
- may be an act of misconduct and may be dealt with under the provisions of Section 16 (Student misconduct and appeals).

## **2.2 Identification**

### **2.2.1 Student Identity Card**

- (1) Students shall each be issued with a Student Identity Card showing their University Student Identification Numbers and photographs.
- (2) A student will retain the same UTS Student Identification Number during all periods of study at the University.
- (3) Student Identity Cards remain the property of the University and are not transferable.
- (4) Students are under an obligation to take reasonable steps to ensure that the Student Identity Card issued to them is held in a secure way and is not made available whether deliberately or inadvertently for any other person to use.
- (5) A student who takes leave of absence, ceases to attend or withdraws from all study must return his or her Student Identity Card to the University.
- (6) A student must carry his or her Student Identity Card at all times while on University premises and at such other locations as may be prescribed in the requirements of his or her course.
- (7) A student must produce his or her Student Identity Card on demand of an officer of the University, including but not limited to when:
  - (a) gaining entry to an examination room;
  - (b) gaining entry to and borrowing books from the University Library;
  - (c) borrowing University equipment;
  - (d) proving his or her identity as a student of the University with current entitlement to, access to, and use of, the University's facilities, equipment and amenities.
- (8) A student who has lost or otherwise misplaced his or her Student Identity Card must arrange for a replacement card at the earliest practicable opportunity. A fee will apply for replacement of a lost Student Identity Card.
- (9) Misuse of a Student Identity Card may constitute misconduct under Section 16 (Student misconduct and appeals).

### **2.2.2 Student access to controlled areas and facilities**

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

### **2.2.3 Commonwealth Higher Education Student Support Number (CHESSN)**

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

### **2.2.4 Tax File Number (TFN)**

- (1) Under the provisions of relevant legislation, students who are eligible to make payments for fees, loans or other contributions through the Australian taxation system, may be required to provide the University with a Tax File Number (TFN).
- (2) This TFN will:
  - (a) be limited in its use to the reporting of financial liability to the relevant Commonwealth offices;
  - (b) have its use protected under the relevant legislation.
- (3) A student who is required to provide a valid TFN and fails to do so, or who provides a number that is invalid or false, may have his or her admission to or enrolment in the course cancelled or changed to another status.

## **2.3 Communication**

- 2.3.1 Official University notices shall be displayed at the direction of the University Secretary on the official noticeboard on the UTS website.
- 2.3.2 The University will make a student system account including a UTS email address available to each student. Email from the University to a student will be sent to the student's UTS email address. Email sent from a student to the University must be sent from the student's UTS email address.
- 2.3.3 The University may in its absolute discretion communicate with students using any of the following:
  - (1) the UTS email address;
  - (2) Short Message Service (SMS) by voice or text to a telephone number provided by a student; and/or
  - (3) mail.
- 2.3.4 Notices sent by mail to the mail address provided by a student, whether standard or registered mail, by email to a student's UTS email address or by SMS will be deemed to have been received by the student as follows:
  - (1) by mail, two working days after posting for domestic mail and 10 working days after posting for international mail;
  - (2) by email or SMS, at the time sent by the University.
- 2.3.5 Students have a responsibility to access University notices and correspondence communicated via the official noticeboard, the UTS email address, the student system account, SMS and/or mail. Failing to read notices or correspondence, or misreading or misunderstanding notices or correspondence will not be accepted as a reason for students being unaware of material contained in them.
- 2.3.6 Students have a responsibility to respond to communication from the University in a timely manner.
- 2.3.7 Students should quote their Student Identification Number in all communications.
- 2.3.8 Students have a responsibility to make and retain a copy of all documents, forms and correspondence lodged with the University, including copies of electronic transactions.
- 2.3.9 Students must notify the Director, Student Administration Unit (or nominee) of any change in their contact details as soon as possible, by online access to MyStudentAdmin on the student system account and/or by other designated mode of written or electronic notification to student administrative services or support as prescribed by the Director, Student Administration Unit (or nominee) from time to time. The University will not accept responsibility if communications fail to reach a student who has not so notified the Director, Student Administration Unit (or nominee) of a change of contact details.

## **2.4 Relevant documentary evidence**

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

## 2.5 Study management

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

## Section 3 – Course and subject requirements

### 3.1 Availability of courses and places

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

### 3.2 General course requirements

- 3.2.1 Academic Board will approve in principle the languages other than English in which coursework programs of the University may be offered. Where a course has been approved for delivery in a language other than English, course and subject information and other relevant information as prescribed by the Provost will be provided in the language approved for delivery of the course.
- 3.2.2 Course requirements, including admissions standards, course structures, inherent requirements and arrangements for courses, are published in the UTS: Handbook and are authoritative as at the time of publication. The University reserves the right to phase out, discontinue, review or vary course requirements, admissions standards and arrangements for courses at any time.
- 3.2.3 Course and subject information provided to students and prospective students by faculties and other academic units of the University will be consistent with and, wherever possible, cross referenced to and linked online to the course and subject information published in the UTS: Handbook.
- 3.2.4 Each subject, and the associated details about it to be included in the official publications of the University, must be approved by the relevant Faculty Board before publication of those details takes place.
- 3.2.5 In addition to, or as part of, specific course and subject requirements, the Provost or the Deputy Vice-Chancellor (Education and Students) may approve mandatory training as part of the University's role in supporting students to develop further awareness or technical training, enhance literacy and numeracy proficiency, or to manage student safety and health.
- 3.2.6 Mandatory training approved under Rule 3.2.5 may be considered a progression requirement for all students or identified student cohorts and subject to Section 10 of the Student Rules.

### 3.3 Legislative requirements

- 3.3.1 Special conditions may need to be specified in respect of certain courses offered by the University because of legislative requirements.

- 3.3.2 For students undertaking an internship that involves direct contact with people under the age of 18, the following conditions will apply:
- (1) all students admitted to these courses must complete required declarations and have required personal information checked by government authorities;
  - (2) eligibility for commencement and continuing participation in these courses is determined on the basis of information obtained through these checks;
  - (3) the provision of inaccurate or unsatisfactory information, the receipt of unsatisfactory information or the refusal to undergo these checks may result in withdrawal of an offer of admission to that course and/or cancellation of enrolment.

### 3.4 Internship requirements

- 3.4.1 A number of courses offered by the University require students to undertake internships or internship-like experiences (hereafter internships) in line with the requirements and definitions outlined in these rules and the Internships Management Policy.
- 3.4.2 The University and the provider of the internship must follow the provisions outlined in the Internships Management Policy.
- 3.4.3 While undertaking an internship, a student may be summarily excluded from facilities and/or from participation in activities in accordance with Rule 16.9.
- 3.4.4 If, while undertaking an internship, a student is summarily excluded from facilities and/or from participation in activities then under Rule 16.9.7 the relevant circumstance or incident may be referred to the Director, Governance Support Unit as an allegation of student misconduct; or referred to the Vice-Chancellor or Vice-Chancellor's nominee to be handled under Rule 2.1.9; or dealt with under Rule 3.4.5.
- 3.4.5 If a student is identified as not ready to proceed with an internship, or it has been determined that the student does not meet relevant suitability requirements to proceed with or continue the required internship, the student may be unable to complete the course requirements. The following process will apply:
- (1) The Responsible Academic Officer, in consultation with the external supervisor (if any), will assess whether a student is ready to proceed with or is suitable to continue, any part of the required internship on its scheduled commencement, and the Responsible Academic Officer may defer or reschedule the student's participation;
  - (2) The Responsible Academic Officer must advise the student and the Dean in writing of the decision within three working days of making it.
- 3.4.6 Where the deferral of a student's participation in any part of the required internship would have the effect of preventing the student from continuing their course the Responsible Academic Officer, with the agreement of the Dean, will refer the matter, with an appropriate recommendation, to the Deputy Vice-Chancellor (Education and Students), who will take action and make a decision as deemed appropriate. A decision may be made that a student is unsuited for further internships and where necessary, their enrolment will be withdrawn.
- The withdrawal of a student's enrolment will take effect from when:
- (a) a student does not lodge an appeal under Rule 3.4.8 – the date on which the deadline to lodge the appeal passed (taking into account any extensions granted under Rule 3.4.10); or
  - (b) a student lodges, but subsequently withdraws an appeal under Rule 3.4.11 – the date on which the appeal was withdrawn; or
  - (c) an appeal lodged by a student is referred to the Internships Appeals Committee under Rule 3.4.13 and the Committee dismisses the appeal under Rule 17.7.2(4) – the date on which the student is notified of the Committee's decision.
- 3.4.7 The Deputy Vice-Chancellor (Education and Students) must notify the student in writing of any decision he or she makes within three working days of making it.
- 3.4.8 A student may appeal to the Internships Appeals Committee against any decision made by the Deputy Vice-Chancellor (Education and Students) pursuant to Rule 3.4.6 (refer Rules 3.4.9 to 3.4.15).
- 3.4.9 An appeal must be in writing, specify and substantiate the grounds of the appeal (refer Rule 3.4.12) and be lodged with the Director, Governance Support Unit within 20 working days of the date of notification of the decision.
- 3.4.10 A student may request an extension of time in which to lodge an appeal under Rule 3.4.8. The request must be made in writing to the Director, Governance Support Unit within 15 working days of the date on which the student was notified of the decision of the Deputy Vice-Chancellor (Education and Students). The decision to grant an extension, and the length of the extension, is at the discretion of the Director, Governance Support Unit.
- 3.4.11 At any stage of the appeal process, a student may withdraw their appeal by advising the Director, Governance Support Unit in writing.
- 3.4.12 The grounds for appeal are:
- (1) procedural irregularities in the decision-making process of a type and to an extent that are likely to have had a significant negative impact on the decision;
  - (2) mitigating circumstances, that directly and significantly affected the student's performance and were not known at the time of making the decision. The mitigating circumstances need to be of a type and to an extent that make it likely that the student could complete the internship in the future and must be supported by documentary evidence;

- (3) the decision was based on factual errors of such magnitude as to invalidate the decision; and/or
- (4) the conclusion as to the student's suitability for further internship placement was manifestly unreasonable, taking account of all the circumstances of the matter and the relevant professional standards and practices.

3.4.13 The Director, Governance Support Unit will refer the student's appeal to the Internships Appeals Committee, constituted under Rule 17.3, for consideration and decision. The student will be given the opportunity to address the Committee in person.

3.4.14 Where the Internships Appeals Committee dismisses an appeal lodged by a student under Rule 3.4.8, the student's enrolment will be withdrawn.

3.4.15 Where the Internships Appeals Committee upholds, in full or in part, an appeal lodged by a student under Rule 3.4.8, the faculty will contact the student to advise the next steps with respect to the student's enrolment.

### **3.5 Professional requirements**

3.5.1 A number of courses offered by the University require students to obtain suitable concurrent professional experience as one of the courses inherent requirements. In these courses progression beyond the first year is normally dependent on the student being in suitable employment. In special cases, consideration will be given to experience obtained prior to admission to a course.

3.5.2 Where students have not satisfied the required professional requirements prescribed for the particular course within the time limits for completion, or as otherwise specified for that course, the matter will be considered in the first instance by the relevant Responsible Academic Officer for an appropriate recommendation to the Dean who will take action and make a decision as deemed appropriate. The decision may include that the student's enrolment will be withdrawn.

3.5.3 The Dean must notify the student in writing of any decision made within three working days of making it.

3.5.4 The Dean's decision is final and there is no appeal.

### **3.6 Changes to courses**

3.6.1 Academic Board and Executive Committee of Academic Board have authority to approve the phasing out, discontinuation, revision or variation of an existing course.

3.6.2 When Academic Board or Executive Committee of Academic Board exercises its authority under Rule 3.6.1, it must ensure that the approved course documentation:

- (1) states the reasons necessitating such a change;
- (2) in the case of a revision of a course structure:
  - (a) specifies the revised course structure;
  - (b) states whether students shall be given the option to complete the existing version of the course or shall be obliged to transfer to the revised version of the course;
  - (c) in the case where students are given the option to complete the existing version of the course specifies the time period in which students must complete the course in accordance with the existing course structure;
- (3) in the case of the phasing out and discontinuation of a course specifies the period for which students enrolled in the course will be able to continue their studies in accordance with the existing course structure.

3.6.3 Faculty Boards have the authority to approve changes to a course once a course has been accredited by Academic Board or Executive Committee of Academic Board, in accordance with the relevant Board's course change approval procedures, except for the following types of course changes which must be approved by Academic Board or Executive Committee of Academic Board:

- (1) courses that involve an external partner, an offshore course, or a new offshore location for an existing course;
- (2) the introduction of a new language version of an approved onshore course offered in languages other than English (LOTE); or
- (3) changes to the total credit point value of a course.

3.6.4 If a student is required to undertake a revised version of a course, the relevant Responsible Academic Officer, in consultation with the student, must provide transitional arrangements for the student which will satisfy the requirements of the revised version of the course. Details of these arrangements must be provided to the Director, Student Administration Unit (or nominee) who shall ensure that they are recorded and the University shall use these arrangements as the basis for determining the student's academic progress and completion of course requirements.

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

### **3.7 Subject requirements**

3.7.1 Faculty Boards have authority to approve subjects and changes to subjects in faculty offered courses.

- 3.7.2 Deans have authority to approve processes for approval of subject outlines.
- 3.7.3 Deans, Responsible Academic Officers or Subject Coordinators (as appropriate) shall ensure that enrolled students have access to a subject outline consistent with the UTS: Handbook for that subject by the deadline approved by the Provost and published online for the relevant teaching session.
- 3.7.4 If it becomes necessary after teaching has commenced for the University to change major subject and/or assessment requirements, the change shall:
- (1) be reasonable in all the circumstances;
  - (2) be submitted to the Responsible Academic Officer, who shall determine requests from Subject Coordinators to change assessment requirements for a subject after the first week of the teaching period;
  - (3) be confirmed in writing by the Subject Coordinator to all students enrolled in that subject.
- 3.7.5 For all UTS subjects, the credit point value must be a whole number and must be delivered in a single teaching period (as defined in Schedule 1), noting that teaching periods do not include the completion of related administrative matters (including finalisation of grades and appeals or internships (also called professional practice placements) that extend beyond a teaching period).
- 3.7.6 In determining the credit point value for each subject, faculties will take account of the total student workload (in the form of the various teaching and learning requirements) of the subject, including all online and face-to-face participation, projects, essays, independent and library study, preparation for class, collaborative work and any other teaching/learning strategies appropriate to the given discipline or subject.

### **3.8 Attendance and/or participation requirements**

- 3.8.1 If there are any attendance and/or participation requirements for a subject, they must be prescribed in the relevant subject outline.
- 3.8.2 If a student does not satisfy the prescribed attendance and/or participation requirements for a subject, the Responsible Academic Officer may:
- (1) refuse permission for the student to be considered for assessment;
  - (2) refuse permission for the student to attempt an assessment task;
  - (3) refuse permission for the student to undertake an examination in that subject;
  - (4) record a final result of 'Fail' for the student's enrolment in that subject.
- 3.8.3 If a student is prevented from meeting prescribed attendance or participation requirements as a result of illness or other circumstances beyond the student's reasonable control, the student may lodge an application for special consideration under Rule 8.3 for consideration of alternative arrangements.
- 3.8.4 Where appropriate, the Responsible Academic Officer in consultation with the Subject Coordinator may approve suitable alternative arrangements.
- 3.8.5 Approval of alternative arrangements for attendance and/or participation does not imply exemption from payment of any fees or charges, nor does it imply exemption from, or concessions relating to, assessment or examinations. Alternative arrangements will be subject to normal assessment grading.

### **3.9 Retention of students' work**

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

- 3.9.4 In cases where a student objects to the retention of an item of work for any purpose, and the University still wishes to exercise its right to retain the work, the student's objection shall be referred to the Responsible Academic Officer or Dean of the relevant faculty for resolution.
- 3.9.5 Except in the case of examination scripts or other work identified by the relevant faculty from time to time, the University will make available the student's work for return to the student when it is no longer required for the purposes of Rule 3.9.3, and will provide a reasonable opportunity to the student to collect the work.

## Section 4 – Fees, charges and other financial obligations

### 4.1 Liability for payment

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

- (1) for Commonwealth supported students and within the provisions of relevant legislation, any part of the student contribution amount that the student has elected to pay directly to the University;
- (2) course tuition fees;
- (3) non-award study single subject tuition fees;
- (4) student service fees and charges, including any components for membership of student organisations;
- (5) any charge for administrative services;
- (6) any loan made by the University;
- (7) any amounts payable under Section 18 (Use of the University Library);
- (8) any amounts payable under Section 16 (Student misconduct and appeals);
- (9) any amounts payable under Section 15 (Equipment loans);
- (10) penalty or other fines under Rule 4.4.1;
- (11) University Housing or other accommodation fees and charges.

Under section 30 of the Act, these amounts are debts due to the University and may be recovered by legal process.

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

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

Under section 30 of the Act, these amounts are debts due to the University and may be recovered by legal process.

4.1.3 In exceptional circumstances and subject to regulatory requirements the Director, Student Administration Unit may waive liability for payment of a particular fee or charge.

4.1.4 Course tuition fees are published on the fees and payment section of the University's website for the current (calendar) year (in line with the provisions of the Award Course Approval Policy) and are revised annually. Fees published for future year(s) are estimates only and the University reserves the right to vary fees for future year(s) at any time.

### 4.2 Payment due date

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

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

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

4.2.4 In exceptional circumstances and subject to legislative requirements the Director, Student Administration Unit may grant an extension of the payment due date. Applications for such an extension must be directed to the Director, Student Administration Unit, must be received prior to the payment due date, state the reasons why payment cannot be made by the due date and be accompanied by such relevant documentary evidence of the exceptional circumstances as is required by the Director, Student Administration Unit. Only in exceptional circumstances will the Director, Student Administration Unit accept such an application after the payment date.

### 4.3 Allocation of payment

4.3.1 The University will allocate payments received in accordance with the payment allocation schedule determined by the Provost. The payment allocation schedule will be published in the appropriate official publications of the University.



#### **4.4 Failure to pay**

- 4.4.1 If a student (and for purposes of this Rule, a student may include an applicant for admission, former student or user of the UTS Library as defined in Rule 18.2 or other UTS facilities) has not paid all due fees, charges, debts and any other specified amount by the due date for payment or has not been granted an extension of time to pay in accordance with Rule 4.2.4, the Provost (or nominee) may, or when required by legislative requirements must:
- (1) require the student to pay a fine for late payment as determined by the Provost (or nominee) from time to time; or
  - (2) take steps to initiate debt recovery action; or
  - (3) exclude the student from any examination; or
  - (4) exclude the student from any class; or
  - (5) exclude the student from the University Library or any other facility of the University; or
  - (6) withhold from the student the results of any examination or other assessment; or
  - (7) withhold from the student the student's official academic records; or
  - (8) withhold eligibility for the conferral of an academic award including deferral or withdrawal of permission to attend a graduation ceremony; or
  - (9) cancel the student's enrolment in a course; or
  - (10) refuse to admit an applicant to any course; or
  - (11) refuse access to any UTS facility; or
  - (12) do any combination of those things until the debt has been discharged or the repayments or payments made or alternative arrangements have been made to the satisfaction of the Provost (or nominee).
- 4.4.2 A student may request reconsideration of a decision taken pursuant to Rule 4.4.1. Such requests must be in writing, state the grounds for the request and be lodged with the Provost (or nominee). The Provost (or nominee) may take such action as he or she thinks fit.
- 4.4.3 Where an administrative charge is payable for a service requested and the person requesting the service fails to make payment by the due date, officers of the University are under no obligation to provide the requested service.

#### **4.5 Refund of tuition fees and charges**

- 4.5.1 Where a student withdraws from enrolment in a course or part of a course the University may retain all or a proportion of fees paid by the student as a charge for cancellation of enrolment, and may impose different cancellation charges for different categories of students.
- 4.5.2 The Director, Student Administration Unit or nominee has authority to approve a refund of fees and charges.
- 4.5.3 A student who wishes to request a refund of fees must apply in writing by the date specified by the Director, Student Administration Unit.
- 4.5.4 Decisions relating to eligibility for a refund, the amount of any refund and other related matters will be made in accordance with relevant legislation and regulations and with the University's Statement of Protocol on Refund of Fees for international students and the procedures outlined on the Refunds and Remissions webpage as approved from time to time.

#### **4.6 Refund of student contribution debt**

- 4.6.1 In circumstances prescribed by law, a Commonwealth supported student may apply for a refund of a student contribution amount paid to the University or for remission of a debt to the Commonwealth Government. An application must be made following the instructions outlined on the Refunds and Remissions webpage within the required timeframes. A decision will be made in accordance with the provisions of the relevant legislation.
- The Director, Student Administration Unit or nominee has authority to approve a refund or remission of a student contribution debt in accordance with the relevant legislation.
- 4.6.2 A student may apply for a review of the decision made under Rule 4.6.1. An application for review must be submitted in accordance with the instructions outlined in the Reviews section of the Refunds and Remissions webpage.

## **Section 5 – Admission**

### **5.1 General**

- 5.1.1 Subject to these Rules, admission to courses will be made in accordance with:
- Admissions and Recognition of Prior Learning Policy
  - Admissions Procedure
  - Recognition of Prior Learning Procedure
  - English Language Policy, and
  - Register of Admissions Standards (approved by Academic Board from time to time).
- 5.1.2 UTS outlines its general admission and readmission requirements in the Admissions and Recognition of Prior Learning Policy and the Admissions Procedure.

## **5.2 Application for admission**

- 5.2.1 An application for admission to a course shall be made on the prescribed application form and shall be lodged in accordance with directions on that form by the specified closing date, as published by the University from time to time.
- 5.2.2 Applicants for admission to a course are required to provide true, accurate and complete information, including without limitation disclosure of personal information and all their previous academic information and study as required on the application form. Applicants who fail to do so may have their application refused, the offer withdrawn or their admission and enrolment cancelled (refer Rule 5.6).
- 5.2.3 An applicant to an undergraduate course, who has a record of exclusion on academic grounds at this University (refer Rule 10.4.1) or at another tertiary institution, is encouraged to provide a statement and supporting documentation to demonstrate why he or she should be considered for admission to a course at the University and, in particular, provide documentation that is relevant to the assessment of the applicant's chances of successfully completing the course (refer Rules 5.7 and 5.9).
- 5.2.4 An applicant who has been previously excluded for misconduct (or other non-academic grounds) at this University (refer Rule 16.3.1(4)), or at another tertiary institution, must provide adequate details of the reason for exclusion and a statement and supporting documentation to demonstrate why they should be considered for admission to a course at the University (refer Rules 5.7 and 5.9).
- 5.2.5 Acceptance by the University, or its agents, of an application for admission to a course, is not to be taken as an offer of admission or an undertaking of availability of that course in any particular year.

## **5.3 Offer of admission**

- 5.3.1 A valid offer of admission to a course can only be made in writing by the University's authorised delegates.
- 5.3.2 The University may make an offer of admission to an applicant for a course that is different from the course for which the application was made.
- 5.3.3 Unless stated otherwise in the offer document, an offer of admission to a course will lapse on the date the Provost specifies for the teaching period for which the offer was made unless the University is notified in the prescribed way that the offer has been accepted (refer Rule 5.4).
- 5.3.4 Any offer of admission to or enrolment in a course that is made conditional upon the provision of relevant academic or personal information (including information relating to a student's status as a Genuine Temporary Entrant and Genuine Student as required by the Department of Home Affairs) may be withdrawn in accordance with Rule 5.6 if the required information is not provided to the University within the time specified by the University.

## **5.4 Acceptance of offer**

- 5.4.1 Applicants who wish to accept an offer of admission to a course must do so in the way prescribed in the offer document. For domestic students, when that acceptance is received by the University, the student will be deemed to have been admitted to the course and will be provided with information on enrolment procedures. For international students, when the acceptance is confirmed by the University, the student will be deemed to have been admitted to the course and will be provided with information on enrolment procedures.
- 5.4.2 If an applicant who has accepted an offer of admission does not enrol in the specified enrolment period, he or she will be deemed to have forfeited the place in the course for which the offer has been made, unless he or she has applied for and been granted an extension of the time to enrol or a deferral of commencement (refer Rule 5.5).

## **5.5 Deferral of commencement**

- 5.5.1 Unless Academic Board has resolved otherwise in respect of a particular course, an applicant who has been offered a place in an undergraduate or graduate coursework course will be eligible to apply for deferral of commencement of studies for a period no greater than 12 months.
- 5.5.2 Unless Academic Board has resolved otherwise in respect of a particular course, deferral of commencement of study is not available for Bachelor Honours degrees or non-award study.
- 5.5.3 An application for a deferral for eligible courses must be made via the process approved by the Director, Student Administration Unit (or nominee) by the specified closing date.
- 5.5.4 An applicant who has had a deferral of commencement approved will automatically be made a new offer of admission at the end of the deferral period. Offers are normally made to the same course from which the student has deferred, or to a similar course where the original offering is no longer available.
- 5.5.5 In exceptional circumstances, an application for extension of the deferral period may be approved by the relevant Responsible Academic Officer. Approval of extension to the period of deferral is not automatic.

## **5.6 Refusal of application, withdrawal of offer of admission and cancellation of admission or enrolment**

- 5.6.1 The University reserves the right to refuse an application for admission, withdraw an offer of admission or cancel the application or student's admission or enrolment in cases where:
  - (1) an applicant does not provide information required by the University within the time specified by the University; or
  - (2) an applicant has not provided true, accurate and complete information, including but not limited to:

- (a) full details of all previous academic information and study and personal information as required on the application form; or
  - (b) full details of proof of identity and citizenship status as required on the application form; or
  - (c) full disclosure of prior misconduct proceedings or findings at any tertiary institution or police convictions; or
- (3) an applicant, who has been admitted via a special offer with conditions, and does not meet those conditions by the advised deadline; or
  - (4) an applicant, who has been granted a deferral of commencement in a course, enrolls in any other undergraduate or graduate courses (including diplomas, advanced diplomas and associate degrees at post-secondary level) at any tertiary institution during the period of approved deferral; or
  - (5) a student, who has been readmitted to a course with conditions relating to his or her future conduct at the University set by the Vice-Chancellor (or nominee), fails to satisfy those conditions; or
  - (6) an applicant or student seeks admission to (or is found to be enrolled in) more than one award course at this University or any tertiary institution without the approval of the relevant faculty, faculties and/or where necessary, in consultation with the Director, Student Administration Unit; or
  - (7) an applicant or student seeks admission to (or is found to be enrolled in) an award course for which they have already received an award of the same or higher AQF level, in the same cognate discipline, at this University or any other tertiary institution without the approval of the relevant faculty or faculties; or
  - (8) the University is not satisfied that an applicant or student intending to apply for a student visa meets the Genuine Temporary Entrant and/or Genuine Student requirements set by the Department of Home Affairs; or
  - (9) the University considers in its absolute discretion that an applicant's or student's admission or a student's continued enrolment in a subject or course would be in breach of, or would risk being in breach of, any legislation.

5.6.2 Written notification of any such refusal, withdrawal or cancellation will be sent to relevant applicants or students by the Director, Student Administration Unit (or nominee).

5.6.3 An applicant or student whose application was refused, whose offer was withdrawn (except in the cases of 5.6.1(3) or 5.6.1(8)), or whose admission or enrolment was cancelled under Rule 5.6.1 will be excluded from applying for admission to the University for a period of no less than one academic year and may not apply for or enrol in any subjects or courses at the University during the period of exclusion.

5.6.4 An applicant or student may reapply for further study at the end of the period of exclusion in accordance with Rule 5.9.

#### **5.6.5 Appeal**

- (1) An appeal may be lodged by an applicant for admission against decisions made under Rule 5.6.1(2) in relation to withdrawal of an offer of admission and cancellation of admission and/or enrolment.
- (2) An appeal must be in writing, specify and substantiate the grounds of the appeal and be lodged with the Director, Student Administration Unit (or nominee) within 20 working days of the date of notification.
- (3) A student may request the Director, Student Administration Unit to consider an extension of time to submit an appeal against decisions made under Rule 5.6.1(2). Except in exceptional circumstances, any such request must be received within 15 working days of the date of official notification.
- (4) The grounds for appeal are:
  - (a) procedural irregularities of a type and to an extent that are likely to have had a significant negative impact on the decision; and/or
  - (b) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the applicant's ability to provide complete and true information.
- (5) The Director, Student Administration Unit shall refer the appeal to the Responsible Academic Officer. The Responsible Academic Officer may seek advice from relevant members of staff. The Responsible Academic Officer shall then forward his or her recommendation, and the advice received, to the Director, Student Administration Unit.
- (6) If the recommendation of the Responsible Academic Officer is that the appeal be upheld, the refused offer of admission and/or cancelled admission and/or enrolment will be reinstated and the applicant will be advised of this by the Director, Student Administration Unit. If the recommendation is to dismiss the appeal, the Director, Student Administration Unit shall refer the appeal to an Admissions Non-disclosure Appeals Committee, constituted under Rule 17.4, for consideration and decision.

### **5.7 Requirements for admission**

5.7.1 To be eligible for admission to a UTS course an applicant for admission:

- (1) must satisfy the general requirements for admission to that course as prescribed in the Admissions and Recognition of Prior Learning Policy;
- (2) must satisfy the language requirements if applicable for that course as prescribed in the Admissions and Recognition of Prior Learning Policy;

- (3) must satisfy the University that he or she meets the Genuine Temporary Entrant and/or Genuine Student requirements set by the relevant Commonwealth Government department if they wish to apply for a student visa; and
- (4) must comply with all legislative requirements;
- (5) may also be required to satisfy other specific requirements for the particular course (refer Rule 5.8);
- (6) must not have any debts owed to the University;
- (7) must satisfy the readmission requirements of Rule 5.9 where the student or applicant is a former student of the University; and
- (8) must, where applicable, satisfy any reasonable concerns that the University may have in relation to any previous exclusion from the University or other tertiary institution (refer Rules 5.2.3, 5.2.4, 5.6.1 and 5.9.3).

5.7.2 Applications for admission may be refused where the University is not satisfied that the requirements for admission in this Rule 5.7 have been met.

5.7.3 Academic Board may approve, in exceptional circumstances, admission for any applicant who, in the opinion of the Board, has reached an acceptable standard but does not satisfy the requirements of Rules 5.7.1(1), 5.7.1(2), 5.7.1(5), 5.7.1(7), 5.7.1(8) and 5.8. Justification must be provided for consideration by the Board.

5.7.4 Academic Board may not approve an applicant for admission who fails to satisfy the requirements of Rules 5.7.1(3), 5.7.1(4) or 5.7.1(6).

## **5.8 Specific course requirements for admission**

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

5.8.2 Academic Board, on the advice of the relevant Faculty Board or Higher Degree Research Board, may require the applicants for admission to a particular course to submit a personal statement or other document, undertake an examination or interview, or submit portfolios or other additional information. This material may be taken into account by the staff of the relevant faculty or Graduate Research School according to criteria approved by the relevant Faculty Board or Higher Degree Research Board for the purposes of determining whether or not to make an offer of admission.

5.8.3 Applications may be refused after the assessment under Rules 5.8.1 or 5.8.2.

## **5.9 Readmission**

5.9.1 A former student who has:

- (1) withdrawn from or discontinued enrolment in a course; or
- (2) had enrolment in a course cancelled, withdrawn or discontinued; or
- (3) been excluded from a course for a set period;

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

5.9.2 Readmission to a course, whether the same or a different course, is not automatic.

5.9.3 A former student who has been excluded from further study at the University for a set period and who subsequently wishes to undertake further study at the University whether in the same or a different course:

- (1) must show cause by providing a statement and supporting documentation to demonstrate why he or she should be considered for readmission to the University; and
- (2) may have conditions relating to his or her future conduct at the University set by the Vice-Chancellor and will be required to satisfy those conditions once readmitted to the University.

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

5.9.5 In cases where an application for readmission to the University, whether in the same course or a different course, has been declined, the former student may request review of that decision by the Provost. The decision of the Provost is final and there is no appeal.

5.9.6 In cases where a decision has been made to decline an application for readmission to a course in which he or she had been enrolled previously and (where relevant) that decision has been upheld by the Provost, the former student is then excluded from reapplying for admission to the same course for a period of one academic year and only then with provision of new information in a statement and supporting documentation to demonstrate why he or she should be considered for admission to that course.

5.9.7 In cases where a decision has been made to decline an application for readmission to the University and (where relevant) that decision has been upheld by the Provost, the former student is then excluded from reapplying for admission to any course for a period of one academic year and only then with provision of new information in a statement and supporting documentation to demonstrate why he or she should be considered for admission to that course.

## Section 6 – Credit and recognition of prior learning

### 6.1 Credit points

- 6.1.1 The structure of UTS coursework and award courses is based on a standard measure as defined in these Rules.
- 6.1.2 UTS courses comply with the Australian Qualifications Framework (AQF) and the terminology below reflects that Framework. UTS may use different terminology for some types of courses but each course will be identified as one of the categories with the identified credit point requirements below. At UTS:
- (1) an undergraduate certificate is 24 credit points (0.5 EFTSL) – AQF Levels 5-7;
  - (2) a Diploma is between 48 and 96 credit points (1 to 2 EFTSL) – AQF Level 5;
  - (3) an Advanced Diploma is 72 or 96 credit points (1.5 or 2 EFTSL) – AQF Level 6;
  - (4) an Associate degree is 96 credit points (2 EFTSL) – AQF Level 6;
  - (5) a Bachelor degree is 144, 192 or 240 credit points (3, 4 or 5 EFTSL) – AQF Level 7;
  - (6) a Bachelor combined degree is between 192 and 288 credit points (4 to 6 EFTSL) – AQF Level 7;
  - (7) a Bachelor Honours degree is 48 credit points (1 EFTSL) and follows, or may be embedded in, an undergraduate degree –AQF Level 8;
  - (8) a Graduate Certificate is normally 24 credit points (.5 EFTSL) but may be between 24 and 48 credit points (.5 to 1 EFTSL) where approved by Academic Board as a special AQF-compliant case – AQF Level 8;
  - (9) a Graduate Diploma is normally 48 credit points (1 EFTSL) but may be between 48 and 96 credit points (1 to 2 EFTSL) where approved by Academic Board as a special AQF-compliant case – AQF Level 8;
  - (10) a Masters degree (Coursework) is normally 72 credit points (1.5 EFTSL) but may be between 48 and 96 credit points (1 to 2 EFTSL) where approved by Academic Board as a special AQF-compliant case; UTS Masters degrees using 'Advanced', 'Extension' or similar approved nomenclature fall into this category and would normally be 96 credit points – AQF Level 9;
  - (11) a Masters degree (Extended), having a specific professional practice use as allowed under the AQF, is between 144 and 192 credit points (3 to 4 EFTSL) – AQF Level 9;
  - (12) a Masters combined degree is between 96 and 144 credit points (2 to 3 EFTSL) – AQF Level 9.
- 6.1.3 Academic Board may approve AQF-compliant variations to the credit point requirements in exceptional circumstances. Any proposal for a credit point structure that does not meet the standard requirements of the Framework must justify the length of the course in terms of students' achievement of the award level's learning outcomes as prescribed by the AQF.
- 6.1.4 Some graduate research degrees have a coursework component. This coursework component must be no greater than one-third of the total course requirements. For example, in a graduate research degree with a duration of three years full-time study, the coursework component should be no greater than one EFTSL (48 credit points) in total.
- 6.1.5 Coursework components of graduate research degrees will consist of subjects that have credit points allocated in the normal way. The research component will consist of a time-based subject with an allocation of time, rather than credit points, as a measure of workload.

### 6.2 Recognition of prior learning

- 6.2.1 Subject to these Rules, recognition of prior learning in UTS undergraduate or graduate coursework programs of study will be undertaken in accordance with the Admissions and Recognition of Prior Learning Policy approved by Academic Board from time to time.
- 6.2.2 In managing recognition of prior learning, faculties:
- (1) may recognise prior learning as credit points or via subject substitution as appropriate;
  - (2) will have due regard to the academic standards of the University and the principles of equity;
  - (3) will ensure all award requirements, including professional recognition requirements, are fulfilled, regardless of the nature or amount of credit recognised;
  - (4) will only approve prior learning where the knowledge, learning and/or skills are current and relevant.
- 6.2.3 Determination of eligibility for recognition of prior learning in a particular course does not imply or guarantee that a place is available in that course for the particular applicant.
- 6.2.4 Prior learning may only be recognised once in any individual UTS course and may not be used again as recognition for another subject or course component in the same course of study.
- 6.2.5 The relevant Responsible Academic Officer is authorised to approve recognition of prior learning and subject substitution.

### 6.3 Review of process

- 6.3.1 An audit of recognition of prior learning decisions will be undertaken every two years. This review will be managed by the Course Accreditation Committee and assessed against the following criteria:

- (1) whether decisions are based on a clear understanding of learning and content; or
  - (2) alignment to policy and procedural requirements; or
  - (3) assessment of subject equivalence and calculation of the credit points recognised.
- 6.3.2 Audits will be reported to the Deputy Vice-Chancellor (Education and Students) for consideration of process improvements, and or rule, policy or procedural reviews. The audit report, together with any proposed improvements or reviews will be presented to Academic Board for approval or further recommendation..

#### **6.4 Course requirements**

- 6.4.1 Where credit towards a course has been approved in recognition of a student's previous learning, the requirements necessary for the student to complete the course and the maximum time permitted to complete the course shall be determined in each case by the relevant Responsible Academic Officer. Details of any such approval must be provided to the Director, Student Administration Unit (or nominee) who shall ensure that it is recorded and used as the basis for determining the student's academic progress and completion of course requirements.
- 6.4.2 Subject to legislative requirements, in exceptional circumstances, and on a case-by-case basis, the Responsible Academic Officer may approve an application from a student to have previously approved recognition of prior learning rescinded.
- 6.4.3 Subjects from undergraduate courses will only be accepted for credit towards graduate courses if Academic Board has approved the provision as part of an accredited course or, in exceptional circumstances, the faculty board has approved the individual request for recognition of prior learning (within the prescribed limits).
- 6.4.4 In cases where the applicant was previously a UTS student and enrolling in a new version of the course or its equivalent, the Responsible Academic Officer can approve recognition of prior learning beyond the limits outlined in Rule 6.1.4, but within any requirements set by the relevant Faculty Board.

#### **6.5 Credit for internships (work experience)**

- 6.5.1 Credit points associated with internship subjects must conform to the work experience in industry requirements of the Higher Education Support Act 2003 (Cwlth) (the Act) and the associated Administration Guidelines 2012 (Cwlth) (the Guidelines).
- 6.5.2 University-supported Work Experience in Industry (WEI) subjects, as defined by the Act and Guidelines, are to be allocated a credit point value. A WEI subject is deemed to be 'supported' if all of the following are performed by UTS staff or persons engaged by UTS:
- interaction between the supervisor and the student, which may include site visits; and
  - organisation of student placements; and
  - ongoing monitoring of student work and progress; and
  - assessment of the student learning and performance during the placement.

Note that the University cannot charge a student contribution amount or tuition fee for 'unsupported' WEI subjects which do not have a credit point value.

## **Section 7 – Enrolment**

### **7.1 Enrolment procedures**

- 7.1.1 The Provost (or nominee) may prescribe particular enrolment procedures and closing dates for completion of the enrolment procedures for enrolment in different courses, for different classes of students and for different teaching periods.
- 7.1.2 Students are required to:
- (1) complete the required enrolment procedures by the closing date as notified by the Director, Student Administration Unit;
  - (2) be enrolled in one or more subjects, or in time-based study, in each standard teaching period unless they have applied for and had leave of absence approved for a particular teaching period in accordance with Rule 7.6; and
  - (3) enrol at the start of the academic year in all subjects that they intend to study in that year. Subsequently, students may vary their enrolment in accordance with the provisions of Rule 7.5.

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

- 7.1.3 Students who wish to complete the required enrolment procedures after the specified enrolment period will, if permitted to do so, be liable for payment of the late enrolment fee prescribed by the Provost unless:
- (1) approval for late enrolment has previously been obtained from the Director, Student Administration Unit; or
  - (2) they are able to show, to the satisfaction of the Director, Student Administration Unit, that their late enrolment is caused by circumstances beyond their reasonable control.
- 7.1.4 The University reserves the right to change, cancel or discontinue a student's enrolment in a course, program of study or individual subjects under any relevant provision contained in these Rules.

## **7.2 Concurrent enrolment at another tertiary educational institution**

- 7.2.1 A currently enrolled UTS undergraduate or graduate coursework student who wishes to enrol in subjects at another tertiary institution and have these subjects credited towards the award course at the University must complete the application processes as prescribed by the Director, Student Administration Unit.
- 7.2.2 A UTS student enrolled concurrently at another tertiary institution who wishes to vary enrolment by undertaking additional or different subjects at the other tertiary institution must make application to the Responsible Academic Officer and in sufficient time to provide for consideration of the application according to the requirements of both the University and the other tertiary institution.

## **7.3 Cross-institutional enrolment**

- 7.3.1 A student who is enrolled in a course leading to an award at another tertiary institution may be permitted to enrol in subjects at the University that will count towards an award at the other tertiary institution.
- 7.3.2 Admission and enrolment in cross-institutional study requires approval of the University and of the other tertiary institution and is subject to the availability of subjects and class places.
- 7.3.3 A student enrolled in cross-institutional study who wishes to vary his or her enrolment at the University by undertaking additional or different subjects must lodge his or her application with the Director, Student Administration Unit for decision in consultation with the relevant faculty. The application, which must be made in accordance with the schedule of dates for variation of enrolment (refer Rule 7.5.2), must include evidence of formal approval to undertake the additional subjects from the student's home institution.
- 7.3.4 A student who is enrolled in cross-institutional study and who fails a subject at the University for a third time will not be permitted further enrolment in that subject.

## **7.4 Non-award subject enrolment**

- 7.4.1 Enrolment in subjects as a non-award student is subject to the approval by the Director, Student Administration Unit (or nominee) in consultation with the relevant faculty and to the availability of subjects and class places.
- 7.4.2 A student enrolled in subjects on a non-award basis who wishes to vary his or her enrolment by undertaking additional or different subjects must lodge his or her application with the Director, Student Administration Unit (or nominee) for decision in consultation with the relevant faculty. The application must be in accordance with the schedule of dates for variation of enrolment (refer Rule 7.5.2).
- 7.4.3 A student who is enrolled in a subject on a non-award basis and who fails the subject at the University for a third time will not be permitted further enrolment in that subject.

## **7.5 Variation of enrolment**

- 7.5.1 A student who wishes to vary enrolment in subjects in his or her approved program of study must complete the variation of enrolment processes as prescribed by the Director, Student Administration Unit.
- 7.5.2 The Provost will prescribe and publish the standard schedule of dates for variation of enrolment for all teaching sessions, including the last day for addition of a subject and the last day of withdrawal of a subject.
- 7.5.3 Subject to Rule 7.5.6, withdrawal from a subject after the census date for the semester will be recorded as a result of 'Withdrawn Fail'.
- 7.5.4 Any variation to the standard schedule of dates for variation of enrolment processes for particular courses, particular subjects or particular groups of students will be notified to students by the relevant faculty and in accordance with Rule 3.7.
- 7.5.5 Enrolment in a subject after the last date for addition of a subject will be permitted only in exceptional circumstances and only with permission of the relevant Responsible Academic Officer.
- 7.5.6 Where a student wishes to withdraw from a subject in the current teaching period after the census date or other prescribed date for that teaching period as a result of illness or other circumstances beyond his or her reasonable control, the student may lodge with the Director, Student Administration Unit a written report of the circumstances, supported by a medical certificate or other relevant evidence. The Director, Student Administration Unit (or nominee) shall determine in consultation with the relevant faculty whether the withdrawal will be permitted without academic penalty ('Withdrawn') or with academic penalty ('Withdrawn Fail').
- 7.5.7 If an application for withdrawal from a subject is refused by the Director, Student Administration Unit, the student is expected to complete the assessment requirements for that subject.
- 7.5.8 A student who has been placed on academic caution in accordance with Rule 10.7 and who has enrolled in more than his or her credit point limit (refer Rule 10.7.4(3)) may be withdrawn from one or more subjects by the Director, Student Administration Unit on the recommendation of the relevant Responsible Academic Officer.
- 7.5.9 Applications to withdraw after the current teaching period may be referred to the Director, Student Administration Unit for consideration under the criteria for special circumstances, as defined in legislation (where relevant).

## **7.6 Leave of absence**

- 7.6.1 Leave of absence requirements for graduate research students are set out in Section 11 (Graduate research).

- 7.6.2 An undergraduate or graduate coursework student who has been continuously enrolled for at least one teaching period who wishes to withdraw temporarily from a course must lodge an application for leave of absence on the appropriate form and in accordance with procedures prescribed by the Director, Student Administration Unit.
- 7.6.3 Applications for leave of absence are normally made prior to the start of the first teaching period for which leave is being sought and must be received no later than the census date for that teaching period (refer Rule 7.5.2).
- 7.6.4 Leave of absence will not normally be granted unless the student has enrolled and completed satisfactorily the requirements of at least one subject of the course. This includes students admitted to a course through a course transfer or with credit recognition.
- 7.6.5 In exceptional circumstances, on the basis of documentary evidence provided by a student, the relevant Responsible Academic Officer may approve leave of absence for a student who is enrolled in their first teaching period in a course. In all other cases, students in their first teaching period of enrolment in a course must either continue their enrolment or withdraw from the course and reapply for admission. Readmission is not automatic and the student must apply for admission in accordance with standard admission procedures.
- 7.6.6 Leave of absence from enrolment in a specific course will not be granted, except in exceptional circumstances, for a period not exceeding two years.
- 7.6.7 A student resuming a course after a period of approved leave of absence will be subject to the course requirements in operation at the time of resumption of study and will be required to re-enrol as directed by the Director, Student Administration Unit (or nominee).

## **7.7 Course transfer**

- 7.7.1 Course transfer requirements for graduate research students are set out in Section 11 (Graduate research).
- 7.7.2 Course transfer requirements for undergraduate or graduate coursework students are set out in the Admissions and Recognition of Prior Learning Policy approved by Academic Board from time to time.

## **7.8 Withdrawal from a course**

- 7.8.1 The requirements for withdrawal from a course for graduate research students are set out in Section 11 (Graduate research).
- 7.8.2 A student who wishes to withdraw permanently from a course must lodge an application for withdrawal in accordance with procedures prescribed by the Director, Student Administration Unit.
- 7.8.3 An application for withdrawal from a course will be treated as an application for withdrawal from all subjects in accordance with Rules 7.5.2 to 7.5.5.
- 7.8.4 An undergraduate or graduate coursework student who has not enrolled in any subjects and who has not applied for and had a period of leave of absence approved in accordance with Rule 7.6 or who has not re-enrolled as required after a period of approved leave of absence is considered to have abandoned his or her study in the course and will be withdrawn from the course by the Director, Student Administration Unit (or nominee).

## **Section 8 – Assessment of coursework subjects**

### **8.1 Assessment requirements**

- 8.1.1 Subject to these Rules, assessment of coursework subjects will be undertaken in accordance with policies and procedures set out in the Coursework Assessments Policy and Procedures approved by Academic Board from time to time.
- 8.1.2 Details of assessment requirements and the final grading scheme will be provided for each subject in the subject outline as required under Rule 3.7.
- 8.1.3 Students have a responsibility to ensure they are fully informed of all aspects of the subject assessment requirements and of the assessment processes.

### **8.2 Learning and assessment arrangements**

#### **8.2.1 General**

- (1) A student with a disability or accessibility requirements including ongoing medical or mental health conditions may be permitted to undertake particular learning and assessment arrangements as specified in Rules 8.2.2 and 8.2.3 in order to ensure that the assessment is accessible while still maintaining academics standards and integrity.
- (2) Adjustments may be set to enable access for students to demonstrate their achievement of relevant learning outcomes while also meeting the inherent requirements. Any such conditions must be strictly observed by the student and all other relevant parties.

#### **8.2.2 Students with disability or ongoing illness**

- (1) A student with a temporary or permanent disability who has access requirements (as outlined in Rule 8.2.1) for participation in learning activities and assessment tasks including written examinations, may lodge with the Accessibility Consultant (in Accessibility Services):
  - (a) a request for adjustment to participation and assessment tasks; and/or
  - (b) an application for learning and assessment arrangements in examinations.



- (2) All applications must include supporting documentation from a relevant registered health professional.
- (3) Application due dates for learning and assessment arrangements in examinations for centrally conducted examinations are published for each teaching session by the Student Administration Unit. Requests for all other assessments and faculty-based exams should be made as soon as possible and prior to the due date for the assessment. Exceptional circumstances will be considered on a case-by-case basis.
- (4) Variations to assessment arrangements are determined by the relevant Academic Liaison Officer, following review of the recommendation by the Accessibility Consultant. Academic Liaison Officers may consult with the Subject Coordinator and Responsible Academic Officer and/or, for particular cross-disciplinary courses or subjects, with Academic Liaison Officers in other faculties.

### **8.2.3 Students with carer responsibilities**

- (1) A student whose responsibilities as a primary carer impact upon their ability to undertake assessment tasks including written examinations may lodge an application for adjustment to the learning and assessment arrangements with the Academic Liaison Officer of the relevant faculty. The relevant Academic Liaison Officer is determined by the student's course.
- (2) Applications must include supporting documentation from a relevant registered health professional. Application due dates for learning and assessment arrangements in examinations for centrally conducted examinations are published for each teaching session by the Student Administration Unit.
- (3) Variations to assessment arrangements are determined by the Academic Liaison Officer who may consult with the relevant Subject Coordinator and Responsible Academic Officer and/or, for particular cross-disciplinary courses or subjects, with Academic Liaison Officers in other faculties.

### **8.2.4 Students from non-English speaking backgrounds**

- (1) A student from a non-English speaking background who is in their first year of study at UTS, who has been studying in English for a limited time and who believes that this disadvantages their ability to undertake written examinations may lodge an application for special exam conditions with HELPS.
- (2) Applications should be lodged before the census date.

## **8.3 Special consideration of disruption to assessment**

### **8.3.1 During the teaching period**

- (1) Students may experience a disruption to their assessment in a subject as a result of circumstances beyond their control, including but not limited to serious illness, psychological conditions, significant loss, bereavement, hardship or trauma.
- (2) Students who consider that their work during a teaching period or likely performance in an assessment task, which may include a written examination, has been affected as per Rule 8.3.1(1) may request that these circumstances be given special consideration.
- (3) Requests for special consideration must include relevant documentary evidence from an appropriate professional authority (refer Rule 2.4).
- (4) Requests for special consideration must be lodged with the Director, Student Administration Unit:
  - (a) in the case of a written examination no later than two working days after the examination; or
  - (b) in the case of an assessment task other than a written examination prior to the due date.
- (5) In special circumstances the relevant Subject Coordinator may extend the due date for submission of requests within guidelines determined by the relevant Responsible Academic Officer.
- (6) Requests are considered and determined by the relevant faculty Responsible Academic Officer or the Subject Coordinator.

### **8.3.2 During an examination**

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

### **8.3.3 Absence from entire examination**

- (1) Students who, through illness or other circumstances beyond their control on the day of the examination, are absent from an entire examination, may request that these circumstances be taken into account.
- (2) Failure by a student to inform him or herself of the time or place of an examination is not an acceptable ground for special consideration.
- (3) Requests must include relevant documentary evidence from an appropriate professional authority (refer Rule 2.4).
- (4) In relation to a centrally conducted examination:
  - (a) requests must be lodged with the Director, Student Administration Unit by no later than two working days after the scheduled examination date;
  - (b) in exceptional circumstances the Director, Student Administration Unit may extend the due date for submission of requests;
  - (c) the Director, Student Administration Unit will consider the request and notify the student of the outcome and of any special arrangements to provide for further examination.
- (5) In relation to a faculty-based examination:
  - (a) requests are to be lodged with the relevant faculty by no later than two working days after the scheduled examination date;
  - (b) in exceptional circumstances the Subject Coordinator may extend the due date for submission of requests in accordance with guidelines determined by the relevant Responsible Academic Officer;
  - (c) the relevant faculty Responsible Academic Officer or the Subject Coordinator will consider the request and notify the student of the outcome and of any special arrangements to be made to provide for further examination.

### **8.4 Subject assessment results**

- 8.4.1 Faculties are required to keep appropriate records in relation to all assessment tasks for an appropriate period of time in accordance with University policy and relevant legislation.
- 8.4.2 Final subject assessment results will be provided to students in the form specified in the subject outline and in accordance with the table of results and grades (refer Coursework Assessments Policy).
- 8.4.3 Final subject assessment results must not be released to students prior to the official release of results.
- 8.4.4 Final subject assessment results will be released officially in a manner prescribed by the Provost following ratification.

### **8.5 Supplementary assessment in final teaching period**

- 8.5.1 Where a student enrolled in an award course is awarded a final assessment result of 'Fail' in one subject only in their final teaching period of the course, and where that 'Fail' is within the borderline result range, the relevant faculty must make provision for the student to undertake a supplementary assessment task within a specified time period as outlined in the Coursework Assessment Procedure.
- 8.5.2 If the student does not complete the supplementary assessment task in the specified time period and to the appropriate standard, the original 'Fail' result is final.

### **8.6 Review of a result**

#### **8.6.1 Grounds for review**

A student may request a review of a result by the relevant Subject Coordinator. The grounds on which a student may request a review are outlined on the current students website.

#### **8.6.2 Requesting a review of a result**

- (1) A request to review a result must be in writing and specify and substantiate the grounds for a review. The request must be lodged with the Subject Coordinator by the deadline published on the current students website.
- (2) Where a student is dissatisfied with the determination of the Subject Coordinator, they may appeal the decision to the Responsible Academic Officer within the timeframe and in accordance with the process stated on the current students website.

### **8.7 Student misconduct**

- 8.7.1 Student misconduct is set out in Section 16 (Student misconduct and appeals).
- 8.7.2 Student misconduct that occurs in relation to assessment of a student's performance in a coursework subject will be dealt with in accordance with the provisions of Section 16 (Student misconduct and appeals).

## Section 9 – Examination of coursework subjects

### 9.1 Examination timetables

- 9.1.1 The examination timetable provides an overview of all centrally conducted examinations. The timetable will be made available in a manner determined by the Director, Student Administration Unit and advised to students by an appropriate means, at least five weeks before the commencement of an official examination period and continue to be available until the end of the examination period.
- 9.1.2 Information concerning examination timetables for centrally conducted examinations will not be provided by University staff to students. Students must access the student system account to obtain their centrally conducted examination timetable.
- 9.1.3 For faculty-based examinations, the faculty is required to take all reasonable steps to minimise clashes with both other faculty-based examinations and centrally conducted examinations. Where clashes occur, faculties are responsible for making reasonable alternative arrangements for students in the faculty-based examinations.
- 9.1.4 Any clashes in centrally conducted examinations will be handled in advance of timetable publication in a manner approved by the Director, Student Administration Unit.
- 9.1.5 (1) Where a student considers that he or she has a serious individual scheduling difficulty with the examination timetable, the student shall advise:
- (a) the Director, Student Administration Unit for centrally conducted examinations; or
  - (b) the Subject Coordinator for faculty-based examinations;
- immediately in the manner prescribed by the Director, Student Administration Unit or Subject Coordinator and request that alternative arrangements be made.
- (2) Acceptable grounds for serious individual scheduling difficulty requests include but are not limited to:
- (a) three examinations occurring in any 24-hour period;
  - (b) sporting or cultural representative commitments at state, national or international level;
  - (c) observance of significant religious events for which the student can demonstrate ongoing personal commitment;
  - (d) significant personal or family events for which the student can provide documentary evidence which satisfies the Director, Student Administration Unit or Subject Coordinator that the commitment could not be undertaken outside the examination period;
  - (e) significant professional or service commitments for which the student can provide documentary evidence which satisfies the Director, Student Administration Unit or Subject Coordinator that the commitment could not be undertaken outside the examination period;
  - (f) UTS representative commitments as approved by the faculty and Student Administration Unit: Examinations and Assessments.
- (3) Unacceptable grounds for serious individual scheduling difficulty requests include:
- (a) holiday arrangements;
  - (b) sport and leisure activities other than those specified in Rule 9.1.5(2)(b);
  - (c) travel arrangements other than for approved overseas study;
  - (d) the normal demands of employment.
- (4) The Director, Student Administration Unit or Subject Coordinator must consider such requests and make alternative arrangements where this is appropriate and practicable. The Director, Student Administration Unit or Subject Coordinator must notify the student as soon as possible of any decision and any special arrangements made in relation to the individual scheduling difficulty.

### 9.2 Student responsibilities

- 9.2.1 Official examination periods are part of the officially designated teaching periods of the University. All students undertaking coursework subjects have a responsibility to make themselves available for assessment and examination during the official examination periods.
- 9.2.2 Students have responsibility for informing themselves of the examination timetable.
- 9.2.3 Students have responsibility for ensuring that clashes and potential clashes in their examination timetable are identified and for advising:
- (1) the Director, Student Administration Unit for centrally conducted examinations; or
  - (2) the Subject Coordinator for faculty-based examinations;
- of serious individual scheduling difficulties arising from the examination timetable at least 10 working days prior to the commencement of the examination period.
- 9.2.4 Students are required to be present at examinations at the correct time.
- 9.2.5 Not reading, misreading or misunderstanding the examination timetable will not be accepted as a valid reason for failing to attend an examination.

- 9.2.6 In the case of examinations held at a physical location, students are required to:
- (1) be at the correct location at least 10 minutes prior to the published commencement time for each examination;
  - (2) produce his or her valid current Student Identity Card before being permitted to enter the examination room. Students who have lost or misplaced their Student Identity Card must obtain a replacement card prior to the examination commencement;
  - (3) ensure materials or equipment (including without limitation mobile phones and/or any other form of communication, digital or recording device) other than those specified in the subject outline and on the examination paper are not brought into the examination room, or are not in the student's possession at any time during the examination, in the examination room or in any other room or place visited by the student for any reason during the examination.
- 9.2.7 A student must not access or attempt to access during the examination any material or equipment (including without limitation mobile phones and/or any other form of communication, digital or recording device) other than that specified in the subject outline and on the examination paper.
- 9.2.8 Material or equipment shall be deemed to not be in contravention of Rule 9.2.6(3) if, in the case of it being a mobile phone or any other form of electronic communication, digital or recording device, it is switched off, and in all cases it is left, whether in a bag or other container or otherwise, at a location specified by the examination supervisor for the duration of the examination and the student does not gain, or attempt to gain, access to it during the examination. Students are advised not to bring unauthorised or unnecessary items to examinations. The University does not accept any responsibility for student possessions left in any location during an examination.
- 9.2.9 A student must not communicate or attempt to communicate in any way with any person or receive or attempt to receive any communication from any person during the examination, whether or not in the examination room or in any other room or place visited by the student for any reason during the examination other than officers of the University with responsibility for the examination or other officers as approved by the examination supervisor. Such forms of communication include but are not limited to:
- (1) oral communication;
  - (2) written or visual communication;
  - (3) any form of electronic or telephonic communication.
- 9.2.10 A student must not send, receive or access any source of stored electronic information or attempt to send, receive or access any source of stored electronic information during the examination, in the examination room including at any place visited by the student for any reason during the examination unless specified on the examination paper and in the subject outline.
- 9.2.11 Material or equipment that is permitted during an examination according to the subject outline and/or examination paper must not be used for any purposes other than that specified in the subject outline and/or examination paper.
- 9.2.12 Students must take notice of and comply with all directives of the examination supervisor.
- 9.2.13 A student must not do anything to distract or disadvantage other students during an examination.
- 9.2.14 A student must not do anything to disrupt an examination in any way and is required to behave in an orderly manner during an examination.
- 9.2.15 Students are not permitted to smoke any substance during an examination.
- 9.2.16 Students are not permitted to eat or drink during an examination unless permission has been given by the examination supervisor or approved for individual students as a special condition of examination in accordance with Rule 9.4.
- 9.2.17 If a student fails to observe any of the requirements specified in Rules 9.2 and 9.3, behaves in an unacceptable or disorderly manner, disrupts an examination or is suspected of any other misconduct, action may be taken by the University as provided for in Rule 9.6 and in Section 16 (Student misconduct and appeals).

### **9.3 Conduct of examinations**

- 9.3.1 Centrally conducted examinations are organised and conducted in accordance with Rules 9.1 to 9.6 inclusive and with policies and procedures set out in the Coursework Assessments Policy and Procedure as approved by Academic Board from time to time.
- 9.3.2 Unless otherwise specifically provided for in guidelines approved by the relevant Faculty Board, faculty-based examinations will be organised and conducted in accordance with Rules 9.1 to 9.6 inclusive and with policies and procedures as set out in the Coursework Assessments Policy and Procedure as approved by Academic Board from time to time.
- 9.3.3 Material or equipment that is permitted to be brought into an examination must be specified in the subject outline and in the examination paper. Where a variation to the approved material or equipment shown in the subject outline becomes necessary during the teaching period, the variation must be approved by the Subject Coordinator and notified to all students enrolled in the subject at least two weeks before the commencement of the examination period.
- 9.3.4 A student who is unable to produce his or her valid current Student Identity Card or otherwise verify their identity as required, shall not be admitted to an examination.

- 9.3.5 No student shall be admitted to an examination room after forty-five minutes from the time of commencement of the examination.
- 9.3.6 A student who wishes to leave and be re-admitted to an examination room shall not normally be permitted to leave the room until at least one and a half hours after the commencement of the examination. A student shall not be re-admitted to the examination room after they have left it unless during the full period of their absence they have been under the supervision of an officer of the University approved by the examination supervisor.
- 9.3.7 Students who wish to leave an examination room permanently before the end of the examination time shall not normally be permitted to leave until at least one hour after the commencement of the examination. Students who leave an examination room permanently before the end of the examination time and where relevant are responsible for handing in their examination scripts, booklets and any other working material to the examination supervisor before leaving the room. In exceptional circumstances, a student may be permitted to leave an examination during the first hour. In such cases the student will be required to sign an undertaking not to communicate any information about the examination paper to any other person until the period of the examination is over.
- 9.3.8 A student shall not normally be permitted to leave the examination room during the last 15 minutes of the examination except in exceptional circumstances approved by the examination supervisor.
- 9.3.9 An examination supervisor may authorise a delayed start to an examination, an examination restart or additional time for all students or for particular groups of students affected by specific circumstances.
- 9.3.10 A period of 10 minutes at the start of the scheduled time of paper-based in person examinations may be designated by the Subject Coordinator as reading time. Writing is not permitted during reading time.
- 9.3.11 At the conclusion of an examination in an examination room all students are required to remain seated until all papers have been collected and permission to leave is given by the examination supervisor.
- 9.3.12 Failure to comply with any of the requirements specified in Rules 9.3.1 to 9.3.11 may be considered to be an act of student misconduct and may be dealt with in accordance with Rule 9.6 and Section 16 (Student misconduct and appeals).

#### **9.4 Special conditions for examinations**

- 9.4.1 A student with disabilities or accessibility requirements may be permitted to undertake particular assessment arrangements in order to ensure that the assessment is on the basis of academic merit and has parity with the assessment of other students.
- 9.4.2 A student may be eligible for particular examination arrangements as provided for in Rule 8.2.

#### **9.5 Rescheduled and alternative examinations**

- 9.5.1 In special circumstances approval may be given by:
- (1) the Director, Student Administration Unit for centrally conducted examinations; or
  - (2) the Subject Coordinator for faculty-based examinations;
- to be held for specific students at a time other than the published time, on such conditions as the Director, Student Administration Unit or Subject Coordinator may prescribe. Centrally conducted examinations will be held during the official examination period or as soon as possible after the official examination period at a time approved by the Director, Student Administration Unit.
- 9.5.2 Special circumstances include but are not limited to:
- (1) an unavoidable clash in the examination timetable;
  - (2) an individual scheduling difficulty with the final examination timetable (refer Rule 9.1.5);
  - (3) where special consideration has been approved for unavoidable absence from an entire centrally conducted examination or faculty-based examination (refer Rule 8.3.3).
- 9.5.3 Rescheduled and alternative examinations will be arranged by the Student Administration Unit in consultation with the Subject Coordinator for centrally conducted examinations.
- 9.5.4 Students for whom rescheduled and alternative examinations are being conducted will be advised of the arrangements as soon as possible, must make themselves available at the designated time and must observe the conditions prescribed for them by:
- (1) the Director, Student Administration Unit for centrally conducted examinations; or
  - (2) the Subject Coordinator for faculty-based examinations;
- in addition to the Rules and requirements for examinations generally.

#### **9.6 Student misconduct during examinations**

##### **9.6.1 General**

- (1) Student misconduct is dealt with in Section 16 (Student misconduct and appeals).

##### **9.6.2 Misconduct during centrally conducted examinations**

- (1) If an examination supervisor suspects a student of misconduct involving cheating during an examination, the examination supervisor shall take prompt action to prevent the continuance of the suspected misconduct. The student shall be allowed to complete the examination.

In online invigilated examinations, students will receive a warning for behaviour suspected of being misconduct. Where the behaviour continues, the examination may be terminated.

- (2) All action taken by the examination supervisor will be in accordance with the principles of procedural fairness outlined in Schedule 3 (Guidelines Relating to Student Misconduct and Appeals).
- (3) The examination supervisor shall inform the student at the conclusion of the examination or as soon as possible thereafter if an allegation of misconduct has been made, and shall then note on the subject listing sheet that the student's examination paper has been sent to the Director, Student Administration Unit (or nominee) because of alleged misconduct.
- (4) The examination supervisor shall, as soon as possible, provide a written report to the Director, Student Administration Unit (or nominee). The Director, Student Administration Unit (or nominee) shall consult with others and, make a decision concerning any further action to be taken.
- (5) The written report of the examination supervisor on the alleged academic misconduct shall be submitted without delay to the Director, Governance Support Unit (or nominee), together with the student's examination paper or assessment task in question.
- (6) The Director, Governance Support Unit shall deal with the allegation in accordance with Rule 16.12.

#### **9.6.3 Misconduct during faculty-based examinations**

- (1) The person responsible for supervising a faculty-based examination shall be referred to as the monitoring staff member.
- (2) If the monitoring staff member suspects a student of misconduct involving cheating during an examination, the monitoring staff member shall take prompt action to prevent the continuance of the suspected misconduct.
- (3) The student shall be allowed to complete the examination.
- (4) All action taken by the monitoring staff member will be in accordance with the principles of procedural fairness outlined in the Guidelines Relating to Student Misconduct and Appeals (refer Schedule 3).
- (5) The monitoring staff member shall, as soon as possible, provide a written report to the Responsible Academic Officer.
- (6) The Responsible Academic Officer shall refer the matter to the Director, Governance Support Unit who shall deal with any allegation of misconduct in accordance with Rule 16.12.

#### **9.6.4 Disorderly conduct during centrally conducted examinations**

- (1) Any student who behaves in an unacceptable or disorderly manner or otherwise disrupts an examination:
  - (a) is liable for immediate expulsion from the examination for the remainder of the examination;
  - (b) must leave the examination immediately if directed to do so (refer Rule 16.9);
  - (c) is subject to such other actions and penalties as provided for in Section 16 (Student misconduct and appeals).

In online invigilated examinations, students will receive a warning for behaviour suspected of being misconduct. Where the behaviour continues, the examination may be terminated.

- (2) The examination supervisor shall, as soon as possible, provide a written report on the alleged misconduct to the Director, Student Administration Unit (or nominee). The Director, Student Administration Unit (or nominee) shall in consultation with others make a decision concerning any further action to be taken.
- (3) The written report on the alleged misconduct shall be submitted without delay to the Director, Governance Support Unit (or nominee).
- (4) The Director, Governance Support Unit shall deal with the allegation in accordance with Rule 16.12.

#### **9.6.5 Disorderly conduct during faculty-based examinations**

- (1) Any student who behaves in an unacceptable or disorderly manner or otherwise disrupts an examination:
  - (a) is liable for immediate expulsion from the examination for the remainder of the examination;
  - (b) must leave the examination immediately if directed to do so (refer Rule 16.9);
  - (c) is subject to such other actions and penalties as provided for in Section 16 (Student misconduct and appeals).
- (2) The monitoring staff member shall, as soon as possible, provide a written report on the alleged misconduct to the Subject Coordinator. The Subject Coordinator shall, in consultation with the monitoring staff member and the Responsible Academic Officer, make a decision concerning any further action to be taken.
- (3) The written report on the alleged misconduct shall be submitted without delay to the Director, Governance Support Unit (or nominee).
- (4) The Director, Governance Support Unit shall deal with the allegation in accordance with Rule 16.12..

## Section 10 – Academic progression

### 10.1 Application of these Rules

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

### 10.2 Assessment of rate of progress

- 10.2.1 In the assessment of a student's progress in a course, account may be taken of work completed in the laboratory and in class exercises, tests or assignments given throughout the relevant teaching periods, as well as results obtained in any examinations.
- 10.2.2 Assessment of rate of progress of a student enrolled in an undergraduate award course shall normally occur at the end of the calendar year and shall normally be for study undertaken in no less than a full year.
- 10.2.3 A Faculty Board may determine specific requirements for the timing and calculation of assessment of rate of progress for students enrolled in particular graduate coursework award courses, or vertically integrated courses. Information on these requirements will be published by the faculty in official course information and the UTS: Handbook.

### 10.3 Minimum rate of progress – undergraduate courses

- 10.3.1 In order to satisfy the required minimum rate of progress a student must gain no less than 50 per cent of the credit points for the subjects in which the student has been enrolled since the commencement of enrolment in the course.
- 10.3.2 Rule 10.3.1 may be waived in particular cases by the relevant Responsible Academic Officer, who must set conditions in writing for further enrolment. Non-compliance with those conditions will constitute failure to satisfy the minimum rate of progress requirements.

### 10.4 Failure to maintain minimum rate of progress

- 10.4.1 A student who fails to achieve the required minimum rate of progress in a course (unless waived in accordance with Rule 10.3.2) as specified in Rule 10.3.1 or as specified by a faculty in accordance with Rule 10.2.3 will be excluded from further study for a period of at least one academic year and may not apply for or enrol in any subjects or courses of study at the University that are conducted during the period of exclusion.
- 10.4.2 Written notification of any exclusion will be sent to the relevant student by the Director, Student Administration Unit.
- 10.4.3 A student may appeal against exclusion from study at the University for the determined period in accordance with procedures as set out in Rule 10.8.
- 10.4.4 A student may apply for readmission for further study at the end of the period of exclusion and must meet requirements and comply with procedures set out in Rule 5.9. Readmission is not automatic.

### 10.5 Maximum time to complete course requirements

- 10.5.1 Students are required to complete course requirements within an approved maximum time limit from the time of first enrolment.
- 10.5.2 Except where otherwise provided, the maximum time to complete a course shall not be greater than 50 per cent in excess of normal completion time laid down for that course.
- 10.5.3 A Faculty Board may determine specific requirements for maximum time for students enrolled in particular coursework award courses consistent with Faculty Board approved time limits for credit recognition. Information on these requirements must be published by the faculty in official course information and the UTS: Handbook.
- 10.5.4 Periods of approved leave of absence or suspension from the course are not counted and will be in addition to the specified completion time.
- 10.5.5 Where credit recognition has been granted, the maximum time in which the student is required to complete the course requirements may be reduced by the relevant Responsible Academic Officer.
- 10.5.6 The Director, Student Administration Unit will issue notification at the end of any half year of study, if a student is approaching the maximum time to complete a course, that the student must consult with the relevant Responsible Academic Officer for approval of a study plan to enable completion of the course within an agreed specified time period.
- 10.5.7 Failure to meet any or all of the requirements set out in the study plan approved by the Responsible Academic Officer will be taken into account in any subsequent appeal against exclusion submitted in accordance with Rule 10.8.
- 10.5.8 In exceptional circumstances, the relevant Responsible Academic Officer may approve an extension of the maximum time to complete course requirements for a particular student. Before the Responsible Academic Officer grants any approval, the Responsible Academic Officer must be satisfied of the academic currency of the subjects completed by the student during the initial periods of enrolment in the course which will, if the extension is granted, be outside the normal maximum time period.
- 10.5.9 Where a student has failed to complete the requirements of a course within the maximum time the student will be excluded permanently from that course.

- 10.5.10 Written notification of any exclusion will be sent to the relevant student by the Director, Student Administration Unit.
- 10.5.11 A student may appeal against permanent exclusion from the course in accordance with procedures set out in Rule 10.8.

### **10.6 Repeated failure in a subject**

- 10.6.1 For the purposes of Rules 10.6.2 and 10.6.3 a Faculty Board may:
- (1) deem different subjects to be the same subject if the subjects are substantially similar in content and/or learning objectives;
  - (2) specify individual subjects where further re-enrolment is not permitted after two failures in the subject.
- 10.6.2 A student who fails a subject for a second time shall be advised that:
- (1) they must seek advice from an appropriate academic adviser from the relevant faculty before being permitted to enrol again in that subject; and
  - (2) a third failure in the same subject will require the student to seek the permission of the Responsible Academic Officer or nominee for any further enrolment in that subject; or
  - (3) no further enrolment in the subject will be permitted for subjects specified in Rule 10.6.1(2).
- 10.6.3 A student who fails a subject for a third time must receive permission from the Responsible Academic Officer or nominee for any further enrolment in that subject. If such permission is granted the student must seek continuing assistance throughout that teaching period from an appropriate academic adviser in the relevant faculty.
- 10.6.4 Where a student is unable to complete a course as a result of being refused permission to enrol in a subject under Rules 10.6.2 or 10.6.3, the student will be excluded from further study for a period of at least one academic year and may not apply for or enrol in any subjects or courses of study at the University that are conducted during the period of exclusion.
- 10.6.5 Written notification of any exclusion will be sent to the student by the Director, Student Administration Unit.
- 10.6.6 Where a student has been excluded under Rule 10.6.4, the student may appeal against the exclusion in accordance with procedures as set out in Rule 10.8.

### **10.7 Academic caution**

- 10.7.1 A student will be placed on academic caution if:
- (1) at the end of any half year of study in any year of the student's enrolment in a course, the student gains less than 50 per cent of the credit points for which he or she was enrolled in that half year; and/or
  - (2) the student has been excluded for failure to meet the minimum rate of progress as set out in Rule 10.4.1 and he or she has appealed against the exclusion and that appeal has been upheld, unless the appeal was upheld on the basis that the original decision to exclude was invalid as a result of factual errors, pursuant to Rule 10.8.4(3).
- 10.7.2 The period of academic caution will normally have a duration of one half year and shall occur in the next half year of study following the decision to place the student on academic caution.
- 10.7.3 A student who is placed on academic caution will be advised in writing of the arrangements and requirements for academic caution.
- 10.7.4 During a first period of academic caution the student must:
- (1) consult with the designated academic course advisers from the relevant faculty for advice on the student's study plan;
  - (2) attend a study skills workshop program organised by the Student Services Unit;
  - (3) enrol in no more than 24 credit points for the half year of study to which the period of academic caution applies, and/or no more than six credit points for the immediately following summer or July teaching period. The maximum number of credit points in which a student may enrol may be reduced to 18 credit points by the relevant Responsible Academic Officer. Students attempting to enrol in credit points above the permitted maximum may be withdrawn from the subject(s) in accordance with Rule 7.5.6;
  - (4) attend a HELPS English language workshop if directed to do so by the relevant Responsible Academic Officer.
- 10.7.5 During any further period of academic caution the student must consult with the designated academic course advisers from the relevant faculty to determine a plan for study success.
- 10.7.6 The extent to which a student has met the requirements set out in Rules 10.7.4 and 10.7.5 will be taken into account in any subsequent appeal against exclusion submitted in accordance with Rule 10.8.
- 10.7.7 The provisions of Rule 10.7.1 may be waived by the relevant Responsible Academic Officer in particular cases.

### **10.8 Appeals**

- 10.8.1 A student may lodge an appeal with the Director, Student Administration Unit as set out in Rules 10.4.3, 10.5.11 and 10.6.6.



- 10.8.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Director, Student Administration Unit within 20 working days of the date of notification of the decision.
- 10.8.3 Late appeals which are submitted after the date provided in Rule 10.8.2 will not be accepted unless the student is able to provide satisfactory documentary evidence of circumstances of a personal or medical nature that were beyond the student's control and that significantly affected the student's ability to submit an appeal by the due date.
- 10.8.4 The grounds on which a student may appeal against exclusion are:
- (1) procedural irregularities in the decision-making process of a type and to an extent that are likely to have significant negative impact on the decision;
  - (2) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the student's performance; or
  - (3) the decision was based on factual errors of such magnitude as to invalidate the decision.
- 10.8.5 The Director, Student Administration Unit shall refer the appeal to the relevant Responsible Academic Officer.
- 10.8.6 The appeal shall be considered by the appropriate Course Director (or equivalent) in the first instance, who shall seek the advice of other relevant members of staff as appropriate.
- 10.8.7 The Course Director (or equivalent) shall submit a report to the Responsible Academic Officer with a recommendation as to whether to uphold or dismiss the appeal.
- 10.8.8 The Responsible Academic Officer will consider the report from the Course Director (or equivalent) and will make a final determination. If required, the Responsible Academic Officer may request further information from the student (in writing and/or in person as appropriate) to facilitate their decision-making process.
- 10.8.9 In the event that the Responsible Academic Officer believes that his or her involvement in the appeal would lead to a conflict of interest, he or she will be required to consult with the Dean (or nominee) who will make the decision on the appeal.
- 10.8.10 The final decision will be conveyed to the student by the Director, Student Administration Unit.

## 10.9 Result of appeal

- 10.9.1 Where an appeal under Rule 10.8 is successful the student:
- (1) shall have his or her enrolment in the course reinstated;
  - (2) shall be placed on academic caution in the next half year of study following the successful appeal, where the exclusion resulted from failure to maintain minimum rate of progress. A student must meet the requirements for academic caution in accordance with Rule 10.7.4;
  - (3) shall be notified by the Responsible Academic Officer of the period of time allowed for completion of the course where the exclusion has resulted from failure to complete within the approved maximum period.
- 10.9.2 Where an appeal under Rule 10.8 is unsuccessful, the student:
- (1) shall have his or her exclusion from the course confirmed;
  - (2) may seek guidance from the Responsible Academic Officer on those things that the student may wish to undertake in order to enhance opportunities for readmission after the period of exclusion has elapsed.

## Section 11 – Graduate research

### 11.1 Application of these Rules

- 11.1.1 This section of the Rules applies to all students enrolled in graduate research courses.
- 11.1.2 Admission requirements for graduate research courses are provided for in section 5 (Admission).
- 11.1.3 In section 11 of the Rules:  
'Procedures' means the Graduate Research Candidature Management Thesis Preparation and Submission Procedures as approved by the Higher Degree Research Board from time to time.

### 11.2 Course requirements

- 11.2.1 Students admitted to Doctoral degrees are required to:
- (1) undertake a program of study and supervised research which demonstrates the capability for substantial independent research and which has made an original and distinct contribution to knowledge in one or more fields of investigation, scholarship or professional practice;
  - (2) undertake any mandatory or program-related training elements;
  - (3) undertake a research component which is to comprise no less than two-thirds of the total course requirement; and
  - (4) submit a thesis, which may include a product and/or artefact, in a format according to requirements specified by the Higher Degree Research Board.
- 11.2.2 Students admitted to Masters degrees (Research) are required to:
- (1) undertake a program of study and research which demonstrates application of an advanced body of knowledge in a range of contexts for research and scholarship;
  - (2) undertake any mandatory or program-related training elements;

- (3) undertake a research component which is to comprise no less than two-thirds of the total course requirement; and
- (4) submit a thesis, which may include a product and/or artefact, in a format according to requirements specified by the Higher Degree Research Board.

### **11.3 Enrolment**

#### 11.3.1 Prior to initial enrolment:

- (1) students who have been admitted to a graduate research course are required to certify that they can devote sufficient time to the advanced study and research such that they are able to complete the program within the approved period of candidature determined by the Higher Degree Research Board;
- (2) students must comply with the requirements in Rule 2.5.2;
- (3) the relevant faculty is required to certify that it will provide appropriate resources and facilities for students to undertake their research and is responsible for providing appropriate supervision in line with University policy; and
- (4) any research to be undertaken at a site external to the University must be in accordance with policy and/or procedures approved by the Higher Degree Research Board or other appropriate UTS authorities from time to time.

11.3.2 Students are required to enrol in the components of the course specified by the relevant faculty and published in the UTS: Handbook.

11.3.3 Students are required to enrol in and satisfactorily complete such prerequisite or concurrent coursework considered appropriate to their individual circumstances by the principal supervisor on the recommendation of the Responsible Academic Officer.

### **11.4 Research work**

11.4.1 Students must agree on a Graduate Research Study Plan with their supervisor as outlined in the Procedures.

11.4.2 All work undertaken as part of a graduate research course will be carried out at approved locations and conditions in accordance with the Procedures.

11.4.3 Students are expected to participate in such colloquia, research seminars and other work of the University as may be considered appropriate by their supervisory panel.

### **11.5 Course transfer**

11.5.1 Students who wish to transfer from one graduate research course to another shall obtain the recommendation of the principal supervisor and the Responsible Academic Officer prior to submitting an application to the Dean, Graduate Research School for approval on the appropriate form.

11.5.2 Students are not usually considered eligible for course transfer until they have completed at least one half year of full-time study (or equivalent) in the enrolled course, except in exceptional circumstances. Exceptional circumstances will be considered by the Dean, Graduate Research School.

11.5.3 Students may apply to transfer into a graduate research course at the same level or at a different level. Transfer applications may be submitted following candidature stage assessment (refer Rule 11.15.6(2)) or in exceptional circumstances. Students must demonstrate, to the satisfaction of the Dean, Graduate Research School, and in accordance with the Procedures:

- (1) evidence of satisfactory progress in the enrolled course;
- (2) how the proposed changes to the research project satisfy the requirements of the course into which transfer is sought;
- (3) suitability of the research already undertaken in relation to the requirements of the course into which transfer is sought; and
- (4) certification from the student, the relevant faculty and any external site management in accordance with the requirements of Rule 11.3.1.

11.5.4 Where a transfer is approved, the new period of candidature will be determined by the Dean, Graduate Research School taking into account the contribution of the current research towards the requirements of the course into which transfer has been approved.

### **11.6 Recognition of prior research**

11.6.1 Students who have undertaken a research course, but not submitted their work for examination at UTS or another university or institution, may be given recognition of prior research.

11.6.2 Recognition of prior research, including the extent of any such recognition, the period of candidature and exemption from any candidature stage assessments, must be approved by the Dean, Graduate Research School on the recommendation of the Responsible Academic Officer. The recommendation must include consideration of the following:

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

## **11.7 Period of candidature**

- 11.7.1 Students must complete a research degree and submit a thesis for examination in accordance with the following timeframes:
- (1) Doctoral degree: not less than two years and not more than four years of full time (or equivalent part time enrolment)
  - (2) Masters degree (Research): not less than one year and not more than two years of full time (or equivalent part time enrolment).
- 11.7.2 Notwithstanding the provisions of Rule 11.7.1, students with prior study and research recognised as contributing to the requirements of the current course may be required by the Dean, Graduate Research School to complete the program in less than the normal time.

## **11.8 Extension of candidature**

- 11.8.1 Students who need more time to complete their degree than the timeframes specified in Rules 11.7.1(1) and 11.7.1(2) must, with the recommendation of the principal supervisor and the Responsible Academic Officer, seek approval from the Dean, Graduate Research School for an extension of the candidature period. Approval will only be considered in exceptional circumstances. The application for extension must include evidence to support the exceptional circumstances.
- 11.8.2 An extension of the approved period of candidature granted by the Dean, Graduate Research School shall not include periods of approved leave of absence.
- 11.8.3 Regardless of the student's study load, the Dean, Graduate Research School may approve a maximum period of extension:
- (1) Doctoral degree: one calendar year approved for up to six months at a time
  - (2) Masters degree (Research): up to six months in total.
- 11.8.4 Where an extension of candidature results in a domestic student exceeding the maximum Commonwealth funded period of candidature, the student may be liable for candidature overtime fees for the period of extended time.
- 11.8.5 Students who have reached the end of candidature as specified in Rules 11.7.1(1) and 11.7.1(2) and have not applied for an extension of candidature within the timeframe specified by the Procedures or submitted a thesis for examination will have their candidature discontinued as specified in Rule 11.23.2(1)(a) (refer Rule 11.10).
- 11.8.6 Students who have reached the maximum extended period of candidature as specified in Rules 11.8.3(1) and 11.8.3(2) and have not submitted their thesis at the end of this approved period will have their candidature discontinued as specified in Rule 11.23.2(1)(a) (refer Rule 11.10).

## **11.9 Student leave**

- 11.9.1 Students who wish to suspend studies temporarily from a course must lodge an application for leave of absence in accordance with the Procedures.
- 11.9.2 Leave of absence will only be granted after the first six months of candidature.
- 11.9.3 Leave of absence shall not be granted for a total period exceeding one year. For transfer students, this one-year period includes any leave of absence period undertaken in previous research degrees which students transferred from.
- 11.9.4 In exceptional circumstances, students may request variations to the application of Rules 11.9.2 and 11.9.3. Any variation will require documentary evidence and recommendations from the principal supervisor and the Responsible Academic Officer prior to seeking approval from the Dean, Graduate Research School.
- 11.9.5 Students resuming a course after leave of absence shall be subject to course requirements in operation at the time of their return and are required to be enrolled as directed by the Dean, Graduate Research School.
- 11.9.6 In addition to public holidays identified in the University calendar, students are entitled to a maximum of 20 working days of annual leave. The annual leave is not accruable and must be taken within a year. Requests for annual leave are negotiated with the principal supervisor.

## **11.10 Failure to complete**

- 11.10.1 Students who do not submit a thesis for examination within the approved period of candidature, including any approved extension, will have their candidature discontinued due to unsatisfactory progress (refer Rule 11.23.2).

## **11.11 Supervision**

- 11.11.1 Students shall have a supervisory panel recommended by the relevant faculty, appointed by the Responsible Academic Officer and approved by the Dean, Graduate Research School. The composition of the supervisory panel shall be in accordance with the Graduate Research and Supervision Policy as approved by Academic Board from time to time.
- 11.11.2 The criteria necessary for appointment as a supervisor of students shall be approved by the Higher Degree Research Board and reported to Academic Board from time to time.

- 11.11.3 The Graduate Research School shall be responsible for maintaining a register of suitably qualified supervisors who are recommended by the relevant faculty and approved by the Dean, Graduate Research School.
- 11.11.4 All members of supervisory panels shall operate in accordance with the Procedures and the Graduate Research and Supervision Policy.
- 11.11.5 Where students undertake a major portion of their research at sites external to the University, the Dean, Graduate Research School may appoint, in addition to the supervisory panel, an external supervisor or adviser upon the recommendation of the Responsible Academic Officer.
- 11.11.6 Where students have a candidate program agreement to present a thesis in a language other than English, the principal supervisor must be competent in that language.
- 11.11.7 Where students seek to change the supervisory panel, the request must be recommended by the Responsible Academic Officer for approval by the Dean, Graduate Research School.

#### **11.12 Thesis topic**

- 11.12.1 Students shall submit their thesis topic to the Responsible Academic Officer for approval in accordance with the timeframes set out in the Procedures.
- 11.12.2 Any change to the approved thesis topic must be recommended by the principal supervisor and approved by the Responsible Academic Officer.
- 11.12.3 The approved thesis topic must comply with all relevant legislative requirements including without limitation those prescribed under Rules 2.5.2 and 3.3.

#### **11.13 Review of progress**

- 11.13.1 All students, including students on leave of absence, are required to submit to the relevant faculty reports to enable review of progress. Reports are to be submitted and reviewed in accordance with and at times specified by the Procedures. Students will be notified of the outcome in accordance with the Procedures.
- 11.13.2 Failure by students to submit a review of progress report to the relevant faculty at times specified by the Procedures will normally be deemed as unsatisfactory progress for that time period.

#### **11.14 Review of unsatisfactory progress**

##### **11.14.1 Grounds for review**

Students may apply to have an unsatisfactory progress report reviewed by the Dean, Graduate Research School. The grounds on which students may request a review are that there were procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the determination of the unsatisfactory progress report.

##### **11.14.2 Review application**

- (1) An application for review of an unsatisfactory progress report must be in writing and should specify and substantiate the grounds for a review. It must be lodged with the Dean, Graduate Research School within 10 working days of notification of the unsatisfactory progress report.
- (2) Requests for a review of an unsatisfactory progress report will be considered by the Dean, Graduate Research School. The Dean, Graduate Research School may seek the advice of the Higher Degree Research Board, the Responsible Academic Officer and other relevant academic staff members.
- (3) In exceptional circumstances, students may request the Dean, Graduate Research School to consider an extension of time to submit an application for review of an unsatisfactory progress report. Any such request must be received by the appeal deadline with evidence to support the exceptional circumstances.
- (4) Where students do not specify procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the determination of the outcome, the Dean, Graduate Research School has a right to dismiss the review and the outcome of review of progress remains unsatisfactory.
- (5) Once the Dean, Graduate Research School has reviewed the request, the outcome is final, and no further review is available.

##### **11.14.3 Notification**

The Dean, Graduate Research School will notify the student in writing of the final decision.

#### **11.15 Candidature stage assessment**

11.15.1 Students are required to undertake candidature stage assessments:

- (1) to ensure that they are equipped with the knowledge and skills to conduct their research program and complete the degree and future research activities;
- (2) to demonstrate that they have made sufficient progress in their study and in the development of their research skills to make it likely that they will complete within the prescribed time; and
- (3) to ensure that they are conducting research within the University's expectations regarding research integrity and research management practices.

11.15.2 The candidature stage assessments will be completed in accordance with the Procedures.

11.15.3 The requirements for each candidature stage assessment will be determined by each faculty, subject to the approval of the Dean, Graduate Research School and in accordance with the Procedures.

11.15.4 The Responsible Academic Officer is responsible for sending candidature stage assessment outcomes to the student and Graduate Research School as specified by the Procedures.

- 11.15.5 Students who satisfy the requirements of a candidature stage assessment will be eligible to proceed with their research program in accordance with the Procedures and will be subject to further review of progress as provided for in Rule 11.13.
- 11.15.6 Students who do not satisfy the requirements of a candidature stage assessment:
- (1) may be permitted by the Responsible Academic Officer to undertake a candidature stage re-assessment by a prescribed date; or
  - (2) with the Responsible Academic Officer's support, may be permitted to apply for a course transfer as provided for in Rule 11.5; or
  - (3) may have their candidature discontinued due to unsatisfactory progress (refer Rule 11.23.2).

## **11.16 Review of an unsatisfactory candidature stage assessment**

### **11.16.1 Grounds for review**

Students may apply for a review of an unsatisfactory candidature stage assessment by the Responsible Academic Officer. The grounds on which students may request a review are that there were procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the determination of the unsatisfactory candidature stage assessment.

### **11.16.2 Review application**

- (1) An application for review of an unsatisfactory candidature stage assessment must be in writing, specify and substantiate the grounds for a review and be lodged with the Responsible Academic Officer within 10 working days of notification of the unsatisfactory candidature stage assessment.
- (2) In exceptional circumstances, students may request the Responsible Academic Officer to consider an extension of time to submit an appeal against unsatisfactory candidature assessment. Any such request must be received with evidence to support the exceptional circumstances and within 10 working days of notification of the unsatisfactory candidature stage assessment.
- (3) Where students do not specify procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the determination of the outcome, the Responsible Academic Officer has a right to dismiss the review and the outcome of candidature stage assessment remains unsatisfactory.
- (4) Once the Responsible Academic Officer has reviewed the request, the outcome is final, and no further review is available.

### **11.16.3 Notification**

The Responsible Academic Officer will notify the student in writing of the final decision.

## **11.17 Thesis requirements**

11.17.1 The nature and format of a thesis shall reflect international practices in the discipline or field and provide evidence of completion of substantial research in the form of:

- (1) a written document which may include work published or publishable as a result of the student's candidature at the University as appropriate; or
- (2) a written document which also includes artefacts, exhibition, performance or portfolio of professional or creative work relevant to the discipline.

11.17.2 A thesis shall comply with the following requirements:

- (1) it must be in English, with the exception of a thesis written under a collaborative agreement (refer to Rules 11.11.6 and 11.17.3);
- (2) it must reach a satisfactory standard of presentation in accordance with the Procedures;
- (3) it must consist of the students' own account of their work, except that, in special cases, work done conjointly with other persons may be accepted provided the Responsible Academic Officer is satisfied as to the extent of the student's part in the joint work;
- (4) it must be embodied in a format as approved by the Higher Degree Research Board;
- (5) it must not include any work or material previously submitted in full or in part for another award, except as fully acknowledged within the text of the thesis; and
- (6) it may include work previously published by the student only if it bears on the subject of the thesis. Joint publications will be acceptable provided the Dean, Graduate Research School is satisfied with the graduate research student's part in the joint work.

11.17.3 In the event that students have a candidate program agreement to present a thesis in a language other than in English, the following requirements must be complied with:

- (1) justification for presenting the thesis in a language other than English must be included in the approved candidature agreement;
- (2) the thesis must comply with the Rules;
- (3) following the examination, an extended abstract of 500–1000 words in English must be included in the thesis; and
- (4) examiner reports for the thesis must be available in English.

### **11.18 Oral presentation of thesis**

- 11.18.1 Students are required to make an oral presentation of the thesis to an audience drawn from within the broad disciplinary area, as part of their candidature stage assessments.
- 11.18.2 Notwithstanding Rule 11.18.1, an oral presentation may form part of the approved examination process as provided for in the Procedures and/or in a collaborative degree agreement. If an oral presentation is part of the examination process, timing of the presentation will be set in consultation with the principal supervisor and Responsible Academic Officer, and approved by the Dean, Graduate Research School.

### **11.19 Submission of thesis for examination**

- 11.19.1 Students shall provide two months prior notice in writing to the Dean, Graduate Research School of their intention to submit the thesis for examination.
- 11.19.2 Prior to submitting a thesis for examination, students may indicate that the thesis contains restricted or confidential information that they do not wish to be disclosed freely and may apply to the Responsible Academic Officer for consideration of restriction to access, with the support of the principal supervisor.
- 11.19.3 Students must submit their thesis and documents as specified by the Procedures to the Responsible Academic Officer. The examination process and approval are set out in the Procedures.
- 11.19.4 Submission of any other part of the material which gives evidence of a scholarly or creative work must be in accordance with the Procedures.
- 11.19.5 The thesis must be provided to the Graduate Research School by the relevant faculty with a certificate signed by the principal supervisor and the Responsible Academic Officer certifying that the thesis has been completed and is ready for examination.
- 11.19.6 If the principal supervisor and the Responsible Academic Officer decline to certify that a thesis is ready for examination, the student may request a review of this decision by the Thesis Examination Committee.
- 11.19.7 The grounds on which students may request a review are that there were procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the decision not to certify that a thesis is ready for examination.
- 11.19.8 An application for review by the Thesis Examination Committee must be in writing, specify and substantiate the grounds for a review, and be lodged with the Graduate Research School within 10 working days of notification that a thesis is not ready for examination. In exceptional circumstances, students may request the Thesis Examination Committee to consider an extension of time to submit an application for review. Any such request must be received within 10 working days of notification that a thesis is not ready for examination, with evidence to support the exceptional circumstances.
- The outcomes of a review are:
- (1) the student is permitted to submit the thesis for examination; or
  - (2) the thesis is deemed not ready for submission and the student must revise the thesis in accordance with a timeframe recommended by the Thesis Examination Committee; or
  - (3) the thesis is deemed not ready for submission and the student's candidature is discontinued (Rule 11.23.2).
- 11.19.9 Requests for a review will be considered by the Thesis Examination Committee.
- (1) Where students do not specify procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the determination of the outcome, the Thesis Examination Committee has a right to dismiss the review. The thesis will be deemed as not ready for examination and the student's candidature will be discontinued (Rule 11.19.8(3)).
  - (2) Once the Thesis Examination Committee has reviewed the request, the outcome is final, and no further review is available.
- 11.19.10 The Thesis Examination Committee will notify the student in writing of the final decision.

### **11.20 Examination of thesis**

- 11.20.1 Under certain circumstances, the procedures and arrangements for examination of a thesis may be varied, with the approval of the Thesis Examination Committee. These circumstances include but are not limited to:
- (1) theses produced as a result of research candidature conducted jointly with another university as part of a collaborative degree;
  - (2) research degrees where the material which gives evidence of a scholarly or creative work necessitates a variation in examination procedures.
- 11.20.2 In cases where a variation of thesis examination procedures and arrangements is required, the proposed procedures and arrangements must be documented and submitted for approval to the Thesis Examination Committee on advice from the Responsible Academic Officer within two months of the expected thesis submission date.
- 11.20.3 Students may be required to undertake an oral examination of their thesis as provided for in the Procedures.
- 11.20.4 The reports of the examiners shall be submitted to the Graduate Research School, which shall forward the reports to the Responsible Academic Officer.
- The Responsible Academic Officer will draft a thesis examination resolution for approval by the Thesis Examination Committee, or appropriate approval body, in accordance with the Graduate Research Final Examination Procedures.

- 11.20.5 Students who do not require re-examination must submit their final thesis for graduation within six months of receiving the final examination outcome.  
Any revisions to the thesis that do not require resubmission for re-examination, must be completed to the satisfaction of the Responsible Academic Officer within the notified time period as indicated in the final examination outcome documentation. The Responsible Academic Officer will report satisfactory completion of the revisions to the Dean, Graduate Research School.
- 11.20.6 If students who have been given the opportunity to submit a revised thesis for re-examination fail to do so in the specified period (refer Rules 11.7.1 and 11.8.1), they will be deemed to have failed to satisfy requirements for the award of the degree and their candidature will be discontinued (refer Rule 11.23.2(2)).
- 11.20.7 A thesis submitted for re-examination can only be submitted once in accordance with the submission for examination process and thesis requirements as outlined in the Procedures.

### 11.21 Student misconduct

- 11.21.1 Student misconduct is dealt with in Rule 16.2.
- 11.21.2 Student misconduct that occurs in relation to a graduate research course will be dealt with in accordance with the provisions of section 16 (Student misconduct and appeals).

### 11.22 Graduation

- 11.22.1 The final thesis and documents specified by the Procedures must be submitted to the Responsible Academic Officer.
- 11.22.2 When submitting a thesis for graduation, students must indicate if it requires restricted access. If restricted access is required, they must apply for an embargo to the Dean, Graduate Research School with the recommendation of the principal supervisor and the Responsible Academic Officer. The Dean, Graduate Research School may approve such restriction indefinitely or for a specified period not normally exceeding two years and may impose conditions on disclosure of such information.
- 11.22.3 Students are required to deposit a digital copy of their final thesis with the University Library for permanent retention, subject to the Procedures.
- (1) Any material which gives evidence of artefacts, exhibition, performance or portfolio of professional or creative work must be recorded or produced in a format approved by the Thesis Examination Committee on the advice of the University Librarian in regard to its preservation and maintenance.
- 11.22.4 A digital copy must be provided in accordance with the Procedures.
- 11.22.5 The copy of the thesis deposited with the University Library will be available for consultation or copying at the discretion of the University Librarian unless the Dean, Graduate Research School on the application of the student, determines that the thesis, or parts of the thesis, shall not be available until after the expiry of a period, which shall not normally exceed two years.

### 11.23 Withdrawal or discontinuation of candidature

- 11.23.1 A student who wishes to withdraw permanently from candidature in a research course must lodge an application for withdrawal in accordance with the Procedures.
- (1) If withdrawal occurs prior to thesis submission, the result for the thesis component will be recorded as withdrawn.
- (2) If withdrawal occurs after the thesis has been submitted for examination, the result for the thesis component will be recorded as fail.
- 11.23.2 The University may discontinue a student's candidature in a research course in certain circumstances including but not limited to:
- (1) unsatisfactory progress:
- (a) where a student has not submitted a thesis for examination within the approved period of candidature as specified in Rule 11.7 (refer Rule 11.8.3 and 11.10);
- (b) where a student has not satisfied progress requirements (refer Rule 11.13);
- (c) where a student has not satisfied candidature stage assessment requirements (Rule 11.15);
- (d) where the principal supervisor and the Responsible Academic Officer decline to certify that a thesis is ready for examination (refer Rule 11.19.6);
- (e) where a student is absent without leave for a period exceeding six months.
- (2) unsatisfactory examination:
- (a) where a student has not resubmitted a revised thesis for re-examination in the required time period (refer Rule 11.20.6);
- (b) where a student has failed to satisfy requirements for the award of the degree;
- (c) where students have not made necessary revisions and submitted their final thesis for graduation within six months of receiving the final examination outcome (refer Rule 11.20.5).
- (3) student misconduct determined under section 16 (Student misconduct and appeals).

(4) supervisory arrangement ceases and an appropriate alternative cannot be identified.

(5) when a student's project is no longer viable and an appropriate alternative cannot be identified.

Where a student's candidature in a research course is discontinued based on Rule 11.23.2(1), 11.23.2(3), 11.23.2(4) or 11.23.2(5), the result for the thesis component will be recorded as withdrawn.

Where a student's candidature in a research course is discontinued based on Rule 11.23.2(2), the result for the thesis component will be recorded as a failure.

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

#### **11.24 Appeal against discontinuation of candidature**

11.24.1 Students whose candidatures are discontinued in accordance with Rule 11.23.2 may lodge an appeal against the discontinuation of candidature with the Dean, Graduate Research School.

11.24.2 An appeal against discontinuation of candidature must be in writing and reach the Dean, Graduate Research School within 20 working days of the date of official notification.

11.24.3 In exceptional circumstances, students may request the Dean, Graduate Research School to consider an extension of time to submit an appeal against discontinuation. Any such request must be received by the appeal due date with evidence to support the exceptional circumstances.

11.24.4 The grounds for appeal against a decision of discontinuation of candidature due to unsatisfactory progress made pursuant to Rule 11.23.2(1) are:

(1) procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the candidature assessment and/or the review of progress;

(2) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the student's progress, which were not known at the time and which would have reasonably led to a decision other than the discontinuation of candidature; and/or

(3) the decision was based on factual errors of such magnitude as to invalidate the decision.

Where students do not specify one of the grounds for appeal contained in Rule 11.24.4, the Appeals Committee has a right to dismiss the appeal.

Once the Appeals Committee has reviewed the request, the outcome is final and no further review is available.

11.24.5 The grounds for appeal against a decision of discontinuation of candidature due to an unsatisfactory examination made pursuant to Rule 11.23.2(2) are:

(1) procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the conduct of the examination; and

(2) documentary evidence of errors or irregularities on the part of one or more of the examiners.

Where students do not specify one of the grounds for appeal contained in Rule 11.24.5, the Appeals Committee has a right to dismiss the appeal.

Once the Appeals Committee has reviewed the request, the outcome is final and no further review is available.

11.24.6 At any time during the appeal process (up until the Appeals Committee convenes), students shall have the right to discontinue the appeal by notifying the Dean, Graduate Research School in writing. If students exercise their right to discontinue the appeal, the decision of the Dean, Graduate Research School to discontinue the students shall stand.

11.24.7 The appeal steps are outlined in the Graduate Research Candidature Management Thesis Preparation and Submission Procedures (Staff Connect).

11.24.8 Upon receiving the Responsible Academic Officer's response to the appeal against discontinuation of candidature, the student's response must reach the Dean, Graduate Research School within 10 working days of the date of notification.

11.24.9 In exceptional circumstances, students may request the Dean, Graduate Research School to consider an extension of time of up to 10 working days to submit a response to the Responsible Academic Officer's recommendation. Any such request must be received by the appeal deadline with evidence to support the exceptional circumstances.

#### **11.25 Result of appeal**

11.25.1 Where an appeal against discontinuation due to unsatisfactory progress is upheld:

(1) the student's candidature will be reinstated; and

(2) the Dean, Graduate Research School will, upon advice from the Responsible Academic Officer, determine the period of candidature remaining and any other requirements for the student to complete the course.

11.25.2 Where an appeal against discontinuation due to unsatisfactory examination is upheld:

(1) the student's candidature will be reinstated; and

(2) the Thesis Examination Committee will, upon advice from the Responsible Academic Officer, determine the steps and processes necessary for the re-examination to be conducted in an appropriate timeframe or for the examination to be repeated as appropriate.

11.25.3 Where an appeal against discontinuation is dismissed, the discontinuation of candidature will be confirmed to the student, the Responsible Academic Officer and the Dean, Graduate Research School.



## Section 12 – Higher Doctoral degree requirements

### 12.1 Higher Doctoral degrees

12.1.1 The Council has determined that there shall be the following Higher Doctoral degrees:

- (1) Doctor of Engineering (DEng);
- (2) Doctor of Fine Arts (DFA);
- (3) Doctor of Laws (LLD);
- (4) Doctor of Letters (LittD);
- (5) Doctor of Science (DSc).

### 12.2 Requirements for award

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

### 12.3 Eligibility

12.3.1 To qualify for consideration as an applicant for the award of a Higher Doctoral degree, an applicant must:

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

### 12.4 Application

12.4.1 An applicant for Higher Doctoral degree candidature shall submit to the Thesis Examination Committee an application together with three copies of the published work that the applicant wishes to have assessed.

12.4.2 The Thesis Examination Committee shall refer the application to the Dean of the relevant faculty for a recommendation as to:

- (1) whether the applicant satisfies the eligibility criteria in Rule 12.3.1; and
- (2) whether the published work is prima facie worthy of assessment for the degree and if so for recommendation as to assessors.

### 12.5 Submitted works

12.5.1 The work submitted for assessment for a Higher Doctoral degree must be published works of which the candidate is author or joint author.

12.5.2 In the case of works of which the candidate is a joint author, the candidate shall submit a written statement and supporting material indicating the extent of the contribution of the candidate to the works.

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

### 12.6 Assessment of works

12.6.1 On the recommendation of the Dean of the relevant faculty and the Thesis Examination Committee, the Dean, Graduate Research School shall appoint no fewer than three external assessors to assess the submitted works.

12.6.2 Each assessor shall submit to the Thesis Examination Committee an independent report in writing and shall recommend, on the basis of the submitted works, whether the candidate's works:

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

12.6.3 The Thesis Examination Committee shall consider the reports of the assessors and make a recommendation to the Dean, Graduate Research School who, on behalf of Higher Degree Research Board, shall formulate a recommendation to Academic Board, upon advice of Director, Student Administration Unit, and in accordance with the Statement of Assurance – Conferral of Awards, that:

- (1) the candidate has satisfied requirements for the award of the degree as specified in Rule 12.2; or
- (2) the candidate has not satisfied requirements for the award of the degree.

12.6.4 The candidate shall be advised by the Chair of Higher Degree Research Board of Academic Board's action under Rule 12.6.3.

### 12.7 Deposit of works

12.7.1 Rule 11.22 applies in respect of works submitted under this section of the Rules and for which an award is conferred under this section of the Rules.

## Section 13 – Awards and graduation

### 13.1 Application of these Rules

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

### 13.2 Completion of requirements

#### 13.2.1 Coursework

- (1) Coursework students must have:
  - (a) been enrolled in a course that leads to the award;
  - (b) completed the educational and other approved requirements of the course as set out in official publications of the University in the year in which they commenced study in that course unless other requirements have been approved by the relevant Responsible Academic Officer in accordance with Rule 3.6.2; and
  - (c) satisfied the requirements of the Admissions and Recognition of Prior Learning Policy in relation to the limit of approved credit where credit has been recognised.
- (2) Upon advice of Director, Student Administration Unit, the relevant Chair of Faculty Board, acting on behalf of the Faculty Board, shall confirm that those coursework students who have satisfied the approved course requirements have completed the course, and shall notify Academic Board of the names of all such coursework students and recommend to Academic Board that those coursework students are eligible to graduate, in accordance with the Statement of Assurance – Conferral of Awards.
- (3) Where, as a result of death or permanent incapacity, a student fails to complete the course requirements, but has completed a substantial proportion of them, the relevant Faculty Board may recommend to Academic Board that the student be deemed to have completed requirements of a course and that an award be conferred. Such a recommendation would normally be made within two years of the student's last enrolled teaching period and must be supported by relevant documentary evidence.

#### 13.2.2 Graduate research

- (1) Graduate research students must have:
  - (a) been enrolled in the course that leads to the award; and
  - (b) completed satisfactorily the educational, research and other requirements as approved for the student.
- (2) The Higher Degree Research Board shall determine those students who have completed the course requirements.
- (3) The Chair of Higher Degree Research Board, acting on behalf of Higher Degree Research Board, shall recommend to Academic Board, upon advice of the Director, Student Administration Unit, that the process outlined in the Statement of Assurance – Conferral of Awards has been followed, and the resulting graduate research students who have satisfactorily completed course requirements in accordance with Rule 13.2.2(1) and (2) are considered eligible to graduate.
- (4) Where, as a result of death or permanent incapacity, a student fails to complete the course requirements, but has completed a substantial proportion of them, upon recommendation from the relevant Faculty Board, the Higher Degree Research Board may recommend to Academic Board that the student be deemed to have completed requirements of a course and that an award be conferred. Such a recommendation would normally be made within two years of the student's last enrolled teaching period and must be supported by relevant documentary evidence. Such evidence may include the completion of research work, papers and publications, literature reviews, or other tangible research related activities.

### 13.3 Eligibility to graduate

- 13.3.1 The Director, Student Administration Unit shall provide advice to the relevant Chair of Faculty Board, acting on behalf of the Faculty Board, for recommending to Academic Board that the process outlined in the Statement of Assurance – Conferral of Awards has been followed, and the resulting coursework students who have satisfactorily completed course requirements in accordance with Rule 13.2.1 and are considered eligible to graduate.
- 13.3.2 Upon advice of the Director, Student Administration Unit, the Chair of Higher Degree Research Board, acting on behalf of Higher Degree Research Board, shall recommend to Academic Board the conferral of awards upon those graduate research students who have satisfactorily completed course requirements in accordance with Rule 13.2.2 and are considered eligible to graduate.
- 13.3.3 Notwithstanding Rule 13.3.1 and 13.3.2, the Provost (or nominee) may determine that a student who has completed course requirements in accordance with Rule 13.2 is not eligible to graduate in particular circumstances including but not limited to:
  - (1) where proceedings relevant to the student are pending or have commenced in accordance with the provisions of Section 16 (Student misconduct and appeals); or
  - (2) where the student has not discharged all of his or her financial obligations to the University; or
  - (3) where the student has not returned all borrowed library books or University equipment and materials.

### **13.4 Conferral of award**

- 13.4.1 Degree, Diploma and other award courses of the University are conferred by a resolution of Academic Board.
- 13.4.2 Degree awards, and any Diploma awards undertaken in conjunction with degree awards, may be presented at a University graduation ceremony. Graduate Certificate, Undergraduate Certificate and all other awards may be presented at a faculty ceremony.
- 13.4.3 An award of the University may be conferred posthumously.

### **13.5 Rescission of award**

13.5.1 In exceptional circumstances, Academic Board may rescind the conferral of an award, including but not limited to situations where:

- (1) the Vice-Chancellor (or nominee) has determined that rescission of an award is an appropriate penalty as set out in Rule 16.3.1(1); or
- (2) significant fraudulent or deceitful activities have been identified and proven subsequent to the conferral of the award and which, had they been known at the time of conferral of the award, would have led to a decision not to confer the award; or
- (3) administrative error has resulted in incorrect conferral of an award; or
- (4) the student has not discharged all of his or her financial obligations to the University incurred during his or her period of enrolment.

13.5.2 Where Rule 13.5.1(1) applies:

- (1) no action will be taken to implement the Vice-Chancellor's (or nominee) decision until such time as any appeal against that decision has been considered as provided for in accordance with Section 16 (Student misconduct and appeals) or until the time limit for lodgement of such an appeal has expired;
- (2) the Director, Governance Support Unit will notify Academic Board and Council of the decision to rescind the award if no appeal is lodged or the original decision of the Vice-Chancellor (or nominee) to rescind the award is upheld;
- (3) the Director, Governance Support Unit will provide written notice of the decision and reasons for the decision to the award recipient.

13.5.3 Where Rule 13.5.1(2) applies:

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

13.5.4 Where Rule 13.5.1(3) applies:

- (1) the award recipient will be advised of the proposed corrective action and any relevant consequences and will be given the opportunity to comment on these prior to rescission of an award under Rule 13.5.4(2);
- (2) the Provost may rescind an award where an administrative error has occurred and must provide a report to Council via Academic Board every half year on awards rescinded.

13.5.5 The Director, Governance Support Unit may provide information on a decision to rescind an award and reasons for the decision to any other person who has a legitimate reason for having access to such information and in accordance with the provisions of the Privacy Policy.

### **13.6 Award nomenclature**

- 13.6.1 Award nomenclature including abbreviations shall be in accordance with official award nomenclature for the course, as approved by the University and published in official University publications.
- 13.6.2 Graduates are entitled to use the official award nomenclature once the award has been conferred by Council.

### **13.7 Level of award – classification and grading**

- 13.7.1 Subject to the provisions of Rules 13.7.2 and 13.7.3, the relevant Faculty Board shall recommend to Academic Board the classification and grading of the award, if any, to be conferred upon individual students.
- 13.7.2 The level of award recommended for individual students shall be determined by the relevant Faculty Board in accordance with guidelines approved by Academic Board from time to time.

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

- (1) For a Doctoral degree, the award shall not be classified.
- (2) For a Masters degree (Research), the award shall not be classified.
- (3) For a Masters degree (Coursework) for which the award of Honours is available, the award shall be classified as:
  - (a) Masters (Honours); or
  - (b) Masters degree.
- (4) For a Bachelor Honours degree the award shall be classified as:
  - (a) Bachelor Honours degree with First Class Honours; or
  - (b) Bachelor Honours degree with Second Class Honours, which may be graded into Division 1 and Division 2 in those faculties that require such grading; or
  - (c) Bachelor Honours degree with Third Class Honours, which may be awarded in those faculties that require such grading.
- (5) For a Bachelor degree, the award may be classified as:
  - (a) Bachelor degree with Distinction; or
  - (b) Bachelor degree with Credit; or
  - (c) Bachelor degree.
- (6) For an Undergraduate Certificate, Diploma, Advanced Diploma, Associate Degree, Graduate Certificate, Graduate Diploma, the award shall not be classified.

### **13.8 University Medal**

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

### **13.9 Testamurs**

- 13.9.1 A testamur is an official University certification document that confirms a qualification has been awarded to an individual.
- 13.9.2 A testamur is a legal document issued under the seal of the University and is issued in original form only once for each specific award conferred.
- 13.9.3 A replacement testamur may be requested by a graduate and issued upon approval by the Director, Student Administration Unit, or delegate. The replacement testamur will bear a statement of replacement including date of re-issue.

### **13.10 Academic dress**

- 13.10.1 Academic dress is prescribed by the Provost for each degree award of the University, with the exception of Graduate Certificates. Academic dress is not prescribed for any other awards.
- 13.10.2 Graduates who attend graduation ceremonies are required to wear the academic dress of the degree that is appropriate to the level of award obtained.
- 13.10.3 Graduates of the University are entitled to wear the academic dress, appropriate to the level of award obtained, at appropriate formal occasions.
- 13.10.4 The University Secretary may approve the use of the University's academic dress, by those yet to have awards formally conferred, at appropriate formal occasions or other official University events.

## **Section 14 – Honorary awards of the University**

### **14.1 Honorary awards**

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

- (1) Honorary Doctor of Business (HonDBus);
- (2) Honorary Doctor of Creative Arts (HonDCA);
- (3) Honorary Doctor of Design (HonDDes);
- (4) Honorary Doctor of Engineering (HonDEng);
- (5) Honorary Doctor of Health Sciences (HonDHlthSc);
- (6) Honorary Doctor of Laws (HonLLD);
- (7) Honorary Doctor of Letters (HonLittD);
- (8) Honorary Doctor of Science (HonDSc);
- (9) Honorary Doctor of Technology (HonDTech);
- (10) Honorary Doctor of the University (HonDUniv);
- (11) Fellow of the University;
- (12) UTS Distinguished Service Award;
- (13) Emeritus awards.

## **14.2 Determination of recipients**

- 14.2.1 Council may, on the recommendation of the Honorary Awards Committee, the Chancellor or the Vice-Chancellor, resolve to confer an honorary award upon a person who has satisfied the criteria determined by Council as being appropriate to the specific award in question.
- 14.2.2 Such determination shall be in accordance with the Honorary Titles and Awards Policy approved by Council from time to time.

## **14.3 Rescission of honorary award**

- 14.3.1 In exceptional circumstances, Council may rescind the conferral of an honorary award.

## **Section 15 – Equipment loans**

### **15.1 Equipment availability**

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

### **15.2 Responsibilities of faculties and units**

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

### **15.3 Responsibilities of borrowers**

- 15.3.1 Equipment borrowers are responsible for:
- (1) ensuring that any UTS equipment item that they remove from University premises has been officially registered for borrowing with the relevant faculty or unit in accordance with Rule 15.2; and
  - (2) the safekeeping and return of items borrowed by the due date and time.
- 15.3.2 Equipment borrowers must:
- (1) not carelessly or wilfully mutilate or damage UTS equipment;
  - (2) take reasonable precautions to ensure the safekeeping of equipment and minimise the opportunity for theft or loss of, or damage to, the equipment;
  - (3) not leave or attempt to leave UTS premises:
    - (a) with any UTS equipment item which is not registered for loan in the borrower's name with the relevant faculty or unit;
    - (b) with part of any UTS equipment item which is not registered for loan in the borrower's name with the relevant faculty or unit;
  - (4) not use UTS equipment for any unauthorised purpose;
  - (5) not use UTS equipment in any way which may infringe the rights or endanger the safety of others;
  - (6) immediately report any malfunctions or existing damage to equipment to the relevant University officer within a faculty or unit;
  - (7) immediately report any theft, loss or damage of or to the equipment to the relevant University officer.

### **15.4 Non-compliance**

- 15.4.1 Where a Dean (or nominee) or Director (or nominee) believes on reasonable grounds that an equipment borrower has not complied with the conditions of loan pursuant to Rule 15.2.1(1) or has not complied with the requirements of Rule 15.3, the Dean (or nominee) or Director (or nominee) may do any or all of the following:
- (1) place restrictions on future use of the equipment;
  - (2) deny future loans to the borrower;

- (3) request the Director, Student Administration Unit not to permit the student to re-enrol or graduate, or to withhold assessment results, until the equipment is returned;
  - (4) require payment by the borrower of a specified amount not exceeding the amount of the value of the cost of replacement or repair of the equipment item;
  - (5) require the borrower to lodge a conditional deposit as part of the loan conditions of any subsequent loan(s);
  - (6) refer the matter to the Director, Governance Support Unit who will deal with it in accordance with Section 16 (Student misconduct and appeals);
  - (7) lock the borrower's student system account until the equipment is returned.
- 15.4.2 Where the Dean (or nominee) or Director (or nominee) believes one or more of the actions in Rule 15.4.1(1) to 15.4.1(7) are appropriate, the Dean (or nominee) or Director (or nominee) will notify and give reasons to the student and the Director, Student Administration Unit. The Dean (or nominee) or Director (or nominee) may notify any other person of the decision and reasons on a need to know basis.

## Section 16 – Student misconduct and appeals

### Part A – General provisions

#### 16.1 Application

- 16.1.1 The Rules in this section apply to and in respect of all students of the University and in respect of misconduct by a person who was a student at the time of the misconduct, whether or not the person is currently enrolled (refer Rule 1.2.2).
- 16.1.2 Nothing in these Rules precludes the University from initiating civil or criminal proceedings against a student or former student in respect of misconduct.

#### 16.2 Definition of misconduct

16.2.1 Student misconduct includes but is not limited to:

- (1)
  - (a) cheating or acting dishonestly in any way; or
  - (b) assisting any other student to cheat or act dishonestly in any way; or
  - (c) seeking assistance from others in order to cheat or act dishonestly; or
  - (d) attempting (a) or (b) or (c) in an examination, test, assignment, essay, thesis or any other assessment task that a student undertakes as part of the educational requirements of the course in which the student is enrolled;
- (2) accessing or using another person's work by theft or other unauthorised means;
- (3) using, or attempting to use, any material or equipment that is not specified on an examination paper for use in the examination;
- (4) plagiarising, i.e. taking and using someone else's ideas or manner of expressing them and passing them off as their own by failing to give appropriate acknowledgement of the source to seek to gain an advantage by unfair means;
- (5) acting in contravention of any official statement that defines acceptable academic practice as approved by Council, Academic Board or a Faculty Board from time to time;
- (6) contravening any provision of the Act, the By-law, these Rules, and the codes of conduct, policies, procedures, directives, guidelines and any other form of regulation of the University;
- (7) acting in contravention of any official statement that defines acceptable standards of conduct and behaviour as approved by Council, Academic Board or a Faculty Board from time to time;
- (8) prejudicing the good name or academic standing of the University;
- (9) prejudicing the good order and government of the University;
- (10) a breach of confidentiality or privacy requirements or obligations in respect of the University or its staff, students or other relevant parties;
- (11) unreasonably interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of the University;
- (12) harassing or engaging in any other form of improper or discriminatory behaviour towards another student, an officer of the University, a visitor to the University, or any other person while that person is engaged in any activity related to their University purposes; such misconduct may relate, but is not limited, to race, ethnic or national origin, gender, marital status, sexual preference, disability, age, political conviction or religious belief;
- (13) intimidating or assaulting another student, officer of the University, a visitor to the University or any other person on University premises or while that person is engaged in any activity related to their University purposes;
- (14) failing to comply with any order or direction lawfully made or given under the Act, the By-law, these Rules, and the codes of conduct, policies, procedures, directives, guidelines and any other form of regulation of the University;

- (15) refusing to identify himself or herself when asked lawfully to do so by an officer of the University;
- (16) failing to comply with any conditions set by the Vice-Chancellor or the Vice-Chancellor's nominee under Rules 2.1.9 or 16.3.3;
- (17) breaching the terms or conditions of a penalty imposed for student misconduct;
- (18) obstructing any officer of the University in the performance of the officer's duties including preventing or attempting to prevent an officer of the University from occupying or using their assigned work area and/or refusing to leave such an area when instructed to do so;
- (19) behaving disgracefully, improperly or inappropriately:
  - (a) in a class, meeting or other activity in or under the control or supervision of the University; or
  - (b) on University premises, facilities or virtual spaces; or
  - (c) on any other premises, facilities or virtual spaces to which the student has access for their University purposes; or
  - (d) while pursuing any activity related to their University enrolment;
- (20) publishing material which is abusive, offensive, vilifying, harassing, discriminatory or inappropriate about the University, another student, or an officer of the University, in any forum or media, including but not limited to print, internet, social media, email, digital or electronic communications and broadcasting forums;
- (21) failing to comply with the prescribed provisions relating to the student's internship or other placement at another institution, place of learning or place of business;
- (22) acting dishonestly in relation to an application for admission to the University;
- (23) knowingly making any false or misleading representation about things that concern the student as a student of the University including but not limited to a breach of Rule 2.1.8;
- (24) knowingly making any false or misleading representation in relation to funding, prizes, grants and/or scholarships;
- (25) fabrication, falsification or misleading representation of data or results;
- (26) wilful concealment or a facilitation of research misconduct by others;
- (27) altering or attempting to alter any document or record of the University, or causing or attempting to cause any unauthorised alteration of such a document or record;
- (28) altering or falsifying any document that the University requires of the student (e.g. medical certificate, professional authority form or other supporting documentation);
- (29) impersonating another student, or arranging for anyone to impersonate a student, in an examination, assessment task, an assessment requirement or in any other University related activity;
- (30) misusing any University facility in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- (31) without limiting, in any way, 16.2.1(30), or the definition of 'facility', misusing any computing or communications equipment or capacity to which the student has access at or away from University premises for their University purposes in a manner which is illegal or which is or will be detrimental to the rights or property of others;
- (32) stealing, destroying, damaging or causing loss or cost in respect of a facility or property of the University or for which the University is responsible, or any other property of any other person within the University premises;
- (33) making an unauthorised disclosure of and/or misusing Student Security Identification (SSI).

### 16.3 Penalties

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

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

- (d) the student will not be permitted to enrol in any course at the University whether for award or otherwise during the period of any exclusion;
  - (e) the student may reapply for readmission to the course at the University at the end of the period of exclusion. Readmission is not automatic (refer Rule 5.9.3). If a student is readmitted, conditions relating to the student's future conduct at the University may be set by the Vice-Chancellor or Vice-Chancellor's nominee (refer Rule 2.1.9);
- (5) suspension from the University for a specified period not exceeding 12 months in which case:
    - (a) the student will not be entitled to any benefits, advantages or privileges of the University during the period of suspension;
    - (b) the student will be recorded as suspended from the University for the specified period of suspension;
    - (c) the student will not be permitted to enrol in any course whether for award or otherwise at the University during the period of suspension;
    - (d) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension;
  - (6) suspension from a course of the University for a period not exceeding 12 months in which case:
    - (a) the student will not be entitled to any course-related benefits, advantages or privileges of the University during the period of suspension;
    - (b) the student will be recorded as suspended from the course for the specified period of suspension;
    - (c) the student will not be permitted to enrol in the course from which the student has been suspended during the period of suspension;
    - (d) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension;
  - (7) withholding of academic results for the relevant teaching period, and/or of official academic records, including deferral or withdrawal of permission to graduate;
  - (8) imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding 12 months, in which case if there is a breach of the imposed conditions during the specified period the Vice-Chancellor, the Vice-Chancellor's nominee or the Manager, Student Misconduct and Appeals (SMA) may impose a more severe penalty;
  - (9) if the misconduct relates to a subject in which the student is enrolled:
    - (a) a reduction in marks for any part or parts of an assessment; or
    - (b) a zero mark and 'Fail' result for any part or parts of an assessment; or
    - (c) a requirement that the student re-do and submit a specific assessment task, with a reduction in marks to no more than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task; or
    - (d) a requirement that the student must undertake another alternative assessment task, for which the maximum possible mark can be no greater than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task; or
    - (e) a zero mark and 'Fail' result for the subject, in which case the zero mark and 'Fail' result will be denoted on the official record of the student in the same way as a 'Fail' result awarded in the usual way;
  - (10) exclusion from attendance at specified classes or subjects for a specified period not exceeding 12 months, provided that these do not include the entirety of classes or subjects for which the student is enrolled or is eligible to be enrolled;
  - (11) exclusion from and prohibition from use of specified facilities of the University for a specified period not exceeding 12 months;
  - (12) payment to the University or a third party by a specified date of a specified amount not exceeding the amount of any loss or damage where an act of misconduct involves loss of or damage to property or facilities of the University or a third party, in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non-payment of charges as are provided for in Section 4 (Fees, charges and other financial obligations);
  - (13) payment to the University by a specified date of a specified amount for its costs, not exceeding the amount of any costs incurred where an act of misconduct involves lengthy inquiries and proceedings, in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non payment of charges as are provided for in Section 4 (Fees, charges and other financial obligations);
  - (14) payment to the University by a specified date of a fine up to \$5000, with maximum fines for particular types of offences determined in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4), in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non-payment of charges as are provided for in Section 4 (Fees, charges and other financial obligations);
  - (15) imposition of specified conditions on attendance at specified classes or use of specified facilities or services of the University;
  - (16) a reprimand.



16.3.2 Matters which may be taken into account in recommending or imposing a penalty in respect of instances of misconduct under these Rules include but are not limited to:

- (1) the nature and seriousness of the misconduct;
- (2) a student's previous record of misconduct;
- (3) previous penalties imposed for student misconduct including any penalty deferred or suspended in accordance with Rule 16.3.3;
- (4) the fact that a student has admitted an alleged act of misconduct;
- (5) the fact that a student came forward on the student's own initiative and admitted an act of misconduct.

Regard should also be had to the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4) which can be amended by the Vice-Chancellor or Vice-Chancellor's nominee from time to time, subject to notification of any change to Academic Board and Council.

16.3.3 The operation of a penalty may be:

- (1) deferred by the person imposing the penalty for a period that will not normally exceed two years, but may in appropriate cases continue for the duration of a student's enrolment. During the period in which a penalty is deferred, as a condition of continued enrolment, the student must comply with any conditions prescribed by the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit or the Manager, Student Misconduct and Appeals.
- (2) suspended by the person imposing the penalty for a period that will not normally exceed two years, but may in appropriate cases continue for the duration of a student's enrolment. If there is a further act of misconduct during the specified period, the penalty will be imposed immediately.

#### **16.4 Designation**

16.4.1 The Vice-Chancellor may at any time designate a nominee including the Provost or a Deputy Vice-Chancellor with appropriate portfolio responsibilities, to exercise all or part of the Vice-Chancellor's powers, duties and responsibilities under this section of the Rules.

16.4.2 If the Vice-Chancellor's nominee is not available, or declares a conflict of interest, then the provisions for Senior Executive alternates in the Delegations (Schedule G2) apply.

#### **16.5 Procedural fairness**

16.5.1 A student is entitled to procedural fairness in the handling of an allegation of student misconduct including any appeal.

16.5.2 Guidelines Relating to Student Misconduct and Appeals (refer Schedule 3) provide general guidance on procedural fairness and will be followed unless the Student Misconduct Appeals Committee, Responsible Academic Officer, the Vice-Chancellor, the Vice-Chancellor's nominee or the Director, Governance Support Unit or the Manager, Student Misconduct and Appeals determines that there are sufficiently compelling circumstances to require different procedures in particular proceedings in order to ensure procedural fairness.

16.5.3 A student or an officer of the University, including the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit, Responsible Academic Officer, the Manager, Student Misconduct and Appeals or member of the Student Misconduct Appeals Committee must not hear or determine an allegation of student misconduct if they are personally involved in any aspect of the allegation.

16.5.4 For the purposes of Rule 16.5.3 a student or an officer of the University is not considered personally involved in any aspect of an allegation by reason only of the fact that they hear or deal with the allegation under these Rules.

16.5.5 In the event that the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit, a Responsible Academic Officer, the Manager, Student Misconduct and Appeals or a member of the Student Misconduct Appeals Committee believes that their involvement in a matter would lead to a conflict of interest, they must consult with the Director, Governance Support Unit. The Director, Governance Support Unit will determine an appropriate person to deal with the matter. In the event that the Director, Governance Support Unit believes that their involvement in determining a matter (under Rule 16.12.6A) would lead to a conflict of interest, the matter will be dealt with by the Vice-Chancellor or Vice-Chancellor's nominee.

#### **16.6 Allegation of misconduct**

16.6.1 An allegation of student misconduct must specify each individual act of alleged misconduct.

16.6.2 An allegation of student misconduct occurring within a faculty in relation to the teaching and conduct of courses and subjects within that faculty must be referred to the Responsible Academic Officer of the relevant faculty:

- (1) If the student misconduct involves plagiarism the Responsible Academic Officer will deal with the matter in accordance with Rule 16.10 and in accordance with the Guidelines for Handling Student Misconduct Involving Plagiarism (refer Schedule 5).
- (2) If the student misconduct involves misconduct other than plagiarism, the Responsible Academic Officer must refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12.
- (3) Allegations involving both plagiarism and other misconduct must be referred to the Director, Governance Support Unit to be handled in accordance with Rule 16.12.

16.6.3 All other allegations of student misconduct must be referred to the Director, Governance Support Unit and handled in accordance with Rule 16.12.

## **16.7 Admission of misconduct**

16.7.1 A student may admit an act of misconduct at any time.

16.7.2 When a student admits both the occurrence and the substance of an act of misconduct:

- (1) any inquiry being undertaken by a relevant officer of the University in relation to that act of misconduct may cease;
- (2) the relevant officer of the University will make recommendations only as to the penalty or penalties in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4).

## **16.8 Annual report of matters related to student misconduct and appeals**

16.8.1 Each year the Director, Governance Support Unit will provide the Vice-Chancellor, for the information of Academic Board and Council, with a report on all student misconduct and appeal matters, including decisions made in relation to the recommendations of the Student Misconduct Appeals Committee.

16.8.2 The Vice-Chancellor or Vice-Chancellor's nominee will take whatever action they consider necessary to ensure reasonable consistency in respect of the handling of student misconduct matters between the faculties and in respect of the penalties imposed.

## **Part B – Temporary exclusion**

### **16.9 Exclusion from facilities and/or participation in activities**

16.9.1 An officer of the University may temporarily exclude a student from facilities and/or participation in activities under this Rule in circumstances that include, but are not limited to, where the officer reasonably believes:

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

16.9.2 For the purpose of Rule 16.9, facilities and participation in activities includes but is not limited to classes, laboratories, computer laboratories, University Library, practicums, clinical practice or fieldwork excursions, practical experience or internship placements.

16.9.3 An exclusion under Rule 16.9 will have a duration of 14 days or greater, subject to circumstances. This is in addition to the provision outlined in Rule 2.1.9.

16.9.4 The Temporary Exclusion Policy consistent with this Rule must be approved by Academic Board for the purpose of providing guidance to students and officers of the University on the application of Rule 16.9.

## **Part C – Allegations of misconduct handled at the faculty level**

### **16.10 Allegations referred to the Responsible Academic Officer**

16.10.1 Where the Responsible Academic Officer believes an alleged act of student misconduct within the faculty involves any form of misconduct other than plagiarism, the Responsible Academic Officer shall refer the allegation to the Director, Governance Support Unit to be handled in accordance with Rule 16.12. Before doing so, in cases where the allegation is made by an officer of the University, the Responsible Academic Officer shall consult with that officer.

16.10.2 Where the Responsible Academic Officer receives an allegation of misconduct involving plagiarism, the Responsible Academic Officer may, in accordance with the Guidelines for Handling Student Misconduct Involving Plagiarism (refer Schedule 5), obtain further details of the allegation of misconduct and make such other enquiries as they believe necessary.

16.10.3 If, after considering all the information, the Responsible Academic Officer is of the view that the allegation of plagiarism:

- (1) is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Responsible Academic Officer may determine not to take further action in relation to the allegation in which case the Responsible Academic Officer will retain records in support of the decision on a confidential file;
- (2) may be substantiated as plagiarism, the Responsible Academic Officer must, in writing and as soon as possible:
  - (a) notify the student of the allegation;
  - (b) provide the student with a copy of, or an electronic link to, the relevant Rules and Guidelines;
  - (c) give the student a reasonable period, being a period of not less than five working days' notice to respond in writing and, if the Responsible Academic Officer considers it necessary, attend a meeting.

16.10.4 Following consideration of the student's response, if any, the Responsible Academic Officer must:

- (1) deal with the matter in accordance with the Rules, and the Guidelines for Handling Student Misconduct Involving Plagiarism (refer Schedule 5), and as follows:

- (a) impose no penalty because the Responsible Academic Officer believes no penalty is warranted; or
  - (b) issue a formal warning; or
  - (c) impose one or more of the penalties set out in Rule 16.3.1(9), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4); or
  - (d) where the Responsible Academic Officer believes the misconduct warrants any other penalty, refer a recommendation to the Director, Governance Support Unit to be handled in accordance with Rule 16.12;
- (2) advise the student in writing of the Responsible Academic Officer's decision and the student's right of appeal in cases where the Responsible Academic Officer has imposed a penalty.

#### **16.11 Responsible Academic Officer's decision on misconduct involving plagiarism**

- 16.11.1 In coming to a decision on misconduct involving plagiarism the Responsible Academic Officer must consider:
- (1) the student's written representations and/or representations at a meeting (if any); and
  - (2) any other previous case of student misconduct which the Responsible Academic Officer believes is similar to the case they are considering, to assist with consistency in decision-making.
- 16.11.2 Where the Responsible Academic Officer believes one or more of the penalties specified in Rule 16.3.1(9) is appropriate, the Responsible Academic Officer:
- (1) must make the decision as to the penalty;
  - (2) must in writing and as soon as possible notify the student of the decision and give reasons for the decision;
  - (3) must provide the Director, Governance Support Unit with a report and a copy of the notification to the student;
  - (4) may notify any other person of the decision and reasons in accordance with the Guidelines Relating to Student Misconduct and Appeals (refer Schedule 3).
- 16.11.3 Where the Responsible Academic Officer believes one or more of the penalties specified in Rule 16.3, other than Rule 16.3.1(9), is appropriate, the Responsible Academic Officer must:
- (1) refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12;
  - (2) provide the Director, Governance Support Unit with a written report, which includes the Responsible Academic Officer's recommendations;
  - (3) provide a copy of their report to the student at the same time.
- 16.11.4 Where the matter has been referred to the Director, Governance Support Unit in accordance with Rule 16.11.3, the student may, within five days of receiving the Responsible Academic Officer's report, make written representations to the Director, Governance Support Unit about the recommendations of the Responsible Academic Officer.

### **Part D – Allegations of misconduct handled centrally**

#### **16.12 Allegations referred to the Director, Governance Support Unit**

- 16.12.1 Where a matter has been referred from a Responsible Academic Officer under Rule 16.11.3, the Director, Governance Support Unit must refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for decision under Rule 16.12.6B.
- 16.12.2 In all other cases where the Director, Governance Support Unit receives an allegation of misconduct, the Director, Governance Support Unit may obtain further details of the allegation of misconduct and make such other enquiries as they believe necessary.
- 16.12.3 If after considering all the information, the Director, Governance Support Unit is of the view that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Director, Governance Support Unit may determine not to take further action in relation to the allegation in which case the Director, Governance Support Unit will retain sufficient information on the allegation on a confidential file.
- 16.12.4 Where the alleged misconduct involves misconduct during a centrally conducted examination, the Director, Governance Support Unit will:
- (1) inquire into the alleged misconduct;
  - (2) in consultation with the Subject Coordinator consider the evidence including the student's response, if any;
  - (3) decide on the appropriate course of action, as follows:
    - (a) dismiss the allegation of misconduct; or
    - (b) issue a formal warning; or
    - (c) issue a formal notice of an allegation of misconduct.
  - (4) If 16.12.4(3)(c) applies:
    - (a) notify the student of the allegation in writing;
    - (b) provide the student with a copy of, or an electronic link to, the relevant Rules and Guidelines;
    - (c) draw the attention of the student to the student's right to admit the alleged misconduct;
    - (d) give the student a reasonable period, being a period of not less than five working days, to seek advice about available options; and
    - (e) ask whether the student admits or denies any or all of the allegations.

- (5) If 16.12.4(3)(c) applies and:
- (a) the matter is classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student admits, then Rule 16.12.6A applies; or
  - (b) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student admits, then the Director, Governance Support Unit will refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or
  - (c) the allegation is denied, then the Director, Governance Support Unit will refer the allegation to the Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C;
  - (d) the matter is classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student neither admits or denies the allegation within the specified time period, the approved precedent penalty will be imposed; or
  - (e) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student neither admits or denies the allegation within the specified time period, the Director, Governance Support Unit will refer the allegation to the Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C.
- (6) advise the student in writing of the decision under Rule 16.12.4(3)(a–b) or 16.12.5(5).

16.12.5 Where the alleged misconduct involves misconduct not covered by Rule 16.12.4, the Director, Governance Support Unit will:

- (1) inquire into the alleged misconduct;
- (2) consider the evidence;
- (3) decide on the appropriate course of action, as follows:
  - (a) dismiss the allegation of misconduct; or
  - (b) issue a formal warning; or
  - (c) issue a formal notice of an allegation of misconduct.
- (4) If 16.12.5(3)(c) applies:
  - (a) notify the student of the allegation in writing;
  - (b) provide the student with a copy of, or an electronic link to, the relevant Rules and guidelines;
  - (c) draw the attention of the student to the student's right to admit the alleged misconduct;
  - (d) give the student a reasonable period, being a period of not less than five working days, to seek advice about available options; and
  - (e) ask whether the student admits or denies any or all of the allegations.
- (5) If 16.12.5(3)(c) applies and:
  - (a) the matter is classified as an approved precedent penalty, (refer Schedule 4 (section 2A)) and the student admits, Rule 16.12.6A applies; or
  - (b) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student admits, then the matter will be referred to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or
  - (c) the allegation is denied, then the Director, Governance Support Unit will refer the allegation to the Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C;
  - (d) the matter is classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student neither admits or denies the allegation within the specified time period, the approved precedent penalty will be imposed; or
  - (e) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student neither admits or denies the allegation, the Director, Governance Support Unit will refer the allegation to the Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C.
- (6) advise the student in writing of the decision under 16.12.5(3)(a–b) or 16.12.5(5)..

16.12.6A Where the student admits the allegation, the Director, Governance Support Unit will impose one or more penalties in accordance with the Vice-Chancellor or Vice-Chancellor's nominee approved precedent penalties (refer Schedule 4 (section 2A)).

16.12.6B If no Vice-Chancellor or Vice-Chancellor's nominee approved precedent penalty exists or the matter has been referred from a Responsible Academic Officer under Rule 16.11.3, the Director, Governance Support Unit must refer the matter to the Vice-Chancellor, or Vice-Chancellor's nominee who must:

- (1) impose one or more of the penalties set out in Rules 16.3.1(7) to 16.3.1(16), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4); or
- (2) impose no penalty because the Vice-Chancellor or Vice-Chancellor's nominee believes no penalty is warranted;
- (3) advise the student in writing of the decision.

- 16.12.6C Where a matter is referred to the Manager, Student Misconduct and Appeals they must:
- (1) impose one or more of the penalties set out in Rules 16.3.1(1) to 16.3.1(16), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4); or
  - (2) impose no penalty because they believe no penalty is warranted; and
  - (3) advise the student in writing of the decision.
- 16.12.7 The Director, Governance Support Unit may, on behalf of the University, withdraw an allegation of misconduct at any stage.

## **Part E – Student misconduct appeals**

### **16.13 Basis for appeals**

- 16.13.1 A student has a right of appeal to a Student Misconduct Appeals Committee in respect of a decision of the Vice-Chancellor, the Vice-Chancellor's nominee, the Manager, Student Misconduct and Appeals or the Director, Governance Support Unit under Rule 16.12.6B(2), or of the Responsible Academic Officer under Rule 16.11.2.
- 16.13.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Director, Governance Support Unit within 20 working days after notice of the decision is provided to the student.
- 16.13.3 The grounds on which a student may appeal against a decision of the Vice-Chancellor, the Vice-Chancellor's nominee, the Manager, Student Misconduct and Appeals, the Director, Governance Support Unit or a Responsible Academic Officer, in response to the findings or to the penalty or penalties imposed, are:
- (1) that the decision was based on a material misunderstanding of these Rules;
  - (2) that the decision was based on a material mistake as to the facts;
  - (3) that a failure of procedural fairness occurred including failure to follow specified procedural requirements which would be likely to have had an impact on the decisions or outcomes of the proceedings;
  - (4) that fresh relevant evidence has become available to the student, being evidence that was not available or known to the student at the time of the decision and which would be likely to have affected the outcome of the proceedings;
  - (5) that the penalty or penalties imposed on the student were manifestly excessive or inappropriate.
- 16.13.4 The Vice-Chancellor or Vice-Chancellor's nominee may, on the application of the student concerned or otherwise, direct that any action to be taken as a consequence of a decision to impose any penalty be stayed:
- (1) until the time for making an appeal against a decision has expired; or
  - (2) if an appeal against a decision is made within that time, until the appeal has been finally determined.

### **16.14 Student Misconduct Appeals Committee**

#### **16.14.1 Composition**

- (1) A Student Misconduct Appeals Committee will consist of:
  - (a) a person with legal qualifications as the Chair of the committee;
  - (b) a person with expertise in academic matters and knowledge of the University or universities; and
  - (c) a student of the University who has attended the University for at least two years and who is not a full-time (continuing or fixed-term) member of the University staff.
- (2) Council will from time to time approve panels of persons in each of the above categories who can be appointed to a Student Misconduct Appeals Committee. Persons are nominated by the Director, Governance Support Unit following consultation with the Provost, Deputy Vice-Chancellors, Deans and Directors.
- (3) No person may serve on a Student Misconduct Appeals Committee considering a case in which the person was a member of the original inquiry body (a Responsible Academic Officer or the Manager, Student Misconduct and Appeals).
- (4) When an appeal is lodged, the Director, Governance Support Unit will nominate three persons from the approved panels to constitute the Student Misconduct Appeals Committee.
- (5) The Director, Governance Support Unit will notify the student of the three persons who have been nominated.
- (6) Within five days of the date of notification, the student may in accordance with Rule 16.14.2 notify the Director, Governance Support Unit in writing that she or he objects to the inclusion of any of these persons.
- (7) If the student does object and if the Director, Governance Support Unit in their absolute discretion is satisfied that cause exists (refer Rule 16.14.2), the Director, Governance Support Unit will nominate another person or persons. Should the approved panel for a category be exhausted, the Director, Governance Support Unit may nominate a person in the category who is not on the approved panel. This process will continue until a committee can be convened.

#### **16.14.2 Objection to membership**

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

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

#### **16.14.3 Conduct of appeals proceedings**

- (1) All members of a Student Misconduct Appeals Committee must be present at all its meetings.
- (2) The Chair must determine any question relating to the admissibility of evidence and any other matter relating to procedural fairness or questions of law.
- (3) Subject to 16.14.3(2), a decision of a Student Misconduct Appeals Committee requires a simple majority.
- (4) If a member of a Student Misconduct Appeals Committee ceases to be a member at a point when the remaining members have reached a decision, and that decision is unanimous, the decision of the remaining members will be the decision of the Student Misconduct Appeals Committee.

#### **16.14.4 Role**

- (1) In normal circumstances a Student Misconduct Appeals Committee will limit the inquiry to:
  - (a) the grounds of appeal specified in the notice of appeal submitted by the student, consistent with Rule 16.13.3; and
  - (b) ensuring, as far as reasonably possible, that the penalty or penalties imposed for the student misconduct are consistent with case precedents and comparable to penalties imposed across the University for similar acts of misconduct.
- (2) In exceptional circumstances where there are substantial grounds to believe that it is necessary in the interests of justice and procedural fairness, the Student Misconduct Appeals Committee will consider the matter afresh according to the merits of the case.
- (3) The Student Misconduct Appeals Committee will make a determination in each individual case as to whether to consider the matter in accordance with 16.14.4(1) or 16.14.4(2).

#### **16.14.5 Procedures**

- (1) A Student Misconduct Appeals Committee will determine its own procedures consistent with these Rules, including Rules 16.5 and 16.14.3. This includes whether or not to hear all or any part of a matter afresh.
- (2) Unless there are exceptional circumstances, a Student Misconduct Appeals Committee will not consider any material that has not first been considered by the Responsible Academic Officer, the Director, Governance Support Unit, or by the Vice-Chancellor or Vice-Chancellor's nominee and the Manager, Student Misconduct and Appeals.
- (3) If new evidence is presented to a Student Misconduct Appeals Committee, being evidence that was not initially considered by the Responsible Academic Officer, the Director, Governance Support Unit, or the Vice-Chancellor or Vice-Chancellor's nominee or the Manager, Student Misconduct and Appeals, the Student Misconduct Appeals Committee will refer the matter back for reconsideration in light of the new evidence.
- (4) A Student Misconduct Appeals Committee is not bound by the rules of evidence and may inform itself on any matter it thinks fit consistent with Rule 16.5.
- (5) A Student Misconduct Appeals Committee will normally conclude its inquiry and prepare its report within six weeks of the conclusion of the committee's first meeting.
- (6) Notwithstanding the provisions of Rule 16.14.5(5), and subject to the approval of the Chancellor, Vice-Chancellor and Director, Governance Support Unit, in an individual case the time within which the report of a Student Misconduct Appeals Committee must be made may be extended to not more than six months from the conclusion of the committee's first meeting or such other period as may be warranted in exceptional circumstances.

#### **16.14.6 Dissolution of Committee**

- (1) Where, in the opinion of the Director, Governance Support Unit, a Student Misconduct Appeals Committee is not progressing an appeal expeditiously, the Director, Governance Support Unit may, after consultation with the Chair of the Student Misconduct Appeals Committee, by notice in writing served on the members of the Student Misconduct Appeals Committee and the student, dissolve that committee.
- (2) Where the Director, Governance Support Unit dissolves a Student Misconduct Appeals Committee under Rule 16.14.6(1), another committee will be constituted in accordance with Rule 16.14.1 to inquire into the appeal, provided that no person who was a member of the dissolved Student Misconduct Appeals Committee may be a member of the newly constituted Student Misconduct Appeals Committee unless the Director, Governance Support Unit so determines.

#### **16.14.7 Decision**

- (1) A Student Misconduct Appeals Committee may:
  - (a) for any reason, refer a matter back to the Vice-Chancellor or Vice-Chancellor's nominee, the Director, Governance Support Unit, Responsible Academic Officer or the Manager, Student Misconduct and Appeals as appropriate for further consideration and recommendations;
  - (b) uphold or dismiss an appeal against a finding that the student has committed an act of misconduct or against the penalty or penalties imposed;
  - (c) affirm, vary or nullify a penalty in accordance with the decision reached under Rule 16.14.7(1)(b).

- (2) A decision of a Student Misconduct Appeals Committee is final, except where further misconduct has occurred as part of the appeals process including, but not limited to, submission of fraudulent documentation or misleading conduct. In such cases a matter may be reopened.

#### **16.14.8 Report**

- (1) A Student Misconduct Appeals Committee must prepare a written report containing its factual findings (where applicable), reasons and decision and provide its report to the Director, Governance Support Unit within six weeks from the conclusion of the committee's first meeting or such other time as has been approved in accordance with Rule 16.14.5(6).
- (2) The Director, Governance Support Unit will notify the student of the committee's decision and provide the student with a copy of the Student Misconduct Appeals Committee's report.
- (3) The Student Misconduct Appeals Committee may request the Director, Governance Support Unit to notify any other person of the decision and reasons in accordance with the Guidelines Relating to Student Misconduct and Appeals (refer Schedule 3).
- (4) The Director, Governance Support Unit will provide the Vice-Chancellor for the information of Academic Board and Council with an annual report on all student misconduct and appeal matters.

## **Section 17 — Appeals Committees of Academic Board**

### **17.1 Constitution**

17.1.1 There shall be Appeals Committees of Academic Board which shall be constituted in accordance with Rules 17.2 to 17.5 for the purposes of a student's right of appeal under the following Rules:

- Rule 5.6.5 (relating to Refusal of application, withdrawal of offer of admission and cancellation of admission or enrolment);
- Rule 3.4.8 (relating to Internship requirements);
- Rule 11.24 (relating to Appeal against discontinuation of candidature).

### **17.2 Graduate Research Students' Appeals Committee**

#### **17.2.1 Composition**

- (1) A Graduate Research Students' Appeals Committee shall consist of:
  - (a) a Chair appointed from panel members (refer Rule 17.2.1(2));
  - (b) two academic staff members with experience in supervision of graduate research students appointed from panel members (refer Rule 17.2.1(2)); and
  - (c) a graduate research student of the University who has been enrolled at the University for at least one year, appointed from panel members (refer Rule 17.2.1(2)).
- (2) Panel members shall be nominated by the Dean of each faculty and appointed by the Chair of Academic Board for a two-year term. Each Dean shall nominate two academic staff members from their faculty with experience in the supervision of graduate research students (one for each of panels (a) and (b)) and one graduate research student from their faculty who has been enrolled for at least one year, for panel (c). The Chair of Academic Board will approve the Deans' nominations.
- (3) Panel members may be appointed for not more than three consecutive terms.
- (4) When an appeal is lodged, the Chair of Academic Board, in consultation with the Deputy Vice-Chancellor (Research), shall constitute a Graduate Research Students' Appeals Committee as required under Rule 17.2.1(1) from the panel members appointed under Rule 17.2.1(2). To avoid conflicts of interest, no one from the appealing student's faculty shall sit on the committee and the principles outlined in Rule 17.2.1(6) will be followed. In the event that an appropriate Chair is not available from the panel, a temporary Chair will be appointed by the Chair of Academic Board. This temporary appointment may be for a specified period, or a specified appeal hearing, at the discretion of the Chair of Academic Board. If the Chair of Academic Board is from the same faculty as the appellant, the Deputy Chair of Academic Board or the University Secretary shall constitute the committee.
- (5) All members of a Graduate Research Students' Appeals Committee must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through remote conferencing.
- (6) Given the University's objectives with regard to embracing diversity, the panel should reflect a balance of genders where possible. Additionally, to foster objectivity and transparency, the panel should reflect a balance of faculties where possible.

#### **17.2.2 Terms of reference**

- (1) The Graduate Research Students' Appeals Committee shall make determinations on graduate research student appeals against discontinuation of candidature on grounds of unsatisfactory progress pursuant to Rule 11.23.2(1) or unsatisfactory examination pursuant to Rule 11.23.2(2).
- (2) In cases where an appeal is upheld, the Graduate Research Students' Appeals Committee may also make recommendations to facilitate the implementation of a remedy appropriate to the circumstances of the matters in question. These recommendations must comply with UTS rules, policies, and procedures, including the Student Rules and the Graduate Research School's policies and procedures.

### **17.3 Internships Appeals Committee**

#### **17.3.1 Composition**

- (1) An Internships Appeals Committee will consist of four members:
  - (a) three academic staff members, with experience in the placement and administration of internship students, one of whom shall serve as the Committee's Chair; and
  - (b) a student of the University who has been enrolled at the University for at least one year and who has completed, or partially completed, internship course requirements.
- (1A) Given the University's objectives with regard to embracing diversity, the panel should reflect a balance of genders where possible. Additionally, to foster objectivity and transparency, the panel should reflect a balance of faculties where possible.
- (2) From time to time, Deans of faculties that have a substantial number of students in courses with internship requirements will be requested to nominate persons in categories (a) and (b) above. The Chair of Academic Board will from time to time approve persons nominated by the Deans to comprise a panel of persons who may be appointed to serve on an Internships Appeals Committee, as constituted in accordance with Rule 17.3.1(4).
- (3) The term of office for a panel member approved under Rule 17.3.1(2) will continue until such time as the member resigns their membership, or ceases to be eligible for membership under Rule 17.3.1(1).
- (4) When an appeal is lodged, the Chair of Academic Board will appoint three persons from the panel of persons approved under Rule 17.3.1(2) to constitute a committee as required under Rule 17.3.1(1). The Chair of Academic Board will also appoint a Committee Chair from amongst those three persons. Committee members, including the Chair, will not be from the same faculty as the appellant and the principles outlined in Rule 17.3.1(1A) will be followed, where possible. In the event that an appropriate Chair is not available from the panel, a temporary Chair will be appointed by the Chair of Academic Board. This temporary appointment may be for a specified period, or a specified appeal hearing, at the discretion of the Chair of Academic Board.
- (5) With respect to Rule 17.3.1(4), if the Chair of Academic Board is from the same faculty as the appellant, the Deputy Chair of Academic Board or the University Secretary will constitute the committee.
- (6) All members of an Internships Appeals Committee must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.
- (7) Before making a final determination and consistent with procedural fairness, the committee, through the Chair, may obtain appropriate advice and assistance from a person with strong experience in professional education of students in the relevant area, who has had no previous involvement in the matter, to assist it in assessing necessary levels of capacity and standards of behaviour of students undertaking an internship.

#### **17.3.2 Terms of reference**

The Internships Appeals Committee shall make determinations on appeals against decisions of the Deputy Vice-Chancellor (Education and Students) pursuant to Rule 3.4.6 relating to deferral of a student's participation in any part of required professional experience that would have the effect of preventing the student from continuing their course.

### **17.4 Admissions Non-disclosure Appeals Committee**

#### **17.4.1 Composition**

- (1) An Admissions Non-disclosure Appeals Committee shall consist of:
  - (a) the Chair, appointed from a panel (refer Rule 17.4.1(2));
  - (b) two academic staff members, with experience in admission procedures of the University, appointed from a panel (refer Rule 17.4.1(2)).
- (2) Nomination of the panel members for Rule 17.4.1 shall be made by the Dean of each faculty, and appointment of panel members approved by the Chair of Academic Board.
- (3) When an appeal is lodged the Chair of Academic Board, in consultation with the Provost, shall constitute an Admissions Non-disclosure Appeals Committee as required in Rule 17.4.1(1).
- (4) The Chair of Academic Board shall appoint persons in categories (a) and (b) when the committee is required to meet. Committee members, including the Chair, will not be from the same faculty as the appellant and the principles outlined in Rule 17.4.1(6) will be followed. In the event that an appropriate Chair is not available from the panel, a temporary Chair will be appointed by the Chair of Academic Board. This temporary appointment may be for a specified period, or a specified appeal hearing, at the discretion of the Chair of Academic Board. If the Chair of Academic Board is from the same faculty as the appellant, the Deputy Chair of Academic Board or the University Secretary shall constitute the committee.
- (5) All members of an Admissions Non-disclosure Appeals Committee must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.
- (6) Given the University's objectives with regard to embracing diversity, the panel should reflect a balance of genders where possible. Additionally, to foster objectivity and transparency, the panel should reflect a balance of faculties where possible.



#### **17.4.2 Terms of reference**

An Admissions Non-disclosure Appeals Committee shall make determinations on appeals against withdrawal of offer and cancellation of enrolment, pursuant to Rule 5.6.5.

#### **17.5 Procedures for Appeals Committees**

- 17.5.1 Appeals Committees of Academic Board shall be convened by the University Secretary as required in accordance with the relevant Standing Orders for Academic Board.
- 17.5.2 Each appeal must be dealt with on its own terms and merits and in accordance with its own circumstances.
- 17.5.3 Academic Board shall approve sets of procedures to be followed by the respective Appeals Committees established under Rules 17.2 to 17.4, and such procedures shall be subject to review by the Academic Board from time to time.
- 17.5.4 An Appeals Committee shall determine how to handle the matters before it, consistent with the procedures that Academic Board has approved for it. In particular, an Appeals Committee is not bound by the rules of evidence and may inform itself on any matter relevant to its deliberations in a way that it considers to be efficacious and reliable, consistent with basic fairness to each appellant, and having regard to the academic standards of the University.
- 17.5.5 Senior administrative staff may assist Appeals Committees, act as advisers and attend meetings as required by the Chair. These staff may include the Director, Student Administration Unit (or nominee), Director, Student Services Unit (or nominee), the Director, Graduate Research School (or nominee), or any other advisers nominated by the Chair of the committee having regard to the stated grounds for appeal. In providing assistance to an Appeals Committee, the members of staff shall confine their comments or contributions to the provision of factual information or technical or legal advice that is actually needed to assist the committee to deal with the matter or matters before it. They should not express any opinion about the appropriate outcome for individual cases or on the merits of any case. A note should be made of the substance of their advice and this should be kept with the official University file relating to the appeal in question.

#### **17.6 Dissolution of an Appeals Committee**

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

#### **17.7 Decision of an Appeals Committee**

- 17.7.1 A decision of an Appeals Committee of Academic Board requires a simple majority of the members deciding the appeal. The Chair has a casting vote in the event that this is necessary.
- 17.7.2 An Appeals Committee of Academic Board may:
  - (1) refer a matter back to the decision-maker for further consideration; or
  - (2) uphold an appeal and reverse the original decision; or
  - (3) uphold an appeal in part and vary the original decision; or
  - (4) dismiss an appeal.
- 17.7.3 The Chair of an Appeals Committee of Academic Board must provide the University Secretary with the committee's minutes within five working days of the meeting at which a decision is made. An extension of this time limit by no more than five working days is possible and subject to agreement between the Chair and the University Secretary. The minutes must contain the record of the decision taken and the reasons for the decision.
- 17.7.4 A decision of an Appeals Committee of Academic Board is final. The decision of an Appeals Committee of Academic Board must be reported to Academic Board for information via an Appeals Committees of Academic Board annual report.
- 17.7.5 Where student misconduct has occurred as part of the appeals process including, but not limited to, submission of fraudulent documentation or misleading conduct, the matter may be referred to the Director, Governance Support Unit for further action.
- 17.7.6 Appeals Committees of Academic Board must prepare an annual report of their decisions and submit it to Academic Board for information purposes only.

#### **17.8 Notification of decision**

- 17.8.1 The University Secretary must provide notice of the Appeals Committee's decision and reasons for the decision to the student within five working days of receiving the minutes under Rule 17.7.3.
- 17.8.2 The University Secretary may provide notice of the decision and reasons for it to any other person who has a legitimate reason for having access to such information and in accordance with the provisions of the Privacy Policy.

## Section 18 – Use of the University Library

The Rules relating to Use of the University Library apply to the use of the Library of the University.

### 18.1 Definitions

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

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

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

**ID Card** means either:

- (1) the official student identification card issued by the University (refer Rule 2.2.1), which facilitates loans; or
- (2) the official staff identification card issued by the University, which facilitates loans; or
- (3) other registration cards issued by the UTS Library.

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

**Library, UTS Library and/or University Library** means the University Library, comprising the Blake Library (City campus), the George Muir Library (Kuring-gai campus), any other service locations approved by the University Librarian and all electronic facilities provided by any of them.

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

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

**UTS College** (the trading name of Insearch Ltd) is a wholly owned subsidiary of UTS and provides accredited language and academic programs which may lead to university study.

### 18.2 General

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

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

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

### 18.3 Communication

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

### 18.4 Responsibilities of clients

18.4.1 Any person who enters the UTS Library or uses its electronic or other facilities must comply with the Rules in this section and any other relevant UTS rules or policies.

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

18.4.3 Clients must at all times act in accordance with instructions authorised by the University Librarian which are displayed in one or more of the various locations and facilities of the University Library or in the University Librarian's official print and electronic publications.

18.4.4 In particular, clients shall be responsible for:

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

### 18.5 Restrictions

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

- (1) be permitted to borrow without their ID Card;

- (2) lend their ID Card to any other person for the purposes of borrowing UTS Library items or accessing the Library where card access is required;
- (3) return materials from other libraries, with the exception of Inter-Library Loans, to UTS.

## **18.6 Borrowing**

### **18.6.1 Availability**

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

### **18.6.2 Borrowing process**

Clients shall:

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

### **18.6.3 Reciprocal borrowing**

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

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

### **18.6.4 Service agreements**

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

### **18.6.5 Closed Reserve/Electronic Reserve**

Only members of UTS as described in Rule 18.2.1 and students and staff of UTS College are eligible to use the Reserve and Electronic Reserve.

### **18.6.6 Borrowing privileges**

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

## **18.7 Offences and breaches of the Rules**

18.7.1 It is an offence to:

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

- 18.7.2 Where a student of the University breaches these Rules, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence, the University Librarian may:
- (1) exclude the student from the Library or facilities in accordance with Rule 16.9; and/or
  - (2) refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12.
- 18.7.3 Where a staff member of the University breaches these Rules, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence:
- (1) the University Librarian may refer the matter to the Vice-Chancellor for action in accordance with the Code of Conduct and relevant Enterprise Agreement; and
  - (2) the Vice-Chancellor shall advise the staff member and the University Librarian of their decision.
- 18.7.4 Where a student of another university or other institution breaches these Rules, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence, the University Librarian may:
- (1) exclude the student from the Library or facilities; and
  - (2) refer the matter to the student's home university or institution.
- 18.7.5 Where a member of the general public breaches these Rules, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence, the University Librarian will take appropriate action, including but not limited to excluding that person from the Library.

## **18.8 Penalties, fines and fees**

### **18.8.1 General**

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

### **18.8.2 Failure to return**

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

### **18.8.3 Replacement**

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

### **18.8.4 Damage or mutilation**

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

### **18.8.5 Incorrect return**

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

### **18.8.6 Debts to the Library**

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

## **18.9 Payment of fines, service fees and replacement fees**

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

## 18.10 Reviews of decisions

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

## 18.11 Waiving of penalties or fees

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

## Schedules

### Schedule 1 – Definitions

**academic adviser** means a member of academic staff appointed by a Dean (or nominee) in a specific faculty who is assigned to, and/or whose advice is sought by, students who have or are likely to have difficulty in satisfying academic progression requirements.

**Academic Board** means the Academic Board established under section 15 of the Act.

**Academic Liaison Officer (ALO)** means a member of the academic staff of a faculty appointed by a Responsible Academic Officer of that faculty with responsibility for determining special provisions including for students with carer responsibilities, students who are pregnant, and learning and assessment arrangements for students who have permanent or temporary disabilities (including ongoing illnesses).

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

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

**academic transcript** means the official University document issued by the University as a record of all learning leading to an Australian Qualifications Framework qualification or an accredited unit in which a student is enrolled.

**Act** means the University of Technology Sydney Act 1989 (NSW) (as amended from time to time).

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

**Advanced Diploma** means a course of study with learning outcomes at Level 6 of the Australian Qualifications Framework. The Advanced Diploma qualifies individuals who apply specialised knowledge in a range of contexts to undertake advanced skilled or paraprofessional work and as a pathway for further learning.

**alternative examinations** mean exams for students who have an approved special consideration application to sit the exam at a different time/date from the main exams for centrally conducted exams or at a time designated by the faculty for faculty-based exams. These are held after the main exams during the alternative exam period.

**applicant** means a person who has applied for admission to the University.

**assessment** means the process whereby student achievement of particular learning outcomes is determined, feedback on progress is given and final subject assessment results/grades are awarded. Assessment is a broad term and includes but is not limited to tests, essays, assignments, projects, practical work, creation of digital products, examinations, reports, exhibitions, performances, presentations, demonstrations and other work whether written or otherwise.

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

**Associate Degree** means a course of study with learning outcomes at Level 6 of the Australian Qualifications Framework. The Associate Degree qualifies individuals who apply underpinning technical and theoretical knowledge in a range of contexts to undertake paraprofessional work and a pathway for further learning.

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

**Australian Higher Education Graduation Statement (AHEGS)** means the official University document issued by the University as a supplementary statement to the testamur and academic transcript. It provides additional information to enhance understanding of the qualification by students, employers, industry, professional associations and internationally.

**Australian Qualifications Framework (AQF)** is Australia's national policy for regulated qualifications. The AQF encompasses higher education, vocational education and training and school education. It provides for national recognition and a consistent understanding of what defines each qualification type.

**award** means an academic award of the University in respect of an award course.

**award course** means the following course types and any other courses that may be approved by Academic Board from time to time:

- Undergraduate Certificate;
- Diploma;
- Advanced Diploma;
- Associate degree;
- Bachelor degree;
- Bachelor Honours degree;
- Graduate Certificate;
- Graduate Diploma;
- Masters degree (Coursework);
- Masters degree (Extended);
- Masters degree (Research);
- Doctoral degree;
- Higher Doctorate.

**Bachelor degree** means a course of study with learning outcomes at Level 7 of the Australian Qualifications Framework. The Bachelor degree qualifies individuals who apply a broad and coherent body of knowledge in a range of contexts to undertake professional work and as a pathway for further learning.

**Bachelor Honours degree** means a course of study with learning outcomes at Level 8 of the Australian Qualifications Framework. The Bachelor Honours degree qualifies individuals who apply a body of knowledge in a specific context to undertake professional work and as a pathway for research and further learning.

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

**By-law** means the University of Technology Sydney By-law 2005 (NSW) (as amended from time to time) as established under the Act.

**census date** is the date at which student load and financial liability is calculated for the purpose of reporting to the Commonwealth Government. It is the last date by which a student can withdraw from a subject without incurring academic penalty or financial liability, where financial liability means either a tuition fee, or student contribution amount or the student services and amenities fees.

**centrally conducted examination** means an examination scheduled and conducted under the authority of the Director, Student Administration Unit.

**collaborative Doctoral degree** means a Doctoral degree offered under an arrangement between UTS and an international university involving collaborative research and supervision of a Doctoral degree student. This leads to the student being awarded a Doctoral degree from both universities in recognition of the collaborative arrangement.

**combined degree:** Bachelor or Masters degrees may be offered as a combined degree which normally consists of components of two degrees. Combined degrees may, but need not, enable a student to graduate with both degrees in a shorter time than required to complete both degrees independently. Combined bachelor degrees will typically consist of two bachelor degrees and combined masters degrees will typically consist of two master degrees.

**Council** means the Council of the University established under section 8A of the Act.

**course** means an award course, short form of learning or non-award study or any part of such program of study offered by UTS into which students are admitted and may include single subjects or time-based study in which students are enrolled.

**course transfer** means the process by which UTS students can transfer from one course to another course. This can include an 'early exit' option upon completion of the course requirements for a lower-level award.

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

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

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

**debt to the University** means failure to pay all fees, charges and any other specified amount imposed and/or required by the University to be paid by the due date for payment.

**Diploma** means a course of study with learning outcomes at Level 5 of the Australian Qualifications Framework. The Diploma qualifies individuals who apply integrated technical and theoretical concepts in a broad range of contexts to undertake advanced skilled or paraprofessional work and as a pathway for further learning.

**Director, Governance Support Unit** means the officer of the University who has general responsibility for, among other things, the administration of matters being handled in accordance with Section 16 (Student misconduct and appeals).

**Director, Student Administration Unit** (also referred to as the Executive Director, Lifetime Learner Experience Unit) means the officer of the University who has general responsibility for student administrative matters including, among other things, admissions, fees, enrolment, centrally conducted examinations, quality and graduation procedures.

**Director, Student Services Unit** means the officer of the University who has general responsibility for a range of support services for students including, among other things, student counselling services, student housing and student residences.

**Doctoral degree** means a course of study with learning outcomes at Level 10 of the Australian Qualifications Framework. The Doctoral degree qualifies individuals who apply a substantial body of knowledge to research, investigate and develop new knowledge, in one or more fields of investigation, scholarship or professional practice. Doctoral degrees can include a Doctor by research or a Doctor by research with a coursework component. The coursework component should make up no more than one-third of the total course requirement.

**domestic student** means students who are:

- Australian citizens;
- holders of an Australian permanent visa; or
- New Zealand citizens, including a diplomatic or consular representative of New Zealand, a member of the staff of such a representative or the spouse or dependent relative of such a representative.

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

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

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

**equivalent full-time student load** (EFTSL) is a measure of the study load of a student undertaking a course on a full-time basis. At UTS for students enrolled in coursework programs, one EFTSL is equivalent to 48 credit points and for students enrolled in graduate research programs one EFTSL is equivalent to one year of full-time study.

**examination** means any centrally conducted examination, faculty-based examination and thesis examination scheduled in-person or online.

**examination period** means:

- (1) the official examination period as approved by Academic Board for centrally conducted examinations; or
- (2) examination periods approved by the Director, Student Administration Unit for centrally conducted examinations; or
- (3) examination periods approved by the Subject Coordinator for faculty-based examinations to be held at other times as required and published in accordance with Rule 9.1.

**examination supervisor** means a person appointed by the Director, Student Administration Unit to oversee and direct centrally conducted examinations. (Also see monitoring staff member.)

**facility** includes but is not limited to any classroom, lecture theatre, library, computing, production or workshop facility, any other place of learning, any information technology or information transfer system, student accommodation or any other properties owned, occupied or controlled by UTS to which a student has access at or away from University premises for their University purposes.

**faculty** means an organisational unit as approved from time to time which is responsible for the delivery of teaching, research and associated activities within a common academic discipline grouping, and any other organisational unit designated as such by the Vice-Chancellor for the purposes of the Rules.

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

**Faculty Board** means the group of staff and students with responsibility for assessing the quality of, and providing direction to, the academic work of the faculty including teaching, learning, scholarship, research and research training and exercising responsibilities assigned to it by Academic Board from time to time.

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

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

**full-time student** means a student who is undertaking a minimum of 75 per cent of the equivalent full-time student load.

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

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

**Graduate Certificate** means a course of study at Level 8 of the Australian Qualifications Framework. The Graduate Certificate qualifies individuals who apply a body of knowledge in a range of contexts to undertake professional or highly skilled work and as a pathway for further learning.

**graduate coursework student** means a student enrolled in a Graduate Certificate, Graduate Diploma, Masters degree (Coursework) or Masters degree (Extended).

**Graduate Diploma** means a course of study at Level 8 of the Australian Qualifications Framework. The Graduate Diploma qualifies individuals who apply a body of knowledge in a range of contexts to undertake professional or highly skilled work and as a pathway for further learning.

**Higher Degree Research Board** means the body appointed by Academic Board to provide recommendations and advice on matters relating to research degrees, research management and training and policy.

**graduate research student** means a student enrolled in a Masters degree (Research) or a Doctoral degree.

**HELPS** means the Higher Education Language and Presentation Support, which provides English language and academic literacy support to UTS students.

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

**honorary award** means an award of the University conferred upon a person who has made an outstanding contribution to the achievement of the University's mission, to scholarship or professional practice in one or more disciplines or professions of interest to the University, to the advancement of society in Australia or overseas or to the life and objectives of the University. Honorary awards, taking the totality of the contributions being recognised, may be in the form of a Doctoral degree, a Fellowship of the University or a Distinguished Service Award.

**inherent requirements** mean identified academic and non-academic requirements that are essential to the successful completion of a course or its professional or accreditation components. These include, but are not limited to, the ability to perform specific tasks, the ability to work effectively in a team or with specific tools or software and the ability to work safely. Inherent requirements for UTS courses must be clearly articulated and published however are not considered as part of the admissions process.

**intellectual property** means intellectual property subject to the University's Intellectual Property Policy.

**international student** means a person who is not a citizen or permanent resident of Australia, not a New Zealand citizen or not a person entitled to stay in Australia without any time limit, who is enrolled or to be enrolled in a course of study at the University.

**internship** means all University approved or provided clinical, professional, industrial work placements, experiences or practicums, paid or unpaid, onshore or offshore, that form part of a course or subject offered by the University. Further guidance is provided in the Internships Management Policy.

**internship-like experience** means a University recognised experience, or collection of experiences, that simulate a place of work that forms part of a course or subject (within a workplace environment from classroom to workplace). These experiences normally involve extended participation in activities that approximate real work activities such as problem-based learning with industry partners, simulations, case studies, studios, complex lab work, workplace audits and/or field trips that approximate real work activities. They are designed or facilitated with industry input, are accompanied by reflection to consolidate learning, and/or show possible future employment situations.

**invigilation** means to supervise students at an examination. Invigilation can be done in person, remote live and remote recorded.

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

**legislation or legislative requirements** means all and any Commonwealth and state Acts, instruments made under those Acts and any other form of Commonwealth or state regulation.

**level** means the relative complexity or level of difficulty of a course or subject. Levels provide an agreed standard of what a student is expected to know and be able to do upon completion of a course or subject.

**Masters degree (Coursework)** means a course of study at Level 9 of the Australian Qualifications Framework. The Masters degree (Coursework) qualifies individuals who apply an advanced body of knowledge in a range of contexts for professional practice or scholarship and as a pathway for further learning. Masters degree (Coursework) may be offered as a combined degree which normally consists of components of two masters degrees. Combined Masters degrees (Coursework) may, but need not, enable a student to graduate with both degrees in a shorter time than required to complete both degrees independently.

**Masters degree (Extended)** means a course of study at Level 9 of the Australian Qualifications Framework. The Masters degree (Extended) qualifies individuals who apply an advanced body of knowledge in a range of contexts for professional practice and as a pathway for further learning.

**Masters degree (Research)** means a course of study at Level 9 of the Australian Qualifications Framework. The Masters degree (Research) qualifies individuals who apply an advanced body of knowledge in a range of contexts for research and scholarship and as a pathway for further learning. A Masters degree (Research) may also have a coursework component. The coursework component should make up no more than one-third of the total course requirement.



**misconduct** can be academic misconduct and/or non-academic misconduct. Refer Rule 16.2 for specific definitions.

**monitoring staff member** means the officer of the University appointed by the Dean (or nominee) to oversee and direct faculty-based examinations. (Also see examination supervisor.)

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

**non-award student** means a student enrolled in non-award study.

**non-award study** means a program of study that does not lead to an award of the University and may fall into the following categories:

- non-award single subject study;
- professional registration courses;
- cross-institutional study;
- international exchange study;
- UTS Foundation Studies;
- exchange program;
- study abroad program.

**officer of the University** means a member of staff of the University or person engaged as a contractor by the University to provide services on behalf of the University.

**official academic record** includes the UTS academic transcript, the UTS Australian Higher Education Graduation Statement, and the UTS testamur. (Also see academic transcript, Australian Higher Education Graduation Statement, testamur.)

**official noticeboard** means the UTS noticeboard website where official notices are displayed in electronic form.

**official publications of the University** mean:

- (1) the UTS: Calendar as published from time to time;
- (2) the UTS: Handbook as published from time to time,

as designated by the University Secretary. Published includes published in an electronic version.

**plagiarism** refer Rule 16.2.1(4) for specific definition.

**procedural irregularity** means failure to follow the procedures that apply to the making of a particular decision under the Rules.

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

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

**recognition of prior learning** (RPL) means the range of processes by which students may have previous learning recognised for credit and/or the substitution of subjects as appropriate in their courses.

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

**rescheduled examinations** mean exams for students who have an approved special consideration application to sit the exam at a different time/date from the main exam. These are taken during the official assessment period.

**Responsible Academic Officer** (RAO) means a member of academic staff appointed as such by a Dean, Director of a Centre or Director of an Institute and such other persons as the Vice-Chancellor approves. A Dean, Director of a Centre or Director of an Institute that approves the appointment of an RAO also carries the same responsibility and can act as an RAO.

**special consideration** is the term used when a student who is experiencing (or anticipates that they will experience) significant difficulty in meeting assessment requirements due to circumstances beyond the student's control (including but not limited to serious illness or psychological condition, loss or bereavement, hardship or trauma) applies to have those factors considered in the determination of variation to assessment requirements or other special arrangements for learning and assessment.

**student** (unless a defined intention is apparent or there is a specific definition within the relevant section of the Rules) means a person who has been admitted to an award course or non-award study and has an active enrolment in subjects or time-based study. A person is not a student if the person has:

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

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

**Student Security Identification (SSI)** means a Student Personal Identification Number (PIN), password, swipe card and/or any other form of access control device.

**student system account** means the UTS student administration access system and email allocated to a student.

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

**subject** means a self-contained unit of study that is approved by a Faculty Board. If a subject is a component of an award course, it is normally allocated a specified number of credit points as a measure of the workload for that subject. (Also see credit point.)

**Subject Coordinator** means a member of academic staff nominated by a Responsible Academic Officer and appointed by the relevant Dean or equivalent for each subject.

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

**supervisory panel** means the group of people appointed by the Higher Degree Research Board in accordance with the guidelines approved by Academic Board to supervise the candidature of a research degree student.

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

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

**testamur** means the official certification document that confirms a qualification has been conferred.

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

**time-based study** means courses or subjects which use time as the basic measurement of their duration.

**Undergraduate Certificate** is a higher education qualification of six months duration covered by an existing higher education qualification at AQF levels 5, 6, or 7. Course content is drawn from the existing higher education qualification, to ensure students have the option to transition to the AQF level 5, 6 or 7 qualification on completion of the Undergraduate Certificate.

**undergraduate student** means a student enrolled in a Bachelor degree or Bachelor Honours degree.

**University** or **UTS** means the University of Technology Sydney.

**University Secretary** means the officer of the University whose general responsibilities, among other things, include being both Secretary to Council and Academic Board.

**vertically integrated degree:** a vertically integrated degree course pairs courses at two different AQF levels (e.g a bachelor course and a master's course, or a bachelor course and a diploma course) to form an articulated two-part course leading to two awards.

**working day** means any day Monday to Friday inclusive except when one of those days is a public holiday in New South Wales or a day on which the University closes down for a holiday period such as Christmas as notified on the official noticeboard of the UTS website.

## Schedule 2 – Results and grades (Repealed)

Note: Schedule 2 of the UTS Student Rules was repealed and replaced by appendix A in the Coursework Assessments Policy on 1 January 2018 (COU17-4/80, AB/17-3/52).

## Schedule 3 – Guidelines relating to student misconduct and appeals

### 1. Introduction

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

### 2. General principles

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

### 3. Guidelines for inquiry bodies

- 3.1 Students must be provided with the allegation, reasons for the allegation and information that supports the allegation.
- 3.2 A copy of, or an electronic link to, these guidelines is to be given to the student at the time the student is formally made aware of the allegation.
- 3.3 The amount of detail given to the student is dependent upon the circumstances. Generally, a student's request for details and access to documents relating to allegations about that student should be met, except where the information being sought:
  - is an infringement upon the privacy of others;
  - may cause the safety of others to be at risk;
  - is irrelevant and/or excessive in amount.
- 3.4 The student must have an opportunity to seek advice. In some circumstances it may be appropriate for the University to make arrangements for advice to be given. The Director, Governance Support Unit (or nominee) may seek advice on the University's behalf at any stage. There may be a need for translating and/or interpreting services to be provided.
- 3.5 The student may admit or deny the allegation, provide an explanation, disclose mitigating factors or address the matters in other ways which the inquiry body finds relevant.
- 3.6 The inquiry body should consider all of the relevant information it has received, except any information which the student has not had an opportunity of addressing.
- 3.7 Knowledge which the inquiry body has of any past offences or other misconduct committed by the student may be taken into account only:
  - as evidence that the student was aware that certain actions constitute misconduct; and
  - as one factor in the consideration of the level of penalty, if the inquiry body finds that the present allegation of misconduct is proven.
- 3.8 The student will be provided with the decision and the reasons for the decision.
- 3.9 The inquiry body is responsible for determining who, in addition to the student and any other student as provided for in the Rules against whom the allegation was made, should receive formal notification of the decision and/or recommendation and the reasons for it. In making this determination, the inquiry body will take into account potentially conflicting needs of the student for privacy and of others who participated in the process and who may have ongoing responsibility for University courses or facilities. In circumstances where an alleged victim of a crime of violence or a nonforcible sex offence makes a written request, the University will disclose to the alleged victim any decision and/or recommendation and the reasons for it with respect to any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offence with respect to such crime or offence. The inquiry body may impose conditions of confidentiality on any student who is so notified.

#### **4. Guidelines for Student Misconduct Appeals Committees**

- 4.1 Each Student Misconduct Appeals Committee will determine its own procedures consistent with these guidelines.
- 4.2 Where a student does not dispute a finding of an inquiry body, but appeals against the severity of a penalty imposed, the Student Misconduct Appeals Committee may decide to rehear the matter in full or to limit its work to a consideration of the penalty.
- 4.3 Where the Student Misconduct Appeals Committee finds it cannot discharge its responsibilities unless it rehears the matter in full (i.e. treats it as a fresh investigation), it shall do so. There may be circumstances that make it acceptable for a committee to confine itself to dealing afresh with points raised by the student in any stated grounds for the appeal.
- 4.4 The student is free to raise questions of process and/or merit with respect to the original inquiry. The student may repeat, correct or otherwise amend points made at the original inquiry, provide further explanation, disclose additional mitigating factors or address the matters in other ways which the committee finds relevant. If the student advances new evidence, the committee may hear the appeal or refer the matter to the original inquiry body.
- 4.5 The student must be given reasonable time to prepare an appeal based upon stated reasons for the original decision.
- 4.6 The student must have an opportunity to seek advice; in some circumstances it may be appropriate for the University to make arrangements for advice to be given. There may be a need for translating and/or interpreting services to be provided.
- 4.7 The student's opportunity to address the information should be in person, in writing or both. The student should always have the option of having a friend or adviser present during any hearing. The committee may determine any limitations that may be placed on the role of a friend or adviser present at a hearing. For example, in some circumstances it may be appropriate for the student's friend or adviser to assist the committee by answering questions or addressing raised issues on the student's behalf. In most University circumstances, any friend or adviser present need not be permitted by the committee to act as an advocate or legal representative. Only in exceptional circumstances will legal representation be allowed.
- 4.8 If the committee considers that a student has an acceptable reason for being unable to attend a hearing (e.g. an international student who has returned home during a vacation period), the committee may permit the student to nominate a representative to attend. The committee may permit the student to use telecommunication facilities to participate in all or part of a hearing, if such facilities are readily available at reasonable cost, or may adjourn for a reasonable time until the student is available.
- 4.9 If the student fails to respond to reasonable attempts by the committee to communicate or does not provide the committee with acceptable reasons for not attending a hearing, the committee will make its own determination as to whether it will adjourn or proceed in the absence of the student.
- 4.10 The Student Misconduct Appeals Committee determines the order of presentation, i.e. whether the student should open (by presenting a case for the overturning of the original finding and/or penalty) or whether the University should commence the appeal proceedings (by defending the decision of the inquiry body). The nature of the appeal and its circumstances are the determining factors.
- 4.11 In presenting the appeal case, the student is normally to be given the opportunity of calling other persons to provide evidence in support of the appeal and the student should be allowed to lead any such witnesses through their evidence in which case the appeal may proceed by way of rehearing afresh.
- 4.12 During the course of a hearing, the student should be given an opportunity of questioning any witness or other person who is giving evidence to the committee.  
A right to question does not imply a right to harass.
- 4.13 The recommendation or decision against which the appeal is being made will be supported by the Director, Governance Support Unit (or nominee). The person providing this support must also be given adequate time to prepare.
- 4.14 Provided it is relevant to the approach taken by the committee, a student whose information given at the earlier inquiry is being questioned at the appeal, should be given an opportunity to respond to such questions.
- 4.15 The committee may appoint advisers as it deems appropriate but it will not commit itself to expenditure without the Director, Governance Support Unit's agreement. The Director, Governance Support Unit may also seek advice on the University's behalf at any stage of an appeal process.
- 4.16 During the course of an appeal, neither the fact that there has been an inquiry and there is now an appeal, nor any information relating to them or to the student, should be disclosed to people who do not have a legitimate reason to have such information. Accordingly, hearings are normally held in camera.
- 4.17 Without compromising the appeal's thoroughness, it should take place without any unnecessary delays, taking into account the reasonable needs of people involved to be properly prepared.
- 4.18 The Student Misconduct Appeals Committee should consider all of the relevant information it has received, except any information which the student has not been given an opportunity of addressing.
- 4.19 Knowledge that the Student Misconduct Appeals Committee has of any past offences or other misconduct committed by the student may be taken into account only:
  - as evidence that the student was aware that certain actions constitute misconduct; and

- as one factor in the consideration of the level of penalty, if the Student Misconduct Appeals Committee finds that the allegation of misconduct, the decision on which is currently under appeal, is proven.

4.20 The Student Misconduct Appeals Committee has the following options:

- 4.20.1 it may, for any reason, refer a matter back to the inquiry body for further inquiry and decision;
- 4.20.2 it may uphold an appeal against a finding that the student has committed an act of misconduct, in which case any penalty imposed shall be nullified;
- 4.20.3 it may uphold an appeal against the severity of a penalty and reduce it to a lesser penalty from among those provided in the Rules;
- 4.20.4 it may dismiss an appeal against a finding that the student has committed an act of misconduct but determine that the penalty should be reduced to a lesser one from among those provided in the Rules;
- 4.20.5 it may dismiss the appeal.

If the Student Misconduct Appeals Committee chooses the option in Rule 4.20.1, the Director, Governance Support Unit will notify the Student Misconduct Appeals Committee Chair of the result of the inquiry body's reconsideration and whether or not it has been accepted by the student. If the student requests it, the Student Misconduct Appeals Committee will reconvene to hear the appeal.

4.21 The student is entitled to be given the reasons for the appeal decision at the time the decision is made known to the student.

4.22 The Student Misconduct Appeals Committee is responsible for determining who, in addition to the appellant student, should receive formal notification of the result of the appeal and the reasons for it. In making this determination, the committee will take into account potentially conflicting needs of the student for privacy and of others who participated in the process and who may have ongoing responsibility for University courses or facilities. The Student Misconduct Appeals Committee may impose conditions of confidentiality on any person who is so notified.

## Schedule 4 — Guidelines on determining an appropriate penalty for instances of student misconduct

These guidelines have been prepared to assist all those involved in recommending, imposing and reviewing penalties for instances of misconduct, including the Vice-Chancellor, Vice-Chancellor's nominee, Director, Governance Support Unit, Responsible Academic Officers, Manager, Student Misconduct and Appeals (SMA) and the Student Misconduct Appeals Committee (collectively referred to as inquiry bodies).

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

The guidelines are structured as follows:

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

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

### 1. Principles

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

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

- (4) the student's expression of remorse or apology (where relevant);
- (5) the student's past conduct (refer 3.7 in Schedule 3 Guidelines Relating to Student Misconduct and Appeals). The nature and extent of a student's previous record of misconduct should be considered in all cases;
- (6) penalties imposed for previous similar cases to ensure consistency in decision-making;
- (7) the consequences of the penalty for the individual student (refer Section 4 (Differential effects of penalties)).

## 2. Scale of penalties

This scale provides a guide as to the normal, minimum and maximum penalties for specific cases of misconduct and the circumstances in which specific penalties are appropriate. This scale is not intended to be prescriptive and the Vice-Chancellor or Vice-Chancellor's nominee, Director, Governance Support Unit, Responsible Academic Officers or Manager, SMA or the Student Misconduct Appeals Committee may need to adjust the penalty in individual cases according to the circumstances of that particular case. The penalties are generally graded according to severity, although it should be noted that some penalties are only appropriate for specific types of misconduct (e.g. fines can only apply to some forms of misconduct).

Penalty	Rule	Examples of types of misconduct
Rescission of an academic award conferred by the University where the award is as a result of fraud or serious misconduct committed by the student before the award was conferred	16.3.1(1)	<ul style="list-style-type: none"> <li>• serious instances of misconduct, including fraud and which may or may not involve serious criminal behaviour</li> <li>• disgraceful, improper or inappropriate behaviour</li> <li>• extensive plagiarism in a research thesis or major project found proven after the award has been conferred</li> </ul>
Revocation of a recommendation to Academic Board that a student has satisfied the requirements for an award	16.3.1(2)	<ul style="list-style-type: none"> <li>• fraud</li> <li>• major plagiarism or misconduct in a subject that has been determined to have satisfied requirements for the relevant award</li> <li>• serious incidents of misconduct, including fraud and which may or may not involve serious criminal behaviour</li> </ul>
Permanent exclusion from the University	16.3.1(3)	<ul style="list-style-type: none"> <li>• serious instances of misconduct, which may involve serious criminal behaviour or violence</li> <li>• disgraceful, improper or inappropriate behaviour</li> <li>• repeated instances of misconduct</li> </ul>
Exclusion from the University for a period of up to five years	16.3.1(4)	<ul style="list-style-type: none"> <li>• fraud</li> <li>• impersonation</li> <li>• alteration of any document or record of the University</li> <li>• serious damage to University property or misuse of University facilities</li> <li>• serious disruption to University activities</li> <li>• serious misconduct including extensive plagiarism, exam misconduct</li> <li>• repeat cases of misconduct</li> <li>• failure to comply with any penalty imposed for an instance of misconduct or failure to comply with any condition agreed with the Vice-Chancellor under Rule 2.1.9</li> <li>• dishonesty in relation to admission to the University</li> <li>• disgraceful, improper or inappropriate behaviour including harassment, intimidation or interference with the freedom of other persons at the University</li> <li>• repeated instances of misconduct</li> </ul>

Penalty	Rule	Examples of types of misconduct
Suspension from the University for a specified period not exceeding 12 months	16.3.1(5)	<ul style="list-style-type: none"> <li>• fraud</li> <li>• damage to University property or misuse of University facilities</li> <li>• disruption to University activities and/or freedom of other persons</li> <li>• misconduct including plagiarism, exam misconduct</li> <li>• repeat cases of misconduct</li> <li>• failure to comply with any penalty imposed for an instance of misconduct</li> <li>• disgraceful, improper or inappropriate behaviour</li> </ul>
Suspension from a course of the University for a specified period not exceeding 12 months	16.3.1(6)	<ul style="list-style-type: none"> <li>• misconduct including plagiarism, exam misconduct, repeated cheating in assessment</li> <li>• disgraceful, improper or inappropriate behaviour</li> <li>• repeat cases of misconduct</li> </ul>
Withholding of academic results for the relevant teaching period, and/or official academic records, including deferral or withdrawal of permission to graduate	16.3.1(7)	Imposed when instance of misconduct occurs in the student's final teaching period before graduation, usually imposed in conjunction with suspension, or results are withheld until fines or costs are paid.
Imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding 12 months, in which case if there is a breach of the imposed conditions during the specified period the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit or Manager, SMA may impose a more severe penalty.	16.3.1(8)	<ul style="list-style-type: none"> <li>• inappropriate behaviour</li> <li>• damage to University property</li> <li>• misuse of facilities</li> </ul>
<p>If the misconduct relates to a subject in which the student is enrolled:</p> <ul style="list-style-type: none"> <li>• a reduction in marks for any part or parts of the assessment</li> <li>• a zero mark/fail result for the results of any form or forms of assessment in the subject</li> <li>• a requirement that the student re-do and submit a specific assessment task, with a reduction in marks to no more than a specified percentage of the maximum possible mark in the assessment task</li> <li>• a requirement that the student must undertake another alternative assessment, for which the maximum possible mark can be no greater than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task</li> <li>• a zero mark/fail result for subject.</li> </ul>	16.3.1(9)	<p>Misconduct (e.g. plagiarism, cheating) in relation to a subject in which the student is enrolled.</p> <p>Should take into account:</p> <ul style="list-style-type: none"> <li>• extent of plagiarism</li> <li>• advice to student on referencing</li> <li>• stage of course (students in second or subsequent years will be expected to have more understanding of what constitutes plagiarism compared to students in first year).</li> </ul>
Exclusion from attendance at specified classes or subjects for a specified period not exceeding 12 months, provided that these do not include the entirety of classes or subjects for which the student is enrolled or is eligible to be enrolled	16.3.1(10)	Inappropriate behaviour including harassment, intimidation or interference with the freedom of other persons in classes or subjects, meetings or other activities.
Exclusion from and prohibition from use of specified facilities of the University for a specified period not exceeding 12 months	16.3.1(11)	Misuse of facilities on University premises, such as the Library or IT labs, or any other premises to which the student has access for their University purposes.

Penalty	Rule	Examples of types of misconduct
Where the misconduct involves loss of or damage to property or facilities of the University or a third party, payment to the University or the third party of a specified amount not exceeding the amount of the loss or damage	16.3.1(12)	Misconduct involving loss of/or damage to property or facilities of the University or to a third party. Payment for loss or damages is not a fine. The amount sought as restitution cannot exceed the amount of the loss or damages.
Where the misconduct involves lengthy inquiries and proceedings, payment to the University of a specified amount for its costs, not exceeding the amount of the costs incurred	16.3.1(13)	Misconduct involving lengthy inquiries and proceedings. Payment is required to cover the costs of the expense incurred by the University during lengthy inquiries and proceedings in relation to misconduct. The amount sought is not a fine. It cannot exceed the costs incurred by the University in relation to the inquiries and proceedings.
A fine of up to \$5000 with maximum fines for particular types of offences	16.3.1(14)	Misconduct including: <ul style="list-style-type: none"> <li>• inappropriate behaviour</li> <li>• damage to University property</li> <li>• misuse of facilities</li> <li>• wilfully disobeying direction</li> <li>• library offences</li> </ul> (refer 3.6 Monetary penalties)
Imposition of specified conditions on attendance at specified classes or use of specified facilities or services of the University	16.3.1(15)	Inappropriate behaviour in a class, meeting or other activity, and/or misuse of facilities on University premises or any other premises to which the student has access for their University purposes.
Reprimand	16.3.1(16)	<ul style="list-style-type: none"> <li>• first minor instance of misconduct</li> <li>• usually imposed with other penalties</li> <li>• any future instance of misconduct will be treated most seriously and will result in a more severe penalty</li> </ul>

## 2A. Precedent penalties

Penalty	Rule	Examples of types of misconduct
Reprimand	16.3.1(16)	<ul style="list-style-type: none"> <li>• assisting any other student to cheat by sharing their work with another UTS student (Rule 16.2.1(1)(b))</li> </ul>
A zero for the assessment (first offence)	16.3.1(9)(b)	<ul style="list-style-type: none"> <li>• a student copies and/or reworks another UTS student's work (Rules 16.2.1(1)(a), 16.2.1(1)(d))</li> <li>• a student copies and/or reworks another UTS student's work and plagiarised material (Rules 16.2.1(1)(a), 16.2.1(1)(d), 16.2.1(4))</li> <li>• a student has access to unauthorised material or a mobile phone in an examination (Rules 16.2.1(a), 16.2.1(d), 16.2.1(3))</li> </ul>
Fail subject and a reprimand (second offence or a more severe first offence as determined by the Director, Governance Support Unit)	16.3.1(9)(e), 16.3.1(16)	<ul style="list-style-type: none"> <li>• a student copies and/or reworks another UTS student's work (Rules 16.2.1(1)(a), 16.2.1(1)(d))</li> <li>• a student copies and/or reworks another UTS student's work and plagiarised material (Rules 16.2.1(1)(a), 16.2.1(1)(d), 16.2.1(4))</li> <li>• a student has access to unauthorised material or a mobile phone in an examination (Rules 16.2.1(a), 16.2.1(d), 16.2.1(3))</li> </ul>



### **3. Issues specific to each type of penalty**

#### **3.1 Exclusion from the University**

Refer Rule 16.3.1(4)

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

#### **3.2 Exclusion from specified class/specified facility**

Refer Rules 16.3.1(10) and 16.3.1(11)

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

#### **3.3 Suspension from the University**

Refer Rule 16.3.1(5)

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

#### **3.4 Suspension from a course of the University**

Refer Rule 16.3.1(6)

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

#### **3.5 Withholding of results/academic transcript/permission to graduate**

Refer Rule 16.3.1(7)

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

#### **3.6 Monetary penalties**

- Rules 16.3.1(12) and 16.3.1(13)  
These Rules enable the University to seek restitution for costs incurred in lengthy inquiries or proceedings or costs associated with loss and/or damage. These penalties are not fines. Fines are penalties imposed for the act of misconduct itself.
- Rule 16.3.1(14)  
This Rule enables a reasonable monetary fine to be assessed. This penalty could be applied in conjunction with others such as Rules 16.3.1(12) and 16.3.1(13).

Fines may be appropriate for incidents such as:

- inappropriate and/or disruptive behaviour on campus (up to \$1000 maximum);
- contravening prescribed standards of acceptable conduct (up to \$1000 maximum);
- endangering the safety and/or security of people and/or property (up to \$2000 maximum);
- ignoring or disobeying a directive from a University Officer (up to \$500 maximum);
- refusing to identify oneself (up to \$100 maximum);
- allowing another person access to UTS email or computer account and facilities (up to \$500 maximum with increase to \$1000 for repeat offences);
- damage and destruction where the costs cannot be adequately measured for the purposes of cost recovery (e.g. destruction of intellectual property through hacking or destroying a computer which has other persons' work on it) (up to \$5000);
- library offences (up to \$150 per offence with upper limit of \$250 for repeat offence).

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

- A fine can only be imposed for certain forms of misconduct. A fine cannot be imposed for misconduct involving only plagiarism.
- A student's financial capability must be considered in imposing a fine; and where appropriate extensions of time to pay may be granted by the Director, Governance Support Unit.

#### **3.7 Awarding of zero marks**

Refer Rule 16.3.1(9)

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

### 3.8 Conditions on enrolment

Refer Rule 16.3.1(8)

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

### 4. Differential effects of penalties

When imposing penalties, it is important that each student's individual circumstances, stage of enrolment and any relevant mitigating factors are taken into account. The Student Misconduct Appeals Committee, the Vice-Chancellor, the Vice-Chancellor's nominee, Director, Governance Support Unit, Manager, SMA and Responsible Academic Officers may encourage students to make representation or submit evidence on the detrimental impacts of specific penalties in individual cases.

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

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

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

- **Stage of enrolment**

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

- **Financial penalties**

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

- **Professional bodies**

Certain penalties will have an impact on students who may wish to apply for registration/admission to professional bodies.

### 5. Admissions of wrongdoing/level of contrition of student

If a student has admitted the misconduct, and/or displays a high and genuine level of contrition for the misconduct, this may be taken into account where appropriate.

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

### 6. Intent

If a student is found to have acted with intent when committing an act of misconduct, the penalty imposed on that student should be more severe than in a case where intent cannot be proven.

### 7. Start/end dates of penalties

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

## 8. Status of student pending appeal outcomes

Under Rule 16.13.4, a student may apply to the Vice-Chancellor or Vice-Chancellor's nominee for a stay of decision. The Vice-Chancellor or Vice-Chancellor's nominee may direct that a decision be stayed until the time for making an appeal has expired or, if an appeal is made within the permitted time, until the appeal has been determined.

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

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

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

## 9. Timing of decisions

It is most important that decisions regarding penalties for misconduct and subsequent appeals are handled as expeditiously as possible to prevent lengthy delays and consequent applications by students for special consideration due to potential disadvantage. As a general guide, reports of the Student Misconduct Appeals Committee can be expected within six weeks from the date of the conclusion of the committee's first meeting.

## 10. Records of misconduct on transcripts

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

## Schedule 5 — Guidelines for handling student misconduct involving plagiarism

These guidelines have been prepared for the benefit of all people involved in the processes established by the University to deal with allegations of student misconduct involving plagiarism pursuant to Rules 16.6.2 and 16.10.

These guidelines have been prepared with a view to providing consistency in process and outcome.

### 1. Definitions

**Academic judgment** is the process by which a student's performance is measured in an assessment task, taking into account the stated learning outcomes and assessment criteria set for that assessment and based on the professional judgment of the academic staff member concerned.<sup>1</sup>

**Plagiarism** is taking and using someone else's ideas or manner of expressing them and passing them off as their own by failing to give appropriate acknowledgement of the source to seek to gain an advantage by unfair means (Rule 16.2.1(4)).

**Responsible Academic Officer** means a person appointed as such by the Vice-Chancellor or the Provost on the advice of the Dean and such other persons as the Vice-Chancellor approves (Schedule 1 (Definitions)). (Also see the current list of Responsible Academic Officers.)

1. Definition from Australian Learning and Teaching Council (ALTC) Good Practice Guide for Handling Student Grievances and Discipline Matters 2009.

### 2. Principles

- 2.1 All actions taken under these guidelines must be fair and reasonable, implemented in a timely fashion, and with due regard to privacy of all involved in the matters under consideration.
- 2.2 Each case must be dealt with on its own terms and merits and in accordance with its own circumstances.
- 2.3 The Responsible Academic Officer must be supplied with all relevant information by the relevant staff members upon which to base a decision.
- 2.4 Students must be informed of their rights with respect to appeal under Rule 16.13.
- 2.5 No person involved may divulge to any unauthorised person any information related to an individual student's personal information, circumstances, marks/results/grades or any other matters relating to an allegation of misconduct.

### **3. Conflict of interest**

- 3.1 A Responsible Academic Officer must not deal with or determine an allegation of student misconduct if they are personally involved in any aspect of the allegation (Rule 16.5).
- 3.2 In the event that a Responsible Academic Officer, an officer of the University, or a student believes that the involvement of a Responsible Academic Officer in a matter would lead to a conflict of interest, they must consult with the Dean. The Dean will determine another appropriate Responsible Academic Officer to deal with the matter.
- 3.3 A Responsible Academic Officer is not personally involved in any aspect of an allegation by reason only of the fact that they hear or deal with the allegation under the Rules.

### **4. Notification of an allegation**

- 4.1 When an academic staff member, in their academic judgment, identifies a possible incident of plagiarism the matter may be referred as an allegation of misconduct to the Subject Coordinator (if applicable).
- 4.2 The academic staff member and/or the Subject Coordinator will obtain and collate all information relevant to the allegation of plagiarism (supporting evidence) and submit this to the Responsible Academic Officer.
- 4.3 The Responsible Academic Officer may make such other inquiries as they consider necessary in order to consider the allegation.
- 4.4 If, after considering the supporting evidence and any other relevant information, the Responsible Academic Officer determines that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Responsible Academic Officer may determine not to take further action in relation to the allegation.
- 4.5 In all other cases, the Responsible Academic Officer must, in writing, and as soon as possible:
- (1) notify the student of the allegation and provide a copy of the supporting evidence, or if it is not appropriate for the student to receive a copy of the whole of the supporting evidence (for reasons including but not limited to privacy issues), provide a redacted copy of the supporting evidence which includes all of the information on which the Responsible Academic Officer's decision will be based; and
  - (2) provide the student with a copy of, or an electronic link to, the relevant Rules and guidelines; and
  - (3) give the student a reasonable period, being a period of not less than five working days, to respond in writing; and
  - (4) if the Responsible Academic Officer considers it necessary, request the student to attend a meeting with the Responsible Academic Officer and the Subject Coordinator at least five working days after the date of notification; and
  - (5) in the event that the student is requested to attend a meeting, advise the student that they are entitled to bring a support person to the meeting.
- 4.6 The Responsible Academic Officer may place limitations on the role of any such support person. For example, in some circumstances it may be appropriate for such a support person to assist by answering questions, or addressing issues raised, on the student's behalf. A support person will not be permitted to act as an advocate or legal representative on behalf of the student unless the Responsible Academic Officer determines that this is warranted by exceptional circumstances.

### **5. Meeting with the student (if required)**

- 5.1 If the student has been requested to attend a meeting with the Responsible Academic Officer, they must:
- (1) explain the nature of the allegation of plagiarism;
  - (2) provide an explanation of plagiarism and the reasons why the student's work appears to constitute plagiarism;
  - (3) inform the student that the University views plagiarism as serious misconduct and that a record of the meeting and the outcome will be placed on the student's confidential file; and
  - (4) invite the student to provide an explanation about the allegation.
- 5.2 At the conclusion of the meeting the student will be requested to sign a statement about good academic practice.

### **6. Matters to be referred to the Director, Governance Support Unit**

- 6.1 If at any time during their consideration of the allegation the Responsible Academic Officer believes the alleged misconduct involves:
- (1) misconduct other than plagiarism; or
  - (2) plagiarism and any other form of misconduct the Responsible Academic Officer must refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12.

## **7. Responsible Academic Officer's decision**

- 7.1 If a student fails to respond to reasonable attempts by the Responsible Academic Officer for the student to provide a written response to the allegation of plagiarism, or fails to provide acceptable reasons for not complying with a request to attend a meeting, the Responsible Academic Officer must proceed to handle the matter in accordance with these guidelines and based on the supporting evidence.
- 7.2 In determining what penalty, if any, to impose, the Responsible Academic Officer may have regard to:
- (1) the extent of the alleged plagiarism as it relates to the work being assessed;
  - (2) the proportion of the overall mark for the subject represented by the assessment item;
  - (3) any conventions associated with the discipline to which the subject relates and the academic discipline overall;
  - (4) whether the student has a previous record of plagiarism;
  - (5) whether the student is inexperienced or demonstrates a genuine lack of understanding of academic integrity and honesty;
  - (6) whether the circumstances reveal confusion among students enrolled in a subject about assessment (for instance, confusion about acceptable levels of cooperation among students involved in collaborative group work); and
  - (7) in relation to group work, if a particular student responsible for part of an assignment or project submits plagiarised work, another individual in the group should not be penalised unless that other individual in the group has knowingly participated in the submission of the plagiarised work.
- 7.3 In coming to a decision, the Responsible Academic Officer must have regard to:
- (1) the student's written representation or representations at the meeting (if any); and
  - (2) any previous case of student misconduct which the Responsible Academic Officer believes is similar to the case that they are considering.
- 7.4 In cases where there is no record of previous misconduct involving plagiarism and the matter is found not to have involved a deliberate attempt to deceive or to gain an unfair advantage, or a clear disregard of assessment requirements including but not limited to situations where:
- (1) the student is inexperienced or demonstrates a genuine lack of understanding of academic integrity and honesty; or
  - (2) the circumstances reveal confusion among students enrolled in a subject about assessment (for instance, confusion about acceptable levels of cooperation among students involved in collaborative group work). The Responsible Academic Officer may do one or more of the following:
    - (a) impose no penalty;
    - (b) issue the student with a formal warning;
    - (c) permit the student to re-do and submit the assessment item with appropriate acknowledgement of source material included with a reduced mark to no more than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task;
    - (d) allow further work to be submitted (normally a revised submission of the original work). The revised assignment or further work can only be awarded a specified percentage, normally 50 per cent, of the total possible marks for the assessment item. For subjects where the submission of a revised assessment item is not practical, the Responsible Academic Officer may determine another penalty as appropriate.
- 7.5 If the Responsible Academic Officer finds that there has been misconduct involving plagiarism, the Responsible Academic Officer must also inform the student that any similar incident occurring at any time in the future may result in a further penalty such as a zero mark, suspension or exclusion.
- 7.6 If there is a record of previous misconduct involving plagiarism, and/or there is clear evidence of an attempt to deceive, gain an unfair advantage, or a clear disregard of assessment requirements, the Responsible Academic Officer may impose any of the penalties below as appropriate, as provided in Rule 16.3.1(9):
- (1) a reduction in marks for any part or parts of the assessment;
  - (2) a zero mark and 'Fail' result for any part or parts of the assessment of the subject;
  - (3) a requirement that the student re-write and submit a specific assessment task, with a reduction in marks to no more than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task;
  - (4) a requirement that the student must undertake another alternative assessment task, for which the maximum possible mark can be no greater than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task;
  - (5) a zero mark and 'Fail' result for the subject, in which case the zero mark and 'Fail' result will be denoted on the official record of the student in the same way as a 'Fail' result awarded in the usual way.
- 7.7 Where one of the above penalties has been imposed, the Responsible Academic Officer must notify the student in writing of the decision and the student's right of appeal under Rule 16.13.

- 7.8 If the Responsible Academic Officer determines that a more serious penalty is appropriate, such as suspension or exclusion from the course or the University, the Responsible Academic Officer must refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12. In accordance with Rule 16.11.4, the Responsible Academic Officer must notify the student in writing that the matter has been referred to the Director, Governance Support Unit and that the student may within five working days make written representations to the Director, Governance Support Unit about the recommendation.
- 7.9 A copy of all relevant documentation must be sent to the Student Misconduct and Appeals Team, Governance Support Unit, or as directed by the Director, Governance Support Unit, for relevant details to be entered on the student system as appropriate and to file the documentation on the student's confidential file.

## **8. Records**

- 8.1 Records of previous misconduct may be accessed by a Responsible Academic Officer and taken into account in determining an appropriate penalty under Section 7 in Schedule 5.

# UTS General Rules

These rules shall be known as the UTS General Rules and are made pursuant to section 29 of the University of Technology Sydney Act 1989 (NSW) (the Act) and clause 44 of the University of Technology Sydney By-law 2005 (NSW) (the By-law).

They take effect in accordance with section 29(2)(c) of the Act and are promulgated in accordance with clause 46 of the By-law.

## G1 – Rules relating to Council, the Chancellor, Deputy Chancellor and Vice-Chancellor

### 1. Chancellor or Deputy Chancellor to preside at ceremonial occasions

- (1) The Chancellor when present is to preside at ceremonial occasions.
- (2) In the absence of the Chancellor, the Deputy Chancellor when present is to preside at ceremonial occasions.
- (3) In the absence of both the Chancellor and Deputy Chancellor, a Pro-Chancellor is to preside at ceremonial occasions.
- (4) In the absence of the Chancellor, Deputy Chancellor and a Pro-Chancellor, the Chancellor is to appoint a member of Council, or senior staff member or emeritus professor, to preside at ceremonial occasions.

### 2. Powers of Chancellor in relation to University committees

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

### 3. Presiding member

The Chancellor, or any other person presiding at any meeting of Council in accordance with this Rule G1, has a deliberative vote and, in the event of an equality of votes, a casting vote.

### 4. Ordinary meetings of Council

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

### 5. Special meetings of Council

- (1) A special meeting of Council:
  - (a) may be convened by:
    - (i) the Chancellor or, in the absence of the Chancellor, the Deputy Chancellor;
    - (ii) the Vice-Chancellor; or
  - (b) is to be convened by the University Secretary if the University Secretary receives a written request of not less than five members of Council setting forth the purpose for which the meeting is required to be convened.
- (2) A special meeting required to be convened under Rule G1-5(1)(b) is to be held within 30 days after the receipt of the request for that special meeting.

### 6. Notice of meeting of Council

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

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

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

### 7. Business at meetings

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

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

## **8. Meeting may be adjourned**

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

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

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

## **10. Out of pocket expenses**

If a member of Council incurs out of pocket expenses while engaged on University business, the University Secretary may authorise the payment of the whole or any part of the expenses so incurred to that member, except for the Vice-Chancellor, who will operate in accordance with UTS Delegations.

## **11. Vice-Chancellor**

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

## **12. Role of Vice-Chancellor in relation to Council committees and boards**

- (1) Subject to the By-law, these Rules and any direction by Council, the Vice-Chancellor is to be ex officio a member of every committee or board of Council, with the exception of the Audit and Risk Committee.
- (2) In the absence of both the appointed Chair of a committee or board of Council and the Chancellor, the Chancellor may appoint any member of Council to preside at a meeting of a committee or board of Council.

## **13. Acting Vice-Chancellor**

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

## **14. Powers and authorities of Acting Vice-Chancellor**

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

## **15. Size of Council**

- (1) For the purposes of section 8B(2) of the Act, the total number of members on Council is 20.
- (2) For the purposes of section 8B(4) of the Act, the number of members in each of the categories defined by section 8B(3) of the Act, shall be as follows:
  - (a) five elected members;
  - (b) 10 Council appointed members;
  - (c) two Ministerial appointed members.
- (3) Pursuant to sections 8B(2) and (5) of the Act, a change to Rules G1-15(1) or G1-15(2) may only be made by a resolution passed by at least two thirds of the members of Council.

## **16. Elected staff and students**

- (1) For the purposes of section 8D(1) of the Act, the number of staff and students elected to Council shall be as follows:
  - (a) two elected (academic) staff members;
  - (b) one elected (non-academic) staff member;
  - (c) one elected (undergraduate) and one elected (postgraduate) student.



- (2) Any staff member or student standing for election to a position described in section 8D(1) of the Act and Rule G1-16(1)(a) to (c) shall at the time of their nomination for that position, provide a declaration that, to the best of their knowledge, the person will meet the qualifications described in sections 8D(2) and (3) of the Act for the entire term of office to which the person is seeking election, and that, if elected, the person will advise the Returning Officer as soon as they become aware of any change to their qualification.
- (3) Rule G1-16(2) is to be read in conjunction with information on qualifications for elected members of Council, detailed in clauses 7 to 10 of the By-law.

#### **17. Number of graduate members**

For the purposes of section 8E(1) of the Act, the number of external persons who are graduates of the University shall be at least one.

#### **18. Conduct of elections and authority for determining the method of election**

The elections for the elected members of Council are to be conducted in accordance with the By-law, Part 2, Division 2 and the Rules of the University.

#### **19. Delegations**

- (1) Section 17 of the Act provides Council with the power to delegate any of its functions (other than the power of delegation), or any matter or activity. The functions, matters and activities Council has delegated are detailed in the Delegations.
- (2) The Delegations, which have the same force as these rules, consist of the Delegations Schedule (refer separate instrument), the Delegations Principles (refer Schedule G1) and the Strategic Delegations (refer Schedule G2). In exercising any delegated function, matter or activity, a delegate must observe the Delegations Schedule, Delegations Principles, Strategic Delegations and all noted policies.

#### **20. Register of Delegations**

This Rule is made pursuant to section 17 of the Act. A register of resolutions by Council to delegate all or any of its functions is to be maintained by the University Secretary in which must be recorded the following details:

- (1) the relevant Council resolution number and meeting date;
- (2) the exact terms of the relevant Council resolution;
- (3) official file number;
- (4) delegations rescinded by Council resolution;
- (5) new delegations by Council resolutions; and
- (6) whether the exercise of any delegation, being the subject of a Council resolution, is to be reported to Council.

## **G2 – Rules on election of Chancellor and Deputy Chancellor**

### **Division 1 – Election of Chancellor and Deputy Chancellor**

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

#### **1. Call for nominations**

- (a) If an election for a Chancellor or Deputy Chancellor is necessary, the Returning Officer must send or deliver a copy of the notice to each member of Council.
- (b) The notice referred to in this rule must:
  - (i) state that an election is necessary;
  - (ii) invite nominations for persons for election;
  - (iii) specify the form in which nominations must be made;
  - (iv) specify the date and time by which nomination papers must reach the Returning Officer;
  - (v) specify how ballot papers will be distributed;
  - (vi) specify the date and time by which ballot papers must reach the Returning Officer; and
  - (vii) contain such other information relating to the election as the Returning Officer thinks fit.
- (c) Unless Council determines otherwise, the notice referred to in this rule must be sent or delivered whenever a vacancy in the office of Chancellor or Deputy Chancellor occurs or, if a vacancy is expected to occur, no earlier than six months and no later than one month before the date of the expected vacancy, noting the requirements of the election in anticipation of resignation specified in Rule G2.

#### **2. Schedule of dates for elections for Chancellor or Deputy Chancellor**

- (1) In the conduct of an election for Chancellor or Deputy Chancellor the Returning Officer must allow:
  - (a) between the notification to Council members, under Rule G2-1(a), that an election is necessary and the date and time specified for receipt of nominations – not less than 10 days and not more than 14 days;

- (b) between the date and time specified for the receipt of nominations and the issue of ballot papers – not more than seven days; and
- (c) between the issue of ballot papers and the date and time by which ballot papers must reach the Returning Officer – not less than 10 days and not more than 14 days.

### **3. Making of nominations**

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

### **4. Dealing with nominations**

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

### **5. Conduct of the ballot**

- (1) (a) The ballot must be a secret ballot.
- (b) The Returning Officer must send or deliver a ballot paper to each member of Council.
- (c) Following receipt of a written application, the Returning Officer may, on being satisfied that a ballot paper has been lost or destroyed, supply a duplicate ballot paper to the person to whom the lost or destroyed ballot paper was issued.
- (d) All envelopes received by the Returning Officer must remain unopened until the close of ballot.
- (e) The procedure to be followed at the close of ballot must be conducted in accordance with the UTS General Rules G3-34 to 37.

### **6. Election in anticipation of resignation**

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

## **Division 2**

### **1. Pro-Chancellors' appointment and role**

- (1) Pro-Chancellors will be elected by Council by means of a secret ballot conducted by the University Secretary in accordance with the rules on the election of the Chancellor (Rule G2).
- (2) All members of Council are eligible to make nominations and to vote, but only members of Council who are not a staff member or a student can stand for election for the position of Pro-Chancellor.
- (3) A Pro-Chancellor shall have authority to act for the Chancellor in the context of the University's graduation ceremonies, or, when specifically requested by the Chancellor, to assist with ceremonial or courtesy function in the University.
- (4) The appointment shall be for a period of two years, renewable.
- (5) When presiding at official functions where robes are appropriately worn, a Pro-Chancellor shall wear a robe which is specially designed for the role of Pro-Chancellor in accordance with the instructions of the Chancellor.

## G3 – Rules relating to Academic Board, faculty boards and elections

### Part 1 – Academic Board

#### Division 1 – Constitution of the Academic Board

1. (1) Academic Board is to include:
  - (a) ex officio members (in addition to the Vice-Chancellor as per Rule G1-12(1));
  - (b) a Chair, when appointed as per Rule G3-6(2)(b), and a Deputy Chair, when appointed as per Rule G3-8(2)(b); and
  - (c) elected members;as provided by this Division, in addition to any persons determined by Council.
- (2) The ex officio members of Academic Board are to be the person or persons holding the positions of:
  - (a) Provost;
  - (b) Deputy Vice-Chancellor (Education and Students);
  - (c) Deputy Vice-Chancellor (Innovation and Enterprise);
  - (d) Deputy Vice-Chancellor (International);
  - (e) Deputy Vice-Chancellor (Research);
  - (f) Pro Vice-Chancellor (Education);
  - (g) Pro Vice-Chancellor (Indigenous Leadership and Engagement);
  - (h) Deans;
  - (i) University Librarian;
  - (j) President of the UTS Students' Association;
  - (k) Director, Institute for Interactive Media and Learning;
  - (l) Director, Institute for Sustainable Futures;
  - (m) Director, Student Administration Unit;
  - (n) Chair, Courses Accreditation Committee;
  - (o) Deputy Chair, Courses Accreditation Committee;
  - (p) Deputy Chair, Research Committee; and
  - (q) Deputy Chair, Teaching and Learning Committee;in addition to the holder or holders of any other position determined by Council.
- (3) The elected members of Academic Board comprise:
  - (a) one member elected by and from the academic staff of each faculty;
  - (b) eight members elected by and from the Professoriate and Associate Professoriate (levels D and E), with no more than two from any one faculty or unit;
  - (c) four members elected by and from the academic staff (levels A, B, C), with no more than two from any one faculty or unit;
  - (d) two members elected by and from the deputy deans or associate deans, or heads of schools (or equivalent);
  - (e) one student elected by and from students from each faculty, and an alternate (see Rule G3-1(4));
  - (f) one postgraduate research student elected by and from the postgraduate research students of the University, and an alternate (see Rule G3-1(4)); and
  - (g) one Indigenous undergraduate or postgraduate student, elected by and from the UTS Indigenous student body.
- (4) The Chair of Academic Board may, with the consent of the runner-up in the election for the relevant student category and term, appoint that runner-up to be the alternate member for the relevant student category. In the event that the runner-up does not consent to be the alternate member, the other candidates in the election for the relevant student category and term will be offered the position in the order of their ranking in the election as determined in accordance with Rule G3-35. If the candidates in the election are exhausted and the vacancy remains unfilled, the Chair of Academic Board will appoint another student to act as an alternate member on the recommendation of the Dean of the relevant faculty(s) (for Rule G3-1(3)(e)) or on the recommendation of the Dean, Graduate Research School (for Rule G3-1(3)(f)) or on the recommendation of the Pro Vice-Chancellor (Indigenous Leadership and Engagement) (for Rule G3-1(3)(g)). The alternate member, who is appointed for the same term of office as the elected member, has speaking and voting rights at those meetings of Academic Board which the alternate member attends in place of the elected member.

#### Term of office of elected member of Academic Board

2. (1) The term of office of an elected member of Academic Board is one year for student members and two years for all other members, usually commencing on 1 January, or for the remaining term when filling a casual vacancy under Rule G3-4.

- (2) In the case where elected members' terms of office are required to be staggered to promote continuity of Academic Board (where the term of office of elected staff members is two years), the process outlined in Rule G3-2(3) will be applied.
- (3) In respect of Rule G3-2(2), one-half of the elected staff members from each faculty (or in the instance one-half is not a whole number, the number immediately greater than one-half will be used) shall be determined by lot (drawn by the University Secretary or nominee) and declared to hold office for three years. The remaining undrawn elected staff members will hold office for the standard two years.

### **Conduct of elections**

3. (1) The elections for the elected members of Academic Board are to be conducted in accordance with Part 3 of these Rules.
- (2) If, at the close of nominations in the conduct of an election, the number of vacancies for elected positions exceeds the number of candidates who are declared elected by the Returning Officer, any remaining vacancy may be appointed by the Chair of Academic Board for the period stated in the notice of election or, where the appointment is made after 1 January, for the remaining period in the notice of election. Appointments are to be made on the recommendation of the appropriate officer, as outlined in Rule G3-3(3).
- (3) For positions under:
  - (a) Rule G3-1(3)(a), appointments are to be made on the recommendation of the Dean of the relevant faculty;
  - (b) Rule G3-1(3)(b-d), appointments are to be made on the recommendation of the Dean of each faculty. In the event the number of recommendations exceed the number of vacant positions, the position will be determined by lot (drawn by the University Secretary or nominee);
  - (c) Rule G3-1(3)(e), appointments are to be made on the recommendation of the Dean of the relevant faculty;
  - (d) Rule G3-1(3)(f), appointments are to be made on the recommendation of the Dean, Graduate Research School;
  - (e) Rule G3-1(3)(g), appointments are to be made on the recommendation of the Pro Vice-Chancellor (Indigenous Leadership and Engagement).

### **Casual vacancy in office of elected member of Academic Board**

4. (1) A casual vacancy in the office of an elected member of Academic Board occurs if the member:
  - (a) ceases to be qualified for election; or
  - (b) resigns from office by notifying the Returning Officer in writing; or
  - (c) is on extended leave for a period exceeding 12 months; or
  - (d) is formally acting in a position which carries ex officio membership of Academic Board for a period exceeding 12 months; or
  - (e) is absent from three consecutive ordinary meetings of Academic Board unless the absence is excused by Academic Board. An absence cannot be excused retrospectively.
- (2) In the event that a casual vacancy in the office of an elected member of Academic Board occurs then (a) or (b) applies:
  - (a) if the remainder of the term of office of the elected member is less than 12 months, the Chair of Academic Board may, as soon as practicable after the vacancy occurs, with the consent of the runner-up in the election for that office and term, appoint that runner-up to hold that office for the remainder of the term of office. In the event that the runner-up does not consent to fill the vacancy, the other candidates in the election for that office and term will be offered the vacant position in the order of their ranking in the election as determined in accordance with Rule G3-35. If the candidates in the election are exhausted and the vacancy remains unfilled, the Chair of Academic Board may appoint a person qualified to hold that office under Rule G3-1(3) for the remainder of the term of office on the recommendation of the appropriate officer, as outlined in Rule G3-3(3).
  - (b) if the remainder of the term of office of the elected member is 12 months or more, the Returning Officer is, as soon as practicable after the vacancy occurs, to conduct an election in accordance with Rule G3-3 among those persons qualified to vote at such an election.
- (3) If no nominations are received to fill a casual vacancy referred to in Rule G3-4(2)(b), Academic Board may either leave the vacancy unfilled for the remainder of the term of office or the Chair of Academic Board may appoint a person qualified to hold that office as per G3-4(2)(a).
- (4) A person elected to fill a casual vacancy in the office of an elected member of Academic Board is to hold office for the remainder of the predecessor's term of office..

### **Leave of absence of elected member of Academic Board**

5. Where an elected academic staff member (under Rule G3-1(3)(a) to (d)) of Academic Board:
  - (a) is on extended leave for a period between three and 12 months, and that would result in absence from three or more ordinary meetings; or

- (b) is formally acting in a position which carries ex officio membership of Academic Board for a period of up to 12 months;

the Chair, with the consent of the runner-up in the election for that office and term, may appoint the runner-up to hold that office for the period of the elected member's leave of absence. If the candidates in the election are exhausted and the vacancy remains unfilled, the vacancy will be filled as per G3-4(2)(a), for the period of the elected member's leave of absence.

## **Division 2 – Chair and Deputy Chair**

### **Chair**

- 6. (1) Academic Board is to elect the Chair of Academic Board in accordance with Part 3 of this Rule:
  - (a) as soon as practicable after the membership of the reconstituted Board is confirmed following an election; or
  - (b) whenever a vacancy in the office of the presiding member occurs, unless less than six months of the term of office remains.
- (2) The Chair will be elected from:
  - (a) the members of the reconstituted Academic Board; and
  - (b) the persons who have held a position on Academic Board, for at least 12 months, in the five years prior to the date of commencement of the presiding member's term of office.
- (3) When a Chair is elected as per Rule G3-6(1), the Chair will be deemed as a member of Academic Board.
- (4) When elected under Rule G3-6(2)(a), the original position on Academic Board filled by that person will not be backfilled, unless that person subsequently becomes ineligible to hold the original position on Academic Board.

### **Term of office of Chair and casual vacancy**

- 7. (1) The term of office of the Chair is two years, commencing on 1 January, or for the remaining term when filling a casual vacancy of the Chair (under Rule G3-7(2)), and on such conditions as may be determined by Council on the recommendation of Academic Board.
- (2) A casual vacancy in the office of the Chair of Academic Board occurs if:
  - (a) the Chair is permanently incapacitated, resigns from office by notifying the Returning Officer in writing, resigns from the University; or
  - (b) a no confidence motion is supported by at least a two-thirds majority of the total number of members for the time being of the Academic Board at an ordinary meeting of Academic Board.
- (3) The Chair of Academic Board is ineligible to be renominated if completion of the designated term would result in the member serving more than six consecutive years in that office.

### **Deputy Chair**

- 8. (1) Academic Board is to elect a Deputy Chair of Academic Board in accordance with Part 3 of this Rule:
  - (a) as soon as practicable after the membership of the reconstituted Academic Board is confirmed following an election; or
  - (b) whenever a casual vacancy in the offices of the Deputy Chair occurs as per Rule G3-9(2).
- (2) The Deputy Chair will be elected from:
  - (a) the members of the reconstituted Academic Board; and
  - (b) the persons who have held a position on Academic Board, for at least 12 months, in the five years prior to the date of commencement of the Deputy Chair's term of office.
- (3) When a Deputy Chair is appointed as per Rule G3-8(1), the Deputy Chair will be deemed as a member of Academic Board.
- (4) When elected under Rule G3-8(2)(a), the original position on Academic Board filled by that person will not be backfilled, unless that person subsequently becomes ineligible to hold the original position on Academic Board.

### **Terms of office of Deputy Chair and casual vacancy**

- 9. (1) The term of office of the Deputy Chair is two years, commencing on 1 January, or for the remaining term, when filling a casual vacancy of the Deputy Chair (under Rule G3-9(2)), and on such conditions as may be determined by Council on the recommendation of Academic Board. The duties of the Deputy Chair will be determined, from time to time, in consultation with the Chair.
- (2) A casual vacancy in the office of the Deputy Chair of Academic Board occurs if:
  - (a) the Deputy Chair is permanently incapacitated, resigns from office by notifying the Returning Officer in writing, resigns from the University; or
  - (b) a no confidence motion is supported by at least a two-thirds majority of the total number of members for the time being of the Academic Board at an ordinary meeting of Academic Board.
- (3) The Deputy Chair of Academic Board is ineligible to be renominated if completion of the designated term would result in the member serving more than six consecutive years in that office.

### **Absence of Chair**

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

### **Division 3 – Functions and powers of Academic Board**

#### **General functions**

11. (1) Academic Board constitutes the primary forum in the University for the discussion and resolution of academic matters. Academic Board and the Vice-Chancellor are the principal sources of advice to Council on all academic matters.
- (2) Subject to the By-law, the Rules and the resolutions of Council, Academic Board has a responsibility to establish and maintain academic leadership by sustainably and effectively overseeing, assessing, monitoring, reviewing and improving the quality and outcome of the academic work of the University (including teaching, learning, scholarship, research training and research).

#### **Advisory and reporting functions**

12. (1) Without limiting the effect of Rule G3-11, Academic Board shall:
  - (a) report to, or advise Council or the Vice-Chancellor on, any aspect of:
    - (i) the goals, strategies, objectives, outcomes, principles, directions, priorities, policies, practices, profile and risk management for academic matters of the University;
    - (ii) the quality, standards and benchmarks appropriate to all aspects of the academic work of the University (including teaching, learning, scholarship, research training and research) which are underpinned by the Academic Standards Framework approved by Academic Board;
  - (b) confirm to Council that delegations of academic authority are implemented, based upon the University Secretary's annual review of the delegations.

#### **Approval and monitoring functions**

12. (2) Without limiting the effect of Rule G3-11, Academic Board shall:
  - (a) upon recommendation of the Chair of Faculty Board (acting on behalf of the Faculty Board) for coursework, and Chair of Higher Degree Research Board (acting on behalf of Higher Degree Research Board) for graduate research, approve those students who are considered eligible to graduate, having completed approved course requirements satisfactorily noting:
    - (i) the Chair of Faculty Board and Chair of Higher Degree Research Board shall make such recommendation to Academic Board upon the advice of Director, Student Administration Unit;
    - (ii) the Statement of Assurance – Conferral of Awards as prepared by the University Secretary, under which proposals for conferrals of awards will be recommended to Academic Board for approval;
  - (b) determine the accreditation of proposed or existing award courses on their academic merit, and the removal of the accreditation of award courses;
  - (c) develop, monitor and review academic policies and their effectiveness;
  - (d) determine the standards and benchmarks for governing all aspects of academic administration, including, but not limited to, the admission of students and the examination and assessment of students' work;
  - (e) determine the structures and functions of Faculty Boards, and any subsequent amendments to these, noting that a Faculty Board's authority to act on specific matters will continue to require Council's delegated authority;
  - (f) undertake initiatives to oversee academic and research integrity and its breaches thereof, including identification, management, mitigation and monitoring of its potential risks.

#### **Collaboration and communication functions**

12. (3) Without limiting the effect of Rule G3-11, Academic Board shall:
  - (a) undertake initiatives to critically evaluate and institute measures to promote the communication of, and innovation in, academic matters and the coordination of academic work and activities across the whole University; and
  - (b) work in conjunction with the Vice-Chancellor, senior UTS staff and University committees on any matters related to Academic Board and its functions, powers and responsibilities, to ensure that the academic goals of the University are achieved.

### **Division 4 – Relationship between Academic Board and Council**

#### **Reference to Council of certain matters by Academic Board**

13. If Academic Board does not approve without amendment any recommendation of a faculty board or Academic Board committee, Academic Board is, if so required by the faculty board or Academic Board committee, to transmit the recommendation to Council together with any observations Academic Board deems appropriate.

### **Council to obtain views of Academic Board on certain matters**

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

### **Division 5 – Academic Board committees**

#### **Committees**

15. Academic Board may, as it deems appropriate:
  - (a) establish committees to assist the work of Academic Board and may appoint such persons (not necessarily members of Academic Board) to those committees; and
  - (b) confer or impose upon a committee established under Rule G3-15(1) such powers and duties as it may determine from time to time.
16. Rules G3-2(1), G3-3, G3-4, G3-5 and G3-10 also apply to Academic Board committees. When applying these Rules to Academic Board committees:
  - (a) all references to the Academic Board shall be read as Academic Board committees;
  - (b) relevant faculty shall be read as faculties; and
  - (c) a reference to Rule G3-1(3) shall be read as the relevant Academic Board committee composition;
  - (d) in Rules G3-4 and G3-5, all references to the Chair shall be read as the Chair of Academic Board.

#### **Chair of Academic Board committee**

17. The Chair of an Academic Board committee may be an ex officio position or elected by and from the respective committee members, as per the committee's composition determined by Academic Board as per Rule G3-15(1)
  - (a). Where the Chair of an Academic Board committee is an elected position, the Chair will be elected:
    - (a) as soon as practicable after the membership of the reconstituted Academic Board is confirmed following an election; or
    - (b) whenever a vacancy in the office of the Chair of an Academic Board committee occurs, unless less than six months of the term of office remains.

#### **Term of office of Chair of Academic Board committee**

18. (1) The elected Chair of an Academic Board committee, unless they is permanently incapacitated, resigns as the Chair in writing to the Returning Officer or resigns from the University, holds office for a period of two years from the prescribed date of commencement of the term and on such conditions as may be determined by Academic Board.
- (2) An elected Chair of an Academic Board committee is ineligible to be renominated if completion of the designated term would result in the member serving more than six consecutive years as Chair of that committee.

### **Part 2 – Faculty Boards**

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

### **Part 3 – Elections**

#### **20. Definitions**

**ballot** means a method of secret voting.

**casual vacancy** means a position vacated during the term of an elected member.

**close of nominations**, in relation to an election, means the date and time by which nominations must be received by the Returning Officer for the election (as specified in a notice under Rule G3-23(2)(d)).

**close of the ballot**, in relation to an election, means the date and time for the close of the ballot specified by the Returning Officer for the election in a notice under Rule G3-23(2)(f).

**election** means the administrative process employed to elect a candidate to an elected position.

**electoral roll** means a list or register containing the names of the people entitled to stand for election, nominate candidates and/or vote in an election.

**electorate** means those persons entitled to stand for election, nominate candidates and vote in an election.

**electronic ballot** means a ballot conducted in accordance with Rule G3-29.

**electronic vote** means a vote cast by means of an electronic voting system.

**electronic voting system** means a secure system approved or managed by the Returning Officer for the purpose of tallying votes cast in an election conducted by electronic means.

**formal vote** means a vote that is not an informal vote.

**informal vote** has the meaning set out in Rule G3-33.

**nominate** means to propose a candidate in an election.

**non-electronic ballot** means a ballot conducted in accordance with Rule G3-27.

**quota** means the number of votes required by a candidate to be elected. It is determined as the next whole number above a quotient, where the quotient is calculated by counting the number of formal votes and dividing this by the number of positions to be filled plus one.

**Returning Officer** for all elections is the University Secretary, unless otherwise determined by Council. The Returning Officer is wholly responsible for overseeing elections.

**runner-up** in an election means the person who, in the vote counting process at the election, was the last remaining candidate for election (aside from the person who was declared elected) eligible to fill the casual vacancy. Council may choose to fill a casual vacancy by any means, including going to the 'runner-up'.

**Scrutineer** is an examiner of votes at an election count. Each candidate is entitled to nominate one scrutineer to be present at the count.

### Conduct of elections

21. (1) An election referred to in these Rules is to be conducted by the Returning Officer for the election.
- (2) The Returning Officer may appoint a Deputy Returning Officer (with such powers as the Returning Officer may determine) and Electoral Officer(s) to assist the Returning Officer in the conduct of all or any part of an election referred to in this Rule.
- (3) The Returning Officer's decision is, subject to the UTS Act, By-law and these Rules, final on all matters affecting the eligibility of candidates, the expected standards of behaviour during elections and election campaigns, the conduct and results of an election, the validity of an election and such other matters as may from time to time affect the conduct of elections.
- (4) Where an election is required to be held, the Returning Officer shall, in such manner as the Returning Officer determines, prepare a roll of eligible voters for each relevant election.

### Rolls

22. (1) The Returning Officer is to keep:
  - (a) for the purpose of elections of academic staff, professional staff, undergraduate student and postgraduate student members for Council, the rolls of eligible voters as prescribed in UTS By-law 6;
  - (b) for the purpose of elections of academic staff members for bodies other than Council — a Roll of Academic Staff containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons who are classified as continuing or fixed-term members of the academic staff of the University;
  - (c) for the purpose of elections of professional staff members for bodies other than Council — a Roll of Professional Staff containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons who are classified as continuing or fixed-term members of the professional staff of the University;
  - (d) for the purpose of elections of student members for bodies other than Council — a Roll of Students containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons enrolled in courses that are listed in the register of award courses of the University (the courses having a minimum duration of one year full-time or equivalent);
  - (e) for the purpose of elections of undergraduate student members for bodies other than Council — a Roll of Undergraduate Students containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons enrolled in courses that are listed in the register of award courses of the University (the courses having a minimum duration of one year full-time or equivalent);
  - (f) for the purpose of elections of postgraduate student members for bodies other than Council — a Roll of Postgraduate Students containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons enrolled in courses that are listed in the register of award courses of the University (the courses having a minimum duration of one year full-time or equivalent);
  - (g) for the purpose of elections of postgraduate research student members for bodies other than Council — a Roll of Postgraduate Research Students containing the names and last known email addresses (or, if no email address is known in a particular case, last known address) of those persons enrolled in courses that are listed in the register of award courses of the University (the courses having a minimum duration of one year full-time or equivalent);
  - (h) rolls in accordance with the requirements of categories of membership, other than the categories outlined in Rule G3-22(1)(a)–(g), as specified by the constitution or terms of reference of a Board or Committee.



- (2) Students, undergraduate students, postgraduate students and postgraduate research students, who are also members of academic or professional staff of the University, whose category of employment is either continuing or fixed-term, are not entitled to have their name entered on the Roll of Students, Roll of Undergraduate Students, Roll of Postgraduate Students or the Roll of Postgraduate Research Students.

#### **Call for nominations and notice of election**

23. (1) If an election is necessary, the Returning Officer must publish a notice referred to in this Rule on the official noticeboard on the UTS website and in such other places and in such manner as the Returning Officer considers necessary to inform the persons whose names are on the relevant rolls of the contents of the notice.
- (2) A notice referred to in this Rule must:
  - (a) state that an election is necessary to fill the office or offices concerned;
  - (b) invite nominations of persons for election;
  - (c) specify the manner in which nominations must be made;
  - (d) specify a date and time by which nominations must reach the Returning Officer;
  - (e) in the event that a ballot is necessary, specify the method or methods the Returning Officer has determined will be used for the ballot, in accordance with Rule G3-27(1);
  - (f) in the event that a ballot is necessary, specify the dates for the commencement of the ballot and the close of the ballot;
  - (g) contain such other information relating to the election as the Returning Officer thinks fit (which might include, for example, details of the number of vacancies to be filled and of the terms of office of the members of the Council, Board or Committee to be elected).
- (3) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not see a notice or a copy of a notice referred to in this Rule.

#### **Schedule of dates for elections**

24. In the conduct of an election, the Returning Officer must allow:
  - (1) between the publication of the notice under Rule G3-23(1) stating that an election is necessary and the close of nominations for the election – not less than 14 and not more than 28 days; and
  - (2) between the close of nominations for the election and the commencement of the ballot – not more than 28 days; and
  - (3) between the commencement of the ballot and the close of the ballot – not less than 14 and not more than 28 days.

#### **Making of nominations**

25. (1) Valid nominations of candidates, whose names are entered on the relevant roll of eligible voters for an election of members of the Council, Board or Committee must be lodged with the Returning Officer no later than the time and date specified in the notice published under Rule G3-23(2).
- (2) A nomination must be signed by two persons whose names are entered on the relevant roll of eligible voters for the election for which the candidate is nominated and must be signed by the person nominated.
- (3) If a candidate or nominator is eligible to participate in an election for a staff position, but not on the relevant roll of eligible voters, the Head of School or Dean of the relevant faculty must confirm that the candidate or nominator is an eligible employee of the relevant school or faculty. If the candidate or nominator is confirmed to be eligible, then they will be added to the relevant Roll under G3-22.
- (4) There must be a separate nomination for each candidate and each position.
- (5) A candidate for election shall at the time of nomination, provide a declaration that, to the best of their knowledge, the person will meet the qualifications for the relevant position for the entire term of office to which the person is seeking election, and that, if elected, the person will advise the Returning Officer as soon as they become aware of any change to their qualification.
- (6) As part of the nomination process a candidate may provide with the nomination a candidate statement of not more than 150 words, which must be lodged with the Returning Officer no later than the time and date specified for the close of nominations in the notice published under Rule G3-23(2). The candidate statement contains information relating to the candidate that they wishes to supply. That information may include, for example, the following:
  - (a) full name;
  - (b) faculty, school or department;
  - (c) course and academic year;
  - (d) academic qualifications and experience;
  - (e) positions or offices held at any time in public bodies, clubs and institutions (including University clubs and societies) with dates of tenure.

- (7) Statements containing more than 150 words will not be accepted. The Returning Officer (or a person appointed by the Returning Officer) may edit all statements supplied to ensure that they contain no defamatory or offensive material. The edited statements are to be published on or before the opening of the ballot.
- (8) The Returning Officer must reject a nomination if satisfied that:
  - (a) the nomination is not duly made; or
  - (b) the person nominated is not eligible to be elected.
- (9) A candidate is not eligible to be elected when:
  - (a) the candidate name cannot be found on the roll of eligible voters;
  - (b) the candidate does not meet the position qualifications; or
  - (c) the nomination is lodged with the Returning Officer later than the time and date specified for the close of nominations in the notice published under Rule G3-23(2).
- (10) The Returning Officer must, within four days after receipt of a nomination, send or deliver a notice to each person who has signed the nomination, notifying the person of the acceptance or rejection of the nomination.

### **Dealing with nominations**

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

### **Form of ballot**

27. (1) A ballot must be a secret ballot using the quota preferential system. Ballots will be conducted by way of an electronic voting system that has been approved for use by the Returning Officer in accordance with Rule G3-29, unless the Returning Officer determines it necessary to conduct an election by attendance at a polling booth.
- (2) Ballot papers, or the component of the electronic voting system that records a vote cast by the voter, as the case may be, must contain the names of the candidates in the order drawn at random by the Returning Officer or by a person appointed by the Returning Officer for the purposes of the election.

### **Expected standards of behaviour**

28. The Code of Conduct for UTS Elections sets out the expected standards of behaviour for UTS staff and students involved in the conduct of UTS elections or election campaigns.

### **Requirements for electronic voting system**

29. The Returning Officer may approve an electronic voting system for use where the Returning Officer is satisfied that the system:
  - (1) will provide a voter with instructions on how to vote;
  - (2) will allow a voter to indicate their preferences of candidate or candidates;
  - (3) gives a voter an opportunity to correct any mistakes before submitting their vote;
  - (4) allows a voter to make an informal vote;
  - (5) will not allow a person to find out how a particular voter cast their vote;
  - (6) will not allow a voter to vote more than once for any ballot; and
  - (7) will only allow a voter to vote in an election for which they is eligible to vote.

### **Conduct of ballot by attendance at polling booth**

30. (1) Where the Returning Officer has determined under Rule G3-27 that a ballot will be conducted by attendance at a polling booth, the Returning Officer must:
  - (a) publish in such manner as the Returning Officer considers necessary a notice specifying the dates and times of polling, the location of polling booths, and any other relevant information;
  - (b) establish on the University premises polling booths attended, during the dates and times for polling, by persons appointed by the Returning Officer for the purpose of initialling and issuing ballot papers to each person who requests one and is recognised by one of the appointed attendants as being a person whose name is on the roll of eligible voters prepared in accordance with Rule G3-21 and G3-22; and
  - (c) display at the polling booths the edited statements provided by candidates in accordance with Rule G3-25(6) and (7).
- (2) A voter must, before the close of ballot, attend a polling booth to obtain a ballot paper initialled by the Returning Officer or by a person appointed by the Returning Officer, and:
  - (a) mark a vote on the ballot paper by placing the figure '1' in the square opposite the name of the candidate to whom the voter desires to give their first preference vote, and may place consecutive figures (commencing with the figure '2') in the squares opposite the names of any of the remaining candidates, so as to indicate by numerical sequence the order of the voter's preference for them;

- (b) deposit the ballot paper in the relevant ballot box provided for the purpose at the polling booth.
- (3) The ballot box is to remain unopened until the close of ballot.
- (4) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not see the notice published in accordance with Rule G3-30(1)(a).
- (5) In this Rule, a reference to a person's name being on a relevant roll of eligible voters is a reference to the person's name being on that roll at the opening of nominations for the relevant election.

#### **Conduct of ballot by electronic voting system**

- 31. (1) Where the Returning Officer has determined under Rule G3-27(1) that a ballot will be conducted by way of an electronic voting system, the Returning Officer must publish a notice:
  - (a) detailing the nature of the election and setting out instructions on how and when voters may obtain access to the electronic voting system; and
  - (b) advising how voters may obtain access to the edited statements provided by candidates in accordance with Rule G3-25(6) and (7).
- (2) The Returning Officer or person authorised by the Returning Officer must make arrangements to ensure that each person, whose name is on the roll of eligible voters, can access the electronic voting system.
- (3) The voter must submit a vote, after the commencement of the ballot and before the close of ballot, in accordance with the instructions provided in the electronic voting system.
- (4) An election is not invalid only because a person whose name is on the relevant roll of eligible voters did not see the notice published in accordance with Rule G3-31(1).
- (5) In this Rule, a reference to a person's name being on a relevant roll of eligible voters is a reference to the person's name being on that roll at the opening of nominations for the relevant election.

#### **Procedure on close of ballot**

- 32. As soon as practicable after the close of the ballot, the Returning Officer or a person appointed by the Returning Officer must:
  - (1) in the case of an election conducted by attendance at a polling booth:
    - (a) open the ballot boxes; and
    - (b) count the votes, and then ascertain the result of the ballot, in the manner set out in Rule G3-35.
  - (2) in the case of an election conducted by way of an electronic voting system, generate a count of the votes, using a methodology such that the results obtained are as if the votes were recorded on ballot papers and the count was conducted in accordance with Rule G3-35.

#### **Informal vote**

- 33. (1) A vote is informal if the voter has not indicated a clear preference for at least one candidate or if it is possible, in the opinion of the Returning Officer, to identify the voter.
- (2) In the case of a ballot conducted by attendance at a polling booth, a vote is also informal if the ballot paper has not been initialled in accordance with Rule G3-30(2).
- (3) In the case of a ballot conducted by attendance at a polling booth and despite any other provision of this Rule, a vote is not informal only because any figures placed on the ballot paper are not placed in or entirely in the squares opposite the candidates' names, if the figures are placed on the ballot in such positions as, in the opinion of the Returning Officer, clearly indicate the order of the voter's preference for the candidates.
- (4) In the case of a ballot conducted by electronic voting system, the electronic voting system is to provide a warning message to any person casting an informal electronic vote that their proposed vote is informal prior to the recording of that vote.
- (5) Each informal electronic vote is to be recorded by the electronic voting system as an informal vote.

#### **Nomination of scrutineers**

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

#### **Determination of result of ballot**

- 35. If a ballot has been held for the purpose of an election the result of the ballot must be determined in accordance with the Procedures for Determination of Result of Ballot, as approved by the University Secretary from time to time.

### **Secrecy of ballot to be maintained**

36. (1) The result of the ballot must remain confidential until the declaration of the poll by the Returning Officer.
- (2) The Returning Officer or any person appointed by the Returning Officer or any scrutineer must not in any way disclose or aid in disclosing the manner in which any voter has voted.
- (3) Following the Declaration of Poll the number of formal votes, the number of informal votes and ranking of candidates will be communicated to candidates and published on the UTS Noticeboard.
- (4) Candidates in an election may request details of the distribution of votes for their own information.

## **G4 – The seal, the University emblem and the stamp**

### **Division 1 – The seal**

#### **1. Custody of seal**

- (1) Unless Council otherwise directs, the seal of the University is to be kept in the custody of the University Secretary.

#### **2. Use of seal**

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

#### **3. Fixing of seal**

- (1) The fixing of the seal of the University to any document is to be authenticated on that document by the signature of:
  - (a) either the Chancellor or the Deputy Chancellor; and
  - (b) either the Vice-Chancellor or the University Secretary.

#### **4. Register of use of seal**

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

### **Division 2 – The University emblem**

#### **5. Use of emblem**

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

#### **6. Delegation of authority to approve use of emblem**

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

### **Division 3 – The stamp**

#### **7. Use of stamp**

- (1) The stamp of the University is to be used to authenticate official documents.

#### **8. Delegation of authority to approve use of stamp**

- (1) Council may delegate its authority to approve the use, depiction, display or production of the University stamp to such person or persons as may be appointed by Council from time to time.

### **G5 – Register of delegations (Repealed)**

Note: G5 of the UTS General Rules was repealed and its provisions moved to new rule G1-20 as of 29 January 2018 (COU17-4/78.2.b).

### **G6 – Witnessing and witnessed statements**

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

## Schedules

### Schedule G1 – Delegations Principles

These Delegations Principles should be read in conjunction with the Strategic Delegations (Schedule G2) and Delegations Schedule, which together form the 'Delegations'.

In exercising any delegated function, a delegate must observe the following principles.

- (1) Delegated functions may only be exercised if provided for by the Delegations or a specific resolution from Council.
- (2) These delegations are to be exercised subject to and in accordance with any relevant legislation, including, but not limited to, the UTS Act and UTS By-law, as well as the UTS Rules, UTS enterprise agreements, UTS policies, codes of conduct, guidelines, procedures and management designations, authorisations and instructions.
- (3) In the event of any inconsistency between the contents of the Delegations, and the contents of any policy or procedural documents, the contents of the Delegations shall prevail.
- (4) In exercising any delegation, the delegate must comply with relevant laws and the University's governance instruments, and have regard to general principles of procedural fairness.
- (5) A delegation is limited to the business and affairs of the relevant business area unless otherwise specified in the terms of the delegation.
- (6) Any exercise of delegation is to be within approved budgets, aligned with business plans and staff profiles, and within requirements of any enterprise agreements (unless otherwise noted).
- (7) In exercising a delegated function, a delegate may seek appropriate advice in order to be properly informed. However, the delegated function must be exercised by the delegate without any undue influence by any other person or body.
- (8) A delegate has the authority to make decisions in either the positive or negative. That is, for all decisions taken, the delegate may either determine to take a particular action (including to rescind, disestablish and terminate) or to take no action.
- (9) To ensure administrative efficiency of UTS operations:
  - (a) a delegate under Delegation 1.2 may authorise an employee under that delegate's supervision to expend funds for and on behalf of, and in the name of, that delegate, which do not exceed thresholds of \$50,000, \$20,000, \$10,000 and \$5000 (these are identified as bands 5 to 8 respectively). Any authorisation may only be granted and exercised in accordance with guidelines issued from time to time by the Chief Financial Officer, who must also maintain a register of authorisations. The principles relevant to the exercise of Council delegations apply equally to holders of authorisations to expend funds.
  - (b) where provision is made within section 2 of the Delegations Schedule, a delegate may authorise an employee under that delegate's supervision to perform functions for and on behalf of, and in the name of, that delegate, provided that the authorisation is approved by the Executive Director, People and Culture. Any authorisation may only be granted and exercised in accordance with guidelines issued from time to time by the Executive Director, People and Culture, who must also maintain a register of authorisations. The principles relevant to the exercise of Council delegations apply equally to holders of human resources authorisations.
- (10) A delegation relates to the delegate's position, not the individual occupying the position. A delegation extends to any person officially acting in that position on a temporary basis, unless otherwise specified in the appointment to act.
- (11) Delegations have been created with the University's organisation structure in mind. Delegations are therefore also held by a delegate's supervisor. If a delegate is unable to carry out the duties associated with their delegation for any reason, including a potential or actual conflict of interest or a temporary incapacity or absence, the delegation may be exercised by the delegate's supervisor. Delegations 1.10.2 and 1.11 to 1.13 operate in exception to this principle.
- (12) Where a power or authority is delegated to exercise functions, then that power or authority extends to the execution of documents (eg contracts, agreements) necessary to give effect to that function (in accordance with the relevant UTS Rules, policies and procedures relating to the execution of documents) unless a specific delegation states otherwise.
- (13) Delegation limits apply to transactions, and a transaction may not be separated into parts, nor may the total cost of a transaction be set off by deductions or trade-ins in order to meet a limit on a delegate's authority. Generally, taxes and duties are to be included in the total cost of the transaction except, where claimable<sup>1</sup>, the goods and services tax (GST), which is not to be included. A delegation is required both to enter into the transaction and to authorise the payments under the transaction. Except in the case of capital works (see Delegation 1.3), a variation in the cost of a transaction must be approved by the delegate who approved the original transaction if the total amount is within their delegation. Should the sum of the variation and the original cost exceed the delegate's authority, the variation must be submitted for approval to another delegate who has the necessary level of authority.

- (14) (a) Delegated functions may not be exercised by a person who is not a UTS employee unless the instrument of delegation or specific Council resolution expressly states that such delegation may be exercised.
- (b) In exercising any delegation the delegate must act in the interests of the University for the purpose delegated and not for any improper purpose.
- (15) (a) A delegate may not exercise a delegation that would provide them with any direct or indirect benefit (refer Code of Conduct). Therefore, delegates may not approve matters including their own appointment, remuneration, payment or reimbursement, promotion, transfer or secondment, travel, absence or termination.
- (b) Where members of the UTS Council or a Council committee are involved in any way other than in their role as a Council or Council committee member, and the delegate (or nominee) is aware of that involvement, the delegate (or nominee) must disclose that involvement to the University Secretary. The University Secretary must notify the Chancellor. In such cases, no delegation may be exercised until the University Secretary has confirmed in writing the approval of the use of the delegated authority.
- (16) It is a requirement that records be kept of all decisions taken under the Delegations.
- (17) Members of the UTS Senior Executive may act on urgent matters in the absence of other members, in accordance with section 2.2, Schedule G2. Council has determined that, in the deemed absence of both the Chancellor and the Deputy Chancellor, the Chancellor's authority with respect to affixing the seal, taking executive action or approving any matter which Council has delegated to the Chancellor shall be exercised by a member of the Council, not being a member of UTS staff, in a specified order subject to their availability: section 2.3, Schedule G2.
- 1. For all taxable supplies except the following: entertainment (unless subject to Fringe Benefits Tax (FBT)); relatives; travel (unless subject to FBT); club and leisure facilities or boats (unless subject to FBT); residential rent (unless the charity exemption applies); non-compulsory uniforms; penalties; and certain non-cash business benefits used for private purposes.

## Schedule G2 – Strategic Delegations

### 1. Financial

Note: At its 18/4 meeting Council approved (COU/18-4/78), in accordance with s 17(2) of the UTS Act, a delegation to the Vice-Chancellor to approve amendments to staff positions (additions, deletions or amendments) with financial delegations being:

- (a) Delegation 1.2, within bands 2–4 for general expenditure; or
- (b) Delegation 1.3, any position with a delegation under capital expenditure; or
- (c) Delegation 1.5, any position with a delegation under facilities management.

#### 1.1 Budgets

Council has reserved to itself the authority to approve the annual UTS budget. Authority to allocate additional unbudgeted revenue, and/or approve unbudgeted expenditure items involving a change to the budgeted surplus/deficit, are delegated within the following limits.

Delegate	Limit of change to budgeted surplus/deficit
Finance Committee of Council	± 20%
Vice-Chancellor	± 10%

Members of the Senior Executive (as defined in section 2.2 of this schedule), deans and directors have the authority to approve the reclassification of items of expenditure in approved budgets within their areas of responsibility.

#### 1.2 General expenditure

Council has approved the following general expenditure delegations. All expenditure is to be within approved budget, within area of responsibility and aligned to the delivery of the UTS Strategic Objectives.

Band	Delegate by position	Limit
Band 1	Vice-Chancellor	\$10,000,000
Band 2	Provost Deputy Vice-Chancellors Chief Operating Officer	\$2,000,000
Band 3	Vice-President, Advancement Pro Vice-Chancellor Assistant Deputy Vice-Chancellor Chief Data Officer Chief Financial Officer Chief Information Officer Chief Marketing and Communications Officer Deans Director, Australia-China Relations Institute Director, Institute for Public Policy and Governance Director, Institute for Sustainable Futures Director, Property Director, Research Office Executive Director, Lifetime Learner Experience Executive Director, People and Culture General Counsel and Executive Director, Risk and Compliance University Librarian University Secretary and Director, Governance Support Unit	\$750,000

Band	Delegate by position	Limit
Band 4	Professional unit directors (not identified above) Director, Centre for Health Economics Research and Evaluation Director, Entrepreneurship Director, Internal Audit Director, Jumbunna Research Director, New Business Chief Information Security Officer Associate deans Deputy deans Faculty managers (or equivalent position) Deputy Chief Information Officer, Strategic Planning and Architecture Deputy Directors or Head of Department (International) Deputy Director, People Deputy University Secretary and Deputy Director, Governance Support Unit Head of Enterprise Architecture and IT Governance Head of IT, Digital Working Head of IT Learning and Teaching Head of IT, New Business, Enterprise and Community Head of IT Operations Head of IT, Research Head, IT Change and Communications (ITU) Heads of school or equivalent (as titled for each faculty, school, or centre) Faculty Technical Resources Manager General Manager (Technical Services) (Faculty of Science) Manager, Audio Visual Services (Information Technology Division)	\$250,000
Band 5	To ensure administrative efficiency of UTS operations: A delegate in bands 1 to 4, under Delegation 1.2, may authorise any employee under that delegate's supervision to expend funds for and on behalf of, and in the name of, that delegate, which do not exceed these thresholds. Any authorisation may only be granted and exercised in accordance with guidelines (PDF, staff only) issued from time to time by the Chief Financial Officer, who must also maintain a register of authorisations. The Delegations Principles (refer Schedule G1) applying to the exercise of Council delegations apply equally to holders of authorisations to expend funds under bands 5 to 8.	\$50,000
Band 6		\$20,000
Band 7		\$10,000
Band 8		\$5000

## 2. Human resources and miscellaneous

### 2.1 Human resources

- (1) The exercise of human resource related delegations must be within the following parameters. Recruitment, appointment, remuneration and leave are subject to the relevant UTS enterprise agreement and human resources instruments. Approvals must be within budget and aligned to staff profiles in the agreed budgets.
- (2) The following interpretations apply to human resource related delegations:
  - (a) Recruitment action is also known in the recruitment system as filling a vacancy.
  - (b) Appointment following recruitment is also known in the recruitment system as extending a contract offer.
  - (c) Setting remuneration is also known in the recruitment system as approving the salary package.
  - (d) Appointment by nomination/invitation is also known in the recruitment system as appointment without a competitive recruitment and selection process.



## 2.2 Approved Senior Executive alternates

Members of the UTS Senior Executive act for other members in their absence on urgent matters, as indicated below.

Executive member	Delegations	First alternate	Second alternate
Vice-Chancellor	3.1.1 (Council's powers in urgent and unforeseen circumstances)	Provost	not applicable
Provost	1.2, 1.7 (expenditure and revenue) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave)	Deputy Vice-Chancellor (Education and Students)	Deputy Vice-Chancellor (Research)
Chief Operating Officer	1.2, 1.7 (expenditure and revenue) 1.3 (capital works) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave)	Provost	Deputy Vice-Chancellor (Education and Students)
Deputy Vice-Chancellor (Education and Services)	1.2, 1.7 (expenditure and revenue) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave) 4.12 (student misconduct)	Deputy Vice-Chancellor (Research)	Deputy Vice-Chancellor (International)
Deputy Vice-Chancellor (International)	1.2, 1.7 (expenditure and revenue) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave)	Deputy Vice-Chancellor (Education and Students)	Deputy Vice-Chancellor (Research)
Deputy Vice-Chancellor (Enterprise)	1.2, 1.7 (expenditure and revenue) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave)	Deputy Vice-Chancellor (Research)	Provost
Deputy Vice-Chancellor (Research)	1.2, 1.7 (expenditure and revenue) 2.1, 2.5 (staff recruitment and appointment and relieving appointments) 1.1, 2.6 (travel and leave) 5.1, 5.2 (research grants)	Deputy Vice-Chancellor (International)	Deputy Vice-Chancellor (Education and Students)

## 2.3 Approved Council alternates

The following procedures apply in the absence of the Chancellor and Deputy Chancellor.

- (1) The Chancellor will be deemed absent or unable to act in either of the following circumstances:
  - (a) when the Chancellor has so notified the Vice-Chancellor or University Secretary
  - (b) when the Vice-Chancellor so determines following reasonable inquiries.
- (2) The Deputy Chancellor will be deemed absent or unable to act in either of the following circumstances:
  - (a) when the Deputy Chancellor has so notified the Vice-Chancellor or University Secretary
  - (b) when the Vice-Chancellor so determines following reasonable inquiries.
- (3) In the deemed absence of both the Chancellor and the Deputy Chancellor the Chancellor's authority with respect to affixing the seal, taking executive action or approving any matter that Council has delegated to the Chancellor shall be exercised by a member of Council, not being a member of UTS staff, in the following order subject to their availability:
  - Chair, Finance Committee
  - Chair, Audit and Risk Committee
  - Chair, Physical Infrastructure Committee
  - Chair, Commercial Activities Committee
  - Chair, Social Justice Committee
  - Chair, Student/Council Liaison Group

# Responsibilities of Responsible Academic Officers

Responsible academic officers (RAOs) are senior academic staff with delegated responsibility to make various student-related academic decisions.

The responsibilities of RAOs are listed below.

## Course and subject requirements

RAOs are responsible for:

1. assessing a student's preparedness to participate in internships, in consultation with the appropriate external supervisor, approving a mandatory deferral or reschedule of student participation in an internship (including a practicum) in cases where a student is not suitable to participate (Rule 3.4.5(1), Delegation 4.8) and advising the student and the dean in writing of the decision within three working days of making it (Rule 3.4.5(2))
2. referring an appropriate recommendation to the Deputy Vice-Chancellor (Education and Students), with agreement from the dean, where deferral of professional experience prevents a student from continuing in the course (Rule 3.4.6, Delegation 4.8)
3. entering into agreements with suitable partners for the provision of internship placements to UTS students (Delegation 4.8)
4. providing recommendations to the dean about a student who has not satisfied the necessary professional requirements within the prescribed time limits (Rule 3.5.2)
5. providing transitional arrangements for a student in cases where a student is required to undertake a revised version of a course (Rule 3.6.4)
6. providing advice on alternative arrangements when a student enrolled in a course that has been approved for discontinuation does not complete the course within the approved phasing out period (Rule 3.6.5)
7. receiving subject outlines from subject coordinators for approval in accordance with faculty procedures and ensuring that, before the first teaching week in a subject, enrolled students have access to a subject outline consistent with the UTS: Handbook (Rule 3.7.3)
8. determining requests from subject coordinators to change assessment requirements for a subject after the first week of the teaching period. Note: Such requests should be made only in the most exceptional circumstances. Any changes could constitute grounds for an appeal by students who may claim to have been disadvantaged by the changes (Rule 3.7.4, Coursework Assessments Procedure 4.10)
9. determining cases where students, who do not satisfy the prescribed attendance and/or participation requirements for a subject, may be refused permission to be considered for assessment, attempt an assessment task, sit for examination in a subject or receive a final result of 'Fail' for the student's enrolment in that subject (Rule 3.8.2, Delegation 4.7.4)
10. approving, in consultation with the relevant subject coordinator, alternative arrangements for a student who is prevented from meeting the prescribed attendance requirements as a result of illness or other circumstances beyond the student's control (Rule 3.8.4)
11. resolving instances where a student objects to the retention of an item of work by the university (Rule 3.9.4).

## Admissions

RAOs are responsible for:

12. approving, in exceptional circumstances, variations to the minimum language requirements for students from a language background other than English, including applicants to special programs and research students (Delegation 4.4.4, Admissions and Recognition of Prior Learning Policy)
13. making offers of special admission (Delegation 4.4.10)
14. approving, in exceptional circumstances, applications for deferral of commencement from an undergraduate course (except honours and non-award courses) for a period greater than 12 months (Rule 5.5.5, Delegation 4.4.20)
15. making recommendations on appeals referred by the Director, Student Administration Unit (SAU) against withdrawal of an offer of admission and cancellation of admission and/or enrolment (Rule 5.6.5, Delegation 4.4.23)
16. approving the readmission of an applicant who has been excluded for failure to maintain the required academic progress on more than two occasions (Rule 5.9, Delegation 4.4.17)
17. determining the maximum time for course completion for a former student readmitted to a course (Rule 5.9, Delegation 4.4.15)
18. approving applications for admission or transfer to one-year full-time or equivalent Bachelor Honours programs (Delegation 4.4.19, Admissions and Recognition of Prior Learning Policy)
19. advising the Director, SAU (or nominee) whether or not an applicant for admission who is a minor (that is under the age of 18) meets the requirements of the admissions standards and complies with any age restrictions relating to practicums or industry experience (Admissions and Recognition of Prior Learning Policy)
20. approving the availability of class places for non-award study, cross institutional, study abroad and exchange students (Admissions and Recognition Prior Learning Policy).

## Recognition of prior learning

RAOs are responsible for:

21. approving recognition of prior learning (RPL), and subject substitution, within the requirements of the Recognition of Prior Learning Procedure, relevant faculty board requirements, and formal RPL arrangements (Rule 6.2.2)
22. maintaining a register of designated staff who may determine RPL applications within specific requirements set by the faculty board, including formal RPL arrangements and precedents (Delegation 4.5.3)
23. approving RPL beyond the limits set by the Admissions and Recognition of Prior Learning Policy, but within any requirements set by the relevant faculty board, in cases where the RPL applicant was previously a UTS student and is enrolling in a new version of that course or its equivalent (Rule 6.4.4)
24. determining requests for review of decisions made in relation to applications for RPL (Rule 6.3.2, Recognition of Prior Learning Procedure)
25. determining, where credit towards a course has been approved in recognition of a student's previous learning, the requirements necessary for the student to complete the course and the maximum time permitted to complete the course (Rule 6.4.1)
26. approving, in exceptional circumstances, applications from students to rescind previously approved credit recognition (Rule 6.3.2).

## Enrolment

RAOs are responsible for:

27. determining applications for variation to enrolment for UTS students enrolled concurrently at another tertiary education institution, according to the requirements of both UTS and the other tertiary educational institution (Rule 7.2)
28. approving enrolment in a subject after the last date for addition of a subject, permitted only in exceptional circumstances (Rule 7.5.3)
29. recommending to the Director, SAU the withdrawal of a student, who has been placed on academic caution and has enrolled in more than their credit point limit, from one or more subjects in accordance with Rule 10.7 (Rule 7.5.6)
30. approving, in exceptional circumstances, leave of absence for a student enrolled in their first teaching period in a course (Rule 7.6.5).

## Assessment

RAOs are responsible for:

31. nominating subject coordinators and assessors for each subject offered within their faculty. Nominations are submitted to the faculty board for approval (Schedule 1, Student Rules; Coursework Assessments Policy 4.4)
32. appointing Academic Liaison Officers (ALOs) for a two-year term (Schedule 1, Student Rules; Delegation 4.3.11)
33. approving the delegation of marking to any other member of staff (Coursework Assessments Policy 4.8)
34. resolving significant differences of opinion between subject coordinators and assessors about the form and content of examination papers (Coursework Assessments Procedure 4.17)
35. resolving significant differences of opinion between original markers and second markers of assessment items (usually subject coordinators and assessors) in cases where assessment items have been submitted for re-marking (Coursework Assessments Procedure 4.54)
36. resolving significant differences of opinion between the accessibility consultants, subject coordinators and ALOs about learning and assessment arrangements. Where agreement cannot be reached the RAO makes the final decision (Coursework Assessments Policy 4.6)
37. appointing a nominee for any subject coordinator who is not available to answer questions from supervisors or students during centrally conducted examinations (Coursework Assessments Procedure 4.19)
38. determining guidelines for the extension of the due date for submission of requests for special consideration (Rule 8.3.1(5) and 8.3.3(5)(b))
39. considering late requests for special consideration for disruption to assessment during the teaching period (Rule 8.3.1(6))
40. considering requests for special consideration submitted during a teaching period in cases where a subject coordinator is unavailable (Coursework Assessments Procedure 4.25)
41. considering requests for special consideration for absence from an entire examination (Rule 8.3.3(5)(c), Coursework Assessments Procedure 4.28)
42. approving, with SAU, alternative arrangements during centrally conducted examinations (Coursework Assessments Procedure 4.19)
43. approving Withheld (W) results (Delegation 4.7.5, Coursework Assessments Policy Appendix 1)
44. requesting extensions of time from the Director, SAU for W results not resolved within the prescribed period (Coursework Assessments Procedure 4.31)

45. consulting with relevant program directors, course coordinators and/or subject coordinators prior to ratifying results (Coursework Assessments Procedure Appendix 1)
46. consulting with subject coordinators on the provision of supplementary assessment in instances where the subject outline does not include information about supplementary assessment (Coursework Assessments Policy Appendix 1, Coursework Assessments Procedure 4.47)
47. determining requests from students dissatisfied with the outcome from a resubmission or re-mark (Coursework Assessments Procedure 4.51 to 4.54)
48. determining, with the relevant subject coordinator, and advising students of the conditions under which resubmission or re-marking may take place and the possible outcomes (Coursework Assessments Procedure 4.51 to 4.54)
49. considering appeals following a request for a review of a result (Rule 8.6.2, Coursework Assessments Procedure 4.56)
50. making determinations and responding to students and subject coordinators following a request for a review of result (Rule 8.6.2(2), Coursework Assessments Procedure 4.56)
51. determining guidelines for use by subject coordinators for faculty-based examinations relating to students' exam scheduling difficulties, examination timetable clashes, special examinations, and special conditions in examinations (Rules 9.1.5(1), 9.2.3, 9.5.1 and 9.5.4)
52. considering reports from subject coordinators about students' misconduct involving plagiarism and determining penalties for plagiarism and whether a matter should be referred to the Director, Governance Support Unit (GSU) for further action under the student misconduct rules (Rules 16.10, 16.11; Schedule 5 Guidelines for Handling Student Misconduct Involving Plagiarism, Student Rules)
53. referring reports on misconduct during faculty-based examinations to the Director, GSU who shall deal with any allegation of misconduct in accordance with Rule 16.12 (Rule 9.6.3(5))
54. determining, with the relevant subject coordinator, the further action, if any, to be taken regarding disorderly conduct during faculty-based examinations (Rules 9.6.5(2) and 9.6.5(3)).

## Academic progression

RAOs are responsible for:

55. waiving progress requirements for a particular student (Rules 10.3.2, 10.7.7; Delegation 4.6.1)
56. determining, where credit recognition has been granted, whether the maximum time in which the student is required to complete the course requirements may be reduced (Rule 10.5.5)
57. consulting a student who is approaching the maximum time to complete a course for approval of a study plan to enable completion of the course within an agreed specified time period (Rule 10.5.6)
58. approving, in exceptional circumstances, an extension of the maximum time to complete course requirements for a particular student after satisfactorily establishing the academic currency of the subjects completed by the student during the initial periods of enrolment in the course which will, if the extension is granted, be outside the normal maximum period (Rule 10.5.8)
59. determining requests from students to re-enrol in a subject that they have failed for a third time (Rule 10.6.3)
60. placing a student on academic caution (Rule 10.7, Delegation 4.6)
61. determining whether the maximum number of credit points in which a student may enrol may be reduced to 18 credit points during a first period of academic caution (Rule 10.7.4(3))
62. determining appeals against exclusion of coursework students (Rule 10.8, Delegation 4.6.3)
63. notifying students, in cases where an appeal has been upheld, of the period of time allowed for completion of the course where the exclusion resulted from failure to complete within the approved maximum time period (Rule 10.9.1(3))
64. offering guidance in cases where an appeal is dismissed on things that the student may wish to undertake in order to enhance opportunities for readmission after the period of exclusion has elapsed (Rule 10.9.2(2)).

## Graduate research

RAOs are responsible for:

65. providing advice to the Dean, Graduate Research School (GRS) to approve or reject a student's application for transfer (Graduate Research Candidature Management, Thesis Preparation and Submission Procedures 8.4, available at Policies, guidelines and forms: Research degree candidature)
66. making recommendations to the Dean, GRS on student applications for recognition of prior study and research including the extent of any such recognition (Rule 11.6.2)
67. making recommendations to the Dean, GRS on student applications for an extension of candidature (Rule 11.8.1)
68. considering requests for a leave of absence (Graduate Research Candidature Management, Thesis Preparation and Submission Procedures 8.2, available at Policies, guidelines and forms: Research degree candidature) and, in exceptional circumstances, making a recommendation to the Dean, GRS with respect to a request for a leave of absence (Rule 11.9.4)

69. making recommendations to the Dean, GRS concerning the composition of a supervisory panel and changes to the composition of a supervisory panel (Rule 11.11)
70. approving a thesis topic and changes to a thesis topic (Rule 11.12)
71. considering students' review of progress submitted by principal supervisors and students each year, taking any necessary action within the faculty and, when appropriate, making recommendations to the Dean, GRS on overall progress in accordance with the guidelines approved by the Higher Degree Research Board from time to time (Graduate Research Candidature Management, Thesis Preparation and Submission Procedures 6, available at Policies, guidelines and forms: Research degree candidature)
72. providing advice on applications for review of an unsatisfactory progress report, when requested by the Dean, GRS (Rule 11.14.2(2))
73. reporting the outcome of all candidature stage assessments to the student and GRS, and considering a candidature reassessment when a student does not satisfy the requirements of a candidature stage assessment (Rules 11.15.4 and 11.15.6)
74. considering applications for review of an unsatisfactory candidature stage assessment (Rule 11.16)
75. considering work completed as part of a joint thesis (Rule 11.17.2)
76. providing advice to the Dean, GRS on the timing of an oral presentation as part of the thesis examination process (Rule 11.18.2)
77. certifying that a thesis is ready for examination and considering restricted access upon application (Rule 11.19)
78. providing advice to the Thesis Examination Committee on the proposed procedures and arrangements in cases where a variation of thesis examination procedures and arrangements is required (Rule 11.20.2)
79. recommending appointment of examiners to the Dean, GRS (Graduate Research Candidature Management, Thesis Preparation and Submission Procedures 12.3, available at Policies, guidelines and forms: Research degree candidature)
80. receiving examiners' reports and making recommendations to the Dean, GRS or the Thesis Examination Committee (Rule 11.20.4)
81. considering, after examination of a thesis, any revisions to the thesis that do not require resubmission for re-examination, within six months of the date of notification, and reporting satisfactory completion of the revisions to the Dean, GRS (Rule 11.20.5)
82. providing a recommendation on an appeal against the discontinuation of candidature to the Dean, GRS, who will refer the recommendation to the Graduate Research Students' Appeal Committee (Graduate Research Students' Appeals Committee Procedures 6.3 (PDF))
83. advising the Dean, GRS, in cases where an appeal against discontinuation due to unsatisfactory progress is upheld, the period of candidature remaining and any other requirements for the student to complete the course (Rule 11.25.1).

## Student misconduct and appeals

RAOs are responsible for:

84. determining cases involving alleged plagiarism and imposing penalties as appropriate (Rules 16.3.1(9), 16.6.2(1), 16.10 and 16.11; Schedule 5 Guidelines for Handling Student Misconduct Involving Plagiarism, Student Rules; Delegation 4.12.4; Coursework Assessments Policy 4.26 and 4.27)
85. referring allegations of student misconduct, other than plagiarism, and allegations involving both plagiarism and other misconduct to the Director, GSU to be handled in accordance with the student misconduct rules (Rules 16.6.2(2) and (3), 16.10, 16.12)
86. sending a notice to the student outlining the basis of exclusion from facilities and/or participation in activities within three working days of receiving the notification from the officer of the university who excluded the student (Rule 16.9.6).

# Standing orders

## Standing Orders for UTS Council

### Chair

1. The Chancellor shall preside at any meeting of the Council at which he/she is present unless he/she elects not to do so.
2. Where at a meeting of the Council the Chancellor:
  - (a) is absent
  - (b) elects not to preside
  - (c) is unable to preside,or the office of the Chancellor is vacant, the Deputy Chancellor shall preside.
3. In the absence of both the Chancellor and the Deputy Chancellor from a meeting of the Council the members present shall elect one of their number to preside at that meeting.

### Notice of meetings

4. The Council shall meet in ordinary session not less than six times in each year and at such other times as the Council shall decide.
5. Not less than seven days' notice of an ordinary meeting of the Council shall be given by the University Secretary, in writing to members of the Council setting out the time and place of the meeting and the agenda.
- 5A. Order 5 may be suspended by the Chancellor, Vice-Chancellor and University Secretary, as the Executive of Council, under the terms of Rule G1-6 Notice of meeting of Council of the UTS General Rules, by directing the University Secretary to take action with respect to any of the following:
  - (a) advise members of a Council meeting with shorter notice than prescribed by Order 5
  - (b) advise only Council members and other required attendees of the meeting place
  - (c) advise Council members that a meeting will be held in closed session.
6. A special meeting may be convened by the University Secretary on the request of the Chancellor, the Deputy Chancellor or the Vice-Chancellor or upon the written request of any five members of the Council within 30 days of receipt of the request.
- 6A. Order 6 may be suspended by the Chancellor, Vice-Chancellor and University Secretary, as the Executive of Council, under the terms of Rule G1-6 Notice of meeting of Council of the UTS General Rules, by directing the University Secretary to take action with respect to any of the following:
  - (a) advise members of a Council meeting with shorter notice than prescribed by Order 6
  - (b) advise only Council members and other required attendees of the meeting place
  - (c) advise Council members that a meeting will be held in closed session.
7. Not less than seven days' notice of a special meeting of the Council shall be given in writing by the University Secretary to members of the Council specifying any matters requested under Order 6, for discussion at the special meeting.
8. Proceedings of the Council shall be valid notwithstanding non-receipt of a notice of meeting by a member.

### Quorum

9. The quorum at any meeting of the Council shall consist of a majority of the total number of members for the time being of the Council.
10. If no quorum is present within 30 minutes of the time appointed for the meeting to commence, all business which should have been transacted at that meeting shall stand over until the next ordinary meeting of the Council, in which case, the business which was to have been dealt with at the meeting lacking a quorum shall take precedence over the business of the ordinary meeting, unless a special meeting is called in the meantime for the transaction of that business.
11. Once a meeting of the Council has commenced with a quorum, there shall be deemed to be a quorum thereafter, unless the lack of a quorum is drawn to the Chair's attention by a member of the Council. On the Chair's attention being drawn to the lack of a quorum he/she shall adjourn the meeting for five minutes. If at the expiration of five minutes there still is no quorum the Chair shall adjourn the meeting to another time or place.

### Minutes

12. The University Secretary shall keep a record of each meeting which shall be stored in an official University file and at each meeting the minutes of the preceding meeting shall:
  - (a) be read unless copies thereof have been previously circulated to members
  - (b) be confirmed or confirmed as amended, and
  - (c) be signed by the Chair as confirmed with or without amendment.

### **Conduct of meetings**

13. The order of business at any meeting of the Council shall follow that set out in the agenda unless the Council otherwise determines.
14. Meetings shall, subject to the presence of a quorum, start at the time set out in the notice of meeting, and shall, subject to the discretion of the Chair, continue until all business on the agenda has been concluded.
15. No member of the Council shall initiate any matter for debate or move any motion in respect of such matter, other than a matter on the agenda, unless the Council otherwise determines.
16. At meetings of the Council voting shall be by show of hands, and:
  - (a) any question shall be decided by a majority of the members present, and
  - (b) the Chair shall have a deliberative vote, and, in the event of any equality of votes, a casting vote.
17. A motion or amendment before the Chair shall not be withdrawn except by the mover thereof and by leave of the seconder and of the Council, provided that no motion shall be withdrawn while any amendment is under discussion or after any amendment has been adopted.
18. A motion or amendment before the Chair may be reworded by the mover subject to leave of the Council.
19. No member of the Council shall speak more than once to any question, save that the mover of the motion (but not of an amendment) shall have the right of reply, which reply shall close the debate. For the purposes of this Order an amendment shall constitute a separate question from the original motion and from any other amendment.
20. When an amendment is before the Chair, discussion shall be confined to that amendment, and no further amendment shall be proposed until the amendment before the Chair has been disposed of.
21. Any member of the Council may raise a point of order which shall take precedence over all other business, and which shall be open to discussion. The point must be raised at the time the alleged irregularity occurred.
22. Any member of the Council disagreeing with the Chair's ruling on a point of order may move dissent. Such motion shall be put forthwith without debate.
23. Any member of the Council who has not already participated in the debate on any matter may, at any time, whether another speaker has the floor or not, move 'That the question be now put', which motion, if accepted by the Chair, shall be put without amendment or debate. The Chair shall have an absolute discretion to accept or refuse the motion. If the motion is put during debate on an amendment, the motion shall close debate on the amendment only.

### **Closed session**

24. The Council may, if it so wishes and provided that a quorum is present, go 'into closed session', whereupon all non-members who are present shall, with the exception of such non-members as the Council may determine, be required to leave the room and shall not be readmitted until the Chair declares that open session has been resumed.

### **Adjournment**

25. The Chair may, with the consent of the Council, and shall, if so directed by the Council, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for 10 days or more, notice of the adjourned meeting shall be given as for an ordinary meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

### **Attendance at Council meetings**

26. Persons present at Council meetings are categorised as follows:
  - (a) Council members
  - (b) Council officers (the University Secretary and the Executive Officer to Council)
  - (c) official attendees (the Provost; Deputy Vice-Chancellors; and other persons invited by the Chancellor)
  - (d) observers (members of the University community; other persons who attend by leave of the Chancellor or by Council resolution).
27. Official attendees are present at Council meetings to advise Council in its deliberations. They have no speaking rights but may be invited to speak by the Chancellor. By custom and practice, the Provost and the Deputy Vice-Chancellor (Resources) are invited to sit at the Council table.
28. Observers may attend meetings of Council, subject to the following conditions:
  - (a) they shall notify the University Secretary by 4.00pm on the day before the meeting they wish to attend
  - (b) the number of observers able to attend a meeting shall be determined by considerations of space and comfort, it being noted that the Council Room can accommodate a limited number of people; official attendees will be given priority over observers
  - (c) if requested, the University Secretary shall provide observers with a copy of papers relating to agenda items other than those which have been or are likely to be declared confidential
  - (d) observers shall not normally participate in the discussions. They may only do so when invited by the Chair
  - (e) the University Secretary shall have power to waive (a), determine (b) and interpret (c) above.

29. Council may, by resolution, decline permission for an official attendee or an observer to be present for all or any part of a meeting.

#### **Tabled papers**

30. Tabled papers shall not be distributed to anyone, including members, official attendees or observers prior to a meeting.

#### **General**

31. Standing Orders 1–30 or any of them may be suspended by a majority of those present at a meeting of the Council. A motion to that effect shall be open to debate.
32. Notwithstanding anything hereinbefore contained, any decision made by a validly constituted meeting shall not be void by reason only of a departure from these Standing Orders which was not detected until after the decision was made.
33. Any matter not dealt with in these Standing Orders shall be governed by the customary procedure at meetings.

#### **Committees of the Council**

34. Subject to the Act and the By-law the Council may:
- (a) appoint such committees or boards consisting of such persons whether members of Council or not, as it thinks fit, and
  - (b) confer or impose upon a committee or board appointed under subclause (a) such powers and duties as it may from time to time determine.
35. The University Secretary shall be secretary to the committees and boards of the Council.
36. Not less than seven days' notice personally or in writing of an ordinary meeting of a Council committee or board shall be given by the University Secretary to members of the committee or board, setting out the time and place of the meeting and the agenda.
37. Not less than three days' notice personally or in writing of a special meeting of a Council committee or board shall be given by the University Secretary to members of the committee or board, setting out the time and place of the meeting and the agenda.
38. A meeting of a Council committee or board may be held at any time if all members of the committee or board so agree.
39. The quorum at any meeting of a Council committee or board, shall, unless another number is fixed for a particular committee or board, be one-half of the members of the committee or board for the time being but, if one-half is not a whole number, shall be the next higher whole number.
40. Flying Minutes:
- (a) the Chair of a Council committee shall have discretion to issue a Flying Minute
  - (b) a Council committee may pass a resolution without a meeting being held if a majority of the total number of members (for the time being) of a Council committee provides an affirmative vote regarding the resolution in writing or electronically
  - (c) the resolution is deemed to be passed (and therefore effective from), when the last member of the majority provides an affirmative vote
  - (d) passage of a resolution under this section must be recorded in the minutes.
41. These Standing Orders shall be applicable as appropriate to the conduct of meetings of the committees and boards of the Council.



# Standing Orders for Academic Board

## Purpose and scope

1. The Academic Board will conduct its meetings and other business in accordance with these standing orders, subject to the UTS By-law, General Rules and Council delegations.
2. Any matter not dealt with in these standing orders shall be governed by customary procedures at meetings. Customary procedures refers to the process by which the Board's business is conducted through a Chair and proceeds on the basis of resolution. In the conduct of meetings of Academic Board and its committees, all reasonable discretion is allowed to the Chair.
3. These standing orders apply to Academic Board and its committees (see standing order 4). Faculty boards and boards of studies are governed by the Standing Orders for Faculty Boards.
4. Standing orders 1–3, 7, 8, 10, 12–20, 22(a), 23–38, 41–43, 45(d), 46(b) and 48–49 also apply to Academic Board committees. When applying these standing orders to Academic Board committees, all references to Academic Board shall be read as Academic Board committees.

## Meetings of Academic Board

5. The Academic Board shall normally meet in ordinary session at least six times in each year and at such other times as the Academic Board determines.
6. In addition to ordinary meetings of Academic Board, a special meeting may be convened by the Secretary (or nominee) on the request of the Chair, or the Deputy Chair or the Vice-Chancellor, or upon the written request of any five members of Academic Board. A special meeting shall be scheduled within 14 days of receipt of the request.
7.
  - (i) A special meeting of an Academic Board committee may be held
    - (a) on the request of the Chair, or
    - (b) by the University Secretary on the written request of any five members of the committee.
  - (ii) A special meeting shall be scheduled, as far as practical, within 14 days of receipt of the request described in 7(i)(a) and (b).

## Chair, Deputy Chair and Secretary

8. The Chair shall preside at any Academic Board meeting except in the circumstances described in standing orders 9–11.
9. At the first meeting of Academic Board following the beginning of a new two-year term, the Vice-Chancellor will open the meeting and invite the recently elected Chair to preside over the meeting from that point.
10. Where at a meeting of the Academic Board the Chair
  - (a) is absent
  - (b) elects not to preside
  - (c) is unable to preside,or the office of the Chair is vacant, the Deputy Chair shall preside unless unwilling to do so.
11. In the absence of the Chair and Deputy Chair from an Academic Board meeting, or, in circumstances described in standing order 10, if the Deputy Chair has elected not to preside at the meeting:
  - (a) the Vice-Chancellor, if the Vice-Chancellor is present and wishes to preside, is to preside at the meeting; or
  - (b) if the Vice-Chancellor is not present, or being present, does not wish to preside, the Board is to elect one of its members to preside at the meeting.
12. In the absence of the Chair and Deputy Chair from a meeting of an Academic Board committee, or, in circumstances described in standing order 10, if the Deputy Chair has elected not to preside at the Academic Board committee meeting, the committee is to elect one of its members to preside at the meeting.
13. The University Secretary shall be Secretary to the Academic Board.

## Notice of meetings

14. At least seven days' written notice of a meeting of the Academic Board shall be given by the Secretary (or nominee) to members of the Academic Board setting out the time and place of the meeting and the agenda (including specifying any matters requested under standing order 6 for discussion at a special meeting).
15. At least two business days' (minimum 48 hours) notice of a special meeting shall be given by the Secretary in writing to the committee members setting out the time and place of the meeting and purpose for which the meeting is to be convened.
16. Proceedings of the Academic Board shall be valid notwithstanding non-receipt of a notice of meeting by a member.

## Agenda and tabled papers

17. The order of business at any meeting of the Academic Board shall follow that set out in the agenda unless the Academic Board otherwise determines.
18. No member of the Academic Board shall initiate any matter for debate or move any motion in respect of a matter, other than a matter on the agenda, unless the Academic Board otherwise determines.
  - (a) To ensure that Board members have adequate time to consider matters for resolution, papers should not be tabled at a meeting. However, if, after consulting with the Secretary, the Chair believes the Board may wish to determine whether it will receive a tabled paper, an opportunity to do so will be provided at an agenda item, Receipt of Tabled Papers. Tabled papers received by the Board will be considered for starring in the sequence they are received.

## Quorum

19. The quorum at any meeting of Academic Board shall be one-half of the current members of Academic Board. If one-half is not a whole number, the next higher whole number shall be used.

Vacant positions on Academic Board do not count toward the calculation of the number required for a quorum.
20. Once a meeting of the Academic Board has commenced with a quorum, a quorum shall be deemed to exist thereafter, unless the lack of a quorum is drawn to the Chair's attention. On the Chair's attention being drawn to the lack of a quorum, the Chair shall adjourn the meeting for ten minutes. If at the expiration of ten minutes there still is no quorum, the Chair may adjourn the meeting and/or deal with remaining business as noted in standing order 21.
21. If no quorum is present, the session can proceed at the Chair's request and with endorsement of members of Academic Board who are present.

Items of business can be discussed (but no formal decisions can be made) and the inquorate session is recorded as notes.

Items of business discussed at an inquorate session may be sent to Academic Board members out of session for approval.

In the instance where sufficient members join (part way through an inquorate session) such that a quorum is achieved, the now quorate members may choose to resolve to approve and accept all the items discussed during the inquorate session. Such items would then be considered resolutions of the now formal meeting.

Where an inquorate session does not proceed as outlined above, the Chair will determine how business will be dealt with, which may include:

  - (a) through out of session business (refer to standing order 46)
  - (b) at the next meeting of the Board, or
  - (c) for no further consideration.

## Declaration of conflict of interest and starring of items

22. Before the commencement of the general business of the Board's agenda, the Chair shall invite Board members to:
  - (a) declare any conflict of interest in relation to any listed matters
  - (b) recommend items to be starred.

Any member may declare a conflict of interest or star an agenda item.

Starring of items is a meeting procedure adopted by the University to ensure that the whole agenda is covered, where possible, at the one meeting.

Items considered to require further discussion are accorded an appropriate amount of time within the constraints of a reasonable meeting duration, which is usually up to two hours.

Items which are not starred shall be adopted immediately after resolving, which, if any, items should be starred for further discussion.

## Minutes

23. The Secretary (or nominee) shall keep a record of each meeting, which shall be stored in an appropriate manner consistent with the Records Management Policy, and at each meeting the minutes of the preceding meeting shall:
  - (a) be read unless copies thereof have been previously circulated to members
  - (b) be confirmed or confirmed as amended, and
  - (c) subsequently be signed by the Chair as confirmed with or without amendment.

## Conduct of meetings

24. The meetings of the Board may be conducted in person or virtually (audio/video conferencing). Accordingly, participation of members in a meeting of the Board shall be in person or electronically.
25. No member of Academic Board may be represented by a nominee unless specifically stated in the approved composition.
26. No nominees to Academic Board may further delegate a nominee to the position they hold.
27. Meetings shall, subject to the presence of a quorum, start at the time set out in the notice of meeting, and shall, subject to the discretion of the Chair, continue until all business on the agenda has been concluded, except that the agreement of the Academic Board shall normally be necessary for the duration of the meeting to exceed two hours.
28. Any member who desires to speak at a Board meeting shall only address the meeting when called upon by the Chair:
  - (a) if two or more members indicate their desire to speak simultaneously, the Chair shall call upon the member who first caught the Chair's attention, subject to precedence being given to the Vice-Chancellor or any person acting in that position;
  - (b) if the Chair rises or speaks during a debate, any member speaking shall cease to do so and the Chair shall be heard without interruption.

## Motion or amendment

29. A motion or amendment before the Chair can only be withdrawn by the mover, with leave of the seconder and the Academic Board, provided that no motion shall be withdrawn while an amendment is being discussed or after any amendment has been adopted.
30. Subject to standing order 29, when an amendment is before the Chair, discussion shall be confined to that amendment, and no further amendment shall be proposed until the amendment before the Chair has been disposed of.
31. A motion or amendment before the Chair may be reworded by the mover with leave of the Academic Board.
32. Members of the Academic Board shall only speak once to any question, except that the mover of a motion or amendment shall have the right of reply, which reply shall close the debate. For the purposes of this Order, an amendment shall constitute a separate question from the original motion and from any other amendment.
  - (a) A member moving a motion or amendment without speaking to it may reserve his right to speak to it subsequently.

## Suspension or conclusion of debate

33. At any time during the meeting, a member of the Academic Board who has not already participated in the debate on a matter may, whether another speaker has the floor or not, move 'That the question be now put', which motion, if accepted by the Chair, shall be put without amendment or debate. The Chair shall have absolute discretion to accept or refuse the motion. If the motion is put during debate on an amendment, the motion shall close debate on the amendment only.
  - (a) A motion is 'disposed of' when it has been voted on, has lapsed due to absence of a mover or has been withdrawn.
  - (b) Once a motion is disposed of, a member shall not speak to or reflect on the motion or the vote of a meeting pertaining to the motion, except in the case of a motion for the rescission of a resolution previously adopted by the Board (of which, due notice must be given in the form of inclusion on a meeting's agenda)..

## Point of order

34. Any member of Academic Board may raise a point of order, which shall take precedence over all other business and be open to discussion. The point must be raised at the time the alleged irregularity occurred.
  - (a) The Chair will make a ruling on a point of order.
35. Any member of the Academic Board disagreeing with the Chair's ruling on a point of order may move dissent. Such motion shall be put to vote forthwith without debate. Upon such a motion, the Deputy Chair shall take the Chair until the motion is disposed of.
36. Any decision made by a validly constituted meeting shall not be void by reason only of a departure from these standing orders which was not detected until after the decision was made.

## Method of voting

37. At meetings of the Academic Board, voting shall be by show of hands, and
  - (a) any question shall be decided by a majority of the members present, and
  - (b) the Chair shall have a deliberative vote and, in the event of equality of votes, a casting vote.

## Academic Board elections

38. Elections for Academic Board shall be held in accordance with Rule G3, Part 3 of the UTS General Rules.

## Open meetings

39. Meetings of the Academic Board shall be open to UTS staff, students and graduates, who may attend meetings of the Board as observers and shall be admitted subject to the availability of space. The Executive Officer to Academic Board should be informed by such person who intends to attend the meeting.

Observers shall not be accorded speaking or voting rights. The Chair may however grant observers leave to speak at a meeting on a matter or item of discussion..

## Attendance at Academic Board meetings

40. UTS officers identified from time to time by the Executive Committee of Academic Board, in consultation with the senior management as appropriate, will be alerted to the online availability of Academic Board papers, and have a standing invitation to attend meetings and participate in discussion, subject to permission by the Chair, as appropriate to their expertise and area of responsibility.

## Closed session

41. The Academic Board may, if it so wishes and provided that a quorum is present, go 'into closed session', whereupon all non-members who are present shall, with the exception of those non-members as the Academic Board may determine, be required to leave the meeting and shall not be readmitted to the meeting until the Chair declares that open session has resumed.

- (a) The minutes of the meeting shall record the motions for the commencement and cessation of discussions in a closed session. Minutes of discussions in a closed session will be considered confidential and kept separately.

## Adjournment

42. The Chair may, with the consent of the Academic Board or if so directed by the Academic Board, adjourn a meeting to another time and/or place.

When a meeting is adjourned:

- (a) no further business will be dealt with. Business left unfinished will be carried over to the next meeting  
(b) for 10 days or more, notice of the adjourned meeting, to consider the unfinished business, shall be given as for an ordinary meeting  
(c) for 10 days or less, shorter notice of the adjourned meeting, to consider the unfinished business, shall be given, as determined by the Chair and Secretary  
(d) it shall not be necessary to give any notice of the business to be transacted at the next sitting of an adjourned meeting.

## Cancellation of meetings

43. The Chair may cancel a meeting of the Academic Board at any time in between meetings.

- (a) If the Chair is of the opinion that there is not sufficient business to warrant the holding of a meeting of the Board, the Chair may direct that members be informed that the meeting has been cancelled. The Chair will also determine how business that would have been transacted at the cancelled meeting will be dealt with, in the manner set out in standing order 20.

## Alternate members

44. (a) An alternate student member may attend meetings of Academic Board either as an observer (as per standing order 39) or upon request by Executive Officer to Academic Board to attend in place of an elected student member if the elected student member is unable to attend (see Rule G3-1(3) in the Rules relating to Academic Board).
- (b) (i) If and when the elected student member is not or will not be present for a meeting, then an alternate student member will be entitled to receive the agenda papers, attend and vote at meetings of Academic Board.
- (ii) When both the elected member and the alternate member are present at a meeting of Academic Board, only the elected member has speaking and voting rights.
- (iii) Immediately prior to the commencement of a meeting of Academic Board, or as soon as possible thereafter, but during the meeting, an alternate member who is attending in place of a member shall confirm that attendance with the Executive Officer to Academic Board.
- (iv) When both the member and the alternate are unable to attend a meeting of Academic Board, the Executive Officer to Academic Board is responsible for registering the member's formal apology.

- (v) If, for three consecutive meetings of Academic Board, neither the student member nor the alternate member has attended and the student member has not registered a formal apology with the Executive Officer to Academic Board for any of those meetings, the membership of the student member lapses, and that of the alternate member with it (see Rule G3-1(4) in the Rules relating to Academic Board)..

## Communication of Academic Board decisions

45. Academic Board decisions are communicated in the following ways, via:
- (a) the UTS Official Noticeboard
  - (b) minutes published on the UTS website
  - (c) the UTS Academic Board briefing, which is an electronic newsletter sent by the Chair to all staff after each Academic Board meeting. This newsletter is to keep the UTS community informed about the matters that transpire at meetings. The briefing is published on the UTS website
  - (d) individual notifications of the outcomes of the Board's deliberations shall be prepared by the Executive Officer to Academic Board and forwarded to relevant UTS officers whose attention needs to be drawn to any Board resolution, for noting or actioning or for further referral to appropriate UTS officers, as necessary..

## Out of session business

46. During the period between meetings, in case of emergencies or in circumstances where delaying a decision until the next meeting would cause disadvantage to UTS, or when a scheduled meeting is inquorate or cancelled:
- (a) In accordance with the powers provided by Council resolution from time to time, the Chair approves an Executive Action on Academic Board's behalf.
    - (i) At the earliest opportunity, the Chair shall report to the Board on the exercise of this authority.
    - (ii) Academic Board shall maintain a register of executive action recording all actions taken under this provision; and relevant records on a registered file/TRIM.
  - (b) the Chair of an Academic Board committee shall have discretion to issue a flying minute.
    - (i) A flying minute of an Academic Board committee shall include a clear and accurate statement of material facts and reasoning for the proposed action, and the urgent need to circulate the flying minute
    - (ii) an Academic Board committee may pass a resolution without a meeting being held if a majority of the total number of members (for the time being) of an Academic Board committee provides an affirmative vote regarding the resolution in writing or electronically
    - (iii) the resolution is deemed to be passed (and therefore effective from), when the last member of the majority (inclusive of the Chair) provides an affirmative vote
    - (iv) passage of a resolution under this section must be recorded in the minutes of the next meeting
    - (v) in the event that a majority of positive responses is not received after seven days then the proposed recommendations may be redrafted and resubmitted to members, held over until the next meeting or given no further consideration..

## Suspension of standing orders

47. Standing orders 5–45 may be suspended in whole or in part by a majority of those present at a meeting of the Academic Board. A motion to that effect shall be open to debate.

## Appointment of a Deputy Chair of Academic Board committee

48. At the first meeting of each year, the committee shall appoint a Deputy Chair from among the committee membership, in accordance with the Procedures approved by the Chair of the Academic Board.
- (a) The Deputy Chair may speak to the committee report at Academic Board in place of the Chair, when required. If the Deputy Chair is not a member of Academic Board, the Deputy Chair will be considered an observer, and not counted towards quorum.

## Academic Board committees

### Co-option of members

49. On the recommendation of the Chair of the committee, a committee has the power to approve the co-option of members on the basis of their skills and experience as appropriate.

### Meetings

50. Academic Board committees shall normally meet in ordinary session at least four times each year and at such other times as the Academic Board committee determines.

# Standing Orders for Faculty Boards

## 1. General

- 1.1 Each faculty of the University has a faculty board. The faculty board constitutes the primary forum in the faculty for the discussion and resolution of academic matters.
- 1.2 Academic Board determines the structures and functions of faculty boards, and any amendments to these, noting that a faculty board's authority to act on specific matters will continue to require Council's delegated authority.
- 1.3 In some instances, the Vice-Chancellor may make a designation that an organisational unit is equivalent to a faculty or faculty board.
- 1.4 Subject to the rules, and resolutions of Council and Academic Board, each faculty board and faculty board equivalent (unless determined otherwise) is required to adhere to these standing orders..

## 2. Duties and powers

- 2.1 Subject to the rules, resolutions of Council and Academic Board, and UTS's strategic direction and priorities, a faculty board has a responsibility to establish and maintain academic leadership by sustainably and effectively overseeing, assessing, monitoring, reviewing and improving the quality and outcome of the faculty's academic work (including teaching, learning, scholarship, research training and research).
- 2.2 In addition to duties prescribed for faculty boards in the UTS rules, delegations and policies, a faculty board is charged with advising Academic Board (and its committees, as appropriate), the Dean and other senior officers of that faculty on any aspect of:
  - (i) the goals, strategies, objectives, outcomes, principles, directions, priorities, policies, practices, profile and risk management for the faculty's academic matters
  - (ii) the quality, standards and benchmarks appropriate to all aspects of the academic work of the faculty (including teaching, learning, scholarship, research and research training).

Additionally, the faculty board:

- (iii) shall exercise such responsibilities and powers as are assigned to it by Academic Board and Council from time to time, and consider and report on all matters which are referred to it by Academic Board, the Vice-Chancellor or the Dean of the faculty, and make recommendations where appropriate
- (iv) shall consider proposals for the introduction of new courses and major changes to existing courses, reaccreditation or discontinuation of existing courses, changes to course nomenclature or course classification, and make recommendations on these to the relevant committee(s), as appropriate
- (v) shall maintain and develop courses to ensure a vital and contemporary relationship between the faculty and the professional fields which it seeks to serve
- (vi) shall recommend to Academic Board the minimum requirements that will provide eligibility for entry to particular courses of study of the faculty
- (vii) shall submit to Academic Board the names of students who have completed courses of study together with recommendations as to the award (including the grading) which should be made in each case, also noting that the preparation of the list has been in accordance with the Statement of Assurance – Conferral of Awards (PDF), and
- (viii) may establish such committees or sub-committees as it deems appropriate to assist its work, and may refer any matter to such committees or sub-committees of the faculty board or to any academic unit of the faculty, for report. Note that:
  - (a) Academic Board or Council resolution, rules or policies mandate some committees
  - (b) it is not required that any or all of the members of such committees or sub-committees be members of the faculty board
  - (c) a sitting Chair of a faculty board committee, unless an ex officio position, is ineligible to be renominated if completion of the designated term would result in a member serving more than six consecutive years as Chair of that committee
  - (d) the Dean of the faculty may be an ex officio member of all committees of the faculty board, and
  - (e) the Dean of the faculty may convene and/or preside at a meeting of a faculty board committee.

## 3. Composition and membership

- 3.1
  - (a) The structure of a faculty board is approved by Academic Board on the recommendation of the faculty, or
  - (b) where an organisational unit or body has been designated as equivalent to a faculty or faculty board, the Vice-Chancellor.
- 3.2 The Dean of the faculty shall be Chair of the faculty board or may appoint a member of the faculty board as Chair.
- 3.3 A Deputy Chair of the faculty board shall be elected by and from faculty board members at a faculty board meeting. The Deputy Chair shall be appointed for a one-year term of office commencing 1 January. Upon expiry of the one-year term, the presiding Deputy Chair shall be eligible for re-election as Deputy Chair.

- 3.4 The faculty board shall consist, as a minimum, of ex officio members, nominated members and elected members as follows:
- (i) The ex officio members are:
    - (a) the Dean
    - (b) other senior full-time or fractional-time staff members including, where applicable, at least one from each of the following categories: deputy deans, associate deans, heads of school, and
    - (c) the faculty manager.
  - (ii) The nominated members include:
    - (a) a nominee of the University Librarian;
    - (b) a nominee of the Deputy Vice-Chancellor (Education and Students); and
    - (c) one member of academic staff from the faculty board of at least three faculties that contribute to the teaching or research programs or other collaborative programs of the faculty concerned, to be nominated by the Deans of those faculties in consultation with the Dean of the faculty concerned.
  - (iii) The elected members include:
    - (a) academic staff (full-time or fractional-time) elected by and from the academic staff of the faculty, the total number of persons to be such that it is equal to or larger than the sum of the total number of ex officio, nominated and co-opted members
    - (b) professional staff elected by and from the professional staff of the faculty
    - (c) a minimum of four students elected by and from the students of the faculty, at least one of whom shall be a postgraduate student, and at least one of whom shall be an undergraduate student.
- 3.5 On the recommendation of the Chair, a faculty board has the power to approve the co-option of members on the basis of their skills and experience as appropriate for a period of up to two years (to align with elected members' term).
- 3.6 The term of office commences on 1 January and shall be:
- (i) two years for nominated, elected and co-opted staff members appointed respectively under clauses 3.4(ii), 3.4(iii)(a-b) and 3.5, and
  - (ii) one year for elected student members appointed respectively under clause 3.4(iii)(c) and the Deputy Chair appointed under clause 3.3.
- 3.7 Elected, nominated and co-opted members shall be eligible respectively for re-election, renomination or reappointment.
- 3.8 Where the terms of elected academic/professional staff members of a faculty board are not staggered, the process outlined in clause 3.9 will apply to achieve staggering of terms and promote continuity on the faculty board.
- 3.9 In respect of clause 3.8, one-half of the elected academic or professional staff members from the faculty, (or in the instance where one-half is not a whole number, the number immediately greater than one-half will be used) shall be determined by lot (drawn by the University Secretary or nominee) and declared to hold office for three years. The remaining undrawn elected academic/professional staff members will hold office for the standard two years
- 3.10 The faculty manager shall:
- (i) be Secretary to the Board
  - (ii) keep proper records of meetings of the faculty board, in accordance with requirements in the Records Management Policy
  - (iii) notify the University Secretary on or before 1 December each year, of the names of the members of the faculty board for the next calendar year, and
  - (iv) make available faculty board meeting agenda(s), papers and minutes to Academic Board, as required.

#### **4. Meetings of faculty boards**

- 4.1 If the Chair is absent or unable to act, or if the office of the Chair is temporarily vacant, the Deputy Chair will have all the functions of the Chair for the duration of that meeting.
- (i) In the absence of the Chair and Deputy Chair from a meeting of the faculty board, the faculty board is to elect one of its members to preside at the meeting.
- 4.2 The faculty board shall meet at least four times in each calendar year and at such other times as the faculty board determines.
- 4.3 The quorum for a meeting of faculty board shall be one-half of its members or the next higher whole number (excluding vacant positions and any members on recognised leave, for example, leave under Professional Experience Program (PEP); see Professional Experience Program Policy).
- 4.4 Not less than seven calendar days' notice of an ordinary meeting shall be given by the faculty manager (or nominee) in writing to members of a faculty board setting out the time and place of the meeting and the agenda.

- 4.5 A special meeting of a faculty board may be convened on the request of the:
- (i) Chair or
  - (ii) by the faculty manager (or nominee) on the written request of five members of the faculty board.
- 4.6 At least two business days' (and minimum 48 hours') notice of a special meeting shall be given by the faculty manager (or nominee) in writing to members setting out the time and place of the meeting and the purpose for which the meeting is to be convened.
- 4.7 Before the commencement of the general business on the faculty board's agenda, the Chair invites members to declare any conflicts of interest(s) in relation to any matters listed.
- 4.8 The agenda for any meeting of a faculty board and any papers pursuant to matters on the agenda including minutes of the previous meeting(s) shall be available for perusal by any member of the academic staff of the faculty on request in writing to the faculty manager (or nominee).
- 4.9 The Dean shall be responsible for bringing forward to the Academic Board or its relevant committees, matters arising from meetings of the faculty board. The Dean shall advise the faculty board of relevant items discussed at Academic Board, in order to promote two-way dialogue between the faculty board and Academic Board.

## **5. Out of session business: flying minute and executive action**

- 5.1 In exceptional circumstances, items of business of a faculty board can be dealt with between formal meetings, usually for matters of particular urgency or when a scheduled meeting is cancelled, for example, due to a lack of quorum. Subject to the Chair's approval and the limitations outlined in clause 5.1(iii), decisions can be made between meetings either by circulating a flying minute, in accordance with clause 5.1(i), or by executive action on behalf of faculty board, in accordance with clause 5.1(ii).

### **(i) Flying minute**

- (a) Subject to limitations outlined in clause 5.1(iii), the Chair of faculty board may pass a resolution on behalf of faculty board, outside of a formal meeting, by circulating a flying minute to all members of faculty board, outlining the proposed action and providing full information to members at least seven calendar days before the proposed action which the resolution authorises, unless one-third of the number of members or more indicate in writing before the expiration of the seven calendar days that the decision should be made by the faculty board at a meeting.
- (b) The flying minute shall include a clear and accurate statement of material facts and reasoning for the proposed action, and the urgent need to circulate the flying minute, with the advice that the Chair will take the action after the expiration of the seven calendar days, unless one-third of the number of members or more indicate in writing (including electronic means) before the expiration of the seven calendar days that the decision should be made by the faculty board at a meeting.
- (c) Upon expiration of seven calendar days, the Chair and members of faculty board are to be informed about the outcome of the flying minute. Subsequently, the Chair can take the action detailed in flying minute, unless one-third of the number of members or more indicate in writing before the expiration of the seven calendar days that the decision should be made by the faculty board at a meeting.
- (d) Details of action taken by Chair under this provision must be reported at the next faculty board meeting and included in the minutes of the meeting.
- (e) The faculty manager shall maintain all relevant records on a registered file/TRIM.

### **(ii) Executive action on behalf of the faculty board**

- (a) Subject to limitations outlined in clause 5.1(iii), the Chair is authorised to take executive action on behalf of the faculty board (in consultation with, and with the endorsement of the faculty manager), where exceptional circumstances require faculty board business to be conducted urgently and between meetings.
- (b) Notice of the action the Chair proposes to take should be given to members of the faculty board, at least seven calendar days before the proposed action. If this requirement is not met, a record of rationale for extenuating circumstance must be maintained and reported at the next faculty board meeting; and included in the minutes of the meeting.
- (c) Details of action taken by the Chair under this provision must be reported at the next faculty board meeting and included in the minutes of the meeting.
- (d) The faculty manager shall maintain a register of executive action recording all actions taken under this provision; and relevant records on a registered file/TRIM..

### **(iii) Limitations**

- (a) For endorsement of award course accreditation material to be submitted to the Courses Accreditation Committee, a full faculty board decision must be made either at a faculty board meeting, or if timing renders an urgent decision be made, via a special meeting (clause 4.5) or by utilising the method outlined in clause 5.1(i).
- (b) For endorsement of course plans to be submitted to the Courses Planning Committee, where timing renders an urgent decision be made, this can be achieved by utilising methods outlined in either clause 5.1(i) or in clause 5.1(ii).



## **6. Elections and filling of remaining vacancies**

- 6.1 The elections for all elected members of a faculty board (except Deputy Chair, see clause 3.3) will be conducted in accordance with UTS General Rules G3 Part 2.
- 6.2 For the election of a Deputy Chair:
- (i) the Dean or appointed Chair (or delegate) shall be the Returning Officer
  - (ii) only members of the faculty board present at the meeting are eligible to vote
  - (iii) notification of a possible election shall be by its inclusion as an item on the agenda for that meeting
  - (iv) nominations shall be called for twelve working days prior to the meeting and shall close at 5pm, two working days prior to the meeting. Nominations should include the name of the nominator, the nominee and the position for which the person is being nominated. The nominee must have agreed to the nomination prior to its submission. Any nominations received after the deadline stipulated in the call for the nominations, will not be accepted, unless agreed by the majority of the Board
  - (v) an election to be held at the meeting shall be deemed necessary when the number of nominations received exceeds the number of positions to be filled
  - (vi) all voting shall be first-past-the-post, with each member accorded one vote
  - (vii) ballot papers shall be distributed to members at the meeting
  - (viii) ballot papers shall be collected at the meeting. The Returning Officer shall determine whether it is feasible to count ballot papers and declare the elections during the meeting. If the Returning Officer determines that this cannot be done, the Chair and the candidates will be informed of the result as soon as possible after the meeting and the Board shall be notified at the subsequent meeting
  - (ix) votes will be counted by the Returning Officer, and
  - (x) the results of an election held at a meeting shall be published in the minutes of Board.
- 6.3 Where a remaining vacancy occurs in the office of an elected member of a faculty board the vacancy may be filled by resolution of the faculty board and in accordance with procedures for the filling of casual vacancies as set out in clause 7.
- 6.4 A person selected to fill a remaining vacancy shall be appointed for the period stated in the notice of election for that office, and is, unless disqualified, eligible for election to that office at the expiry of the term of office for which they was appointed.

## **7. Extended leave and casual vacancies**

- 7.1 A casual vacancy in the office of an elected member of the faculty board occurs if the member:
- (i) ceases to be qualified for election, or
  - (ii) resigns from office by notifying the faculty manager (or nominee) in writing, or
  - (iii) is on extended leave that would result in missing two or more scheduled faculty board meetings (for example, leave under the Professional Experience Program; see Professional Experience Program Policy section 4.17), or
  - (iv) is formally acting in a position which carries ex officio membership of the faculty board for a period exceeding 12 months, or
  - (v) is absent from two consecutive ordinary meetings of the faculty board unless the absence is excused by the faculty board. An absence cannot be excused retrospectively.
- 7.2 Where a casual vacancy of an elected member of a faculty board occurs as per clause 7.1, the vacancy may be filled as follows:
- (i) the Chair of Faculty Board may, as soon as practicable after the vacancy occurs, with the consent of the next eligible runner-up in the most recent election for that office, appoint that runner-up to hold that office for the remainder of the term of office. In the event that the runner-up does not consent to fill the vacancy or the candidates in the election are exhausted, the position is filled by resolution of faculty board for the remainder of the term of office; as set out below
    - (a) in the case of academic staff, undergraduate and postgraduate students of the faculty, on the recommendation of the relevant Responsible Academic Officer, or
    - (b) in the case of professional staff of the faculty, on the recommendation of the Dean
  - (ii) a person selected to fill a casual vacancy shall be appointed for the remainder of the term of office, and is, if otherwise qualified, eligible for election to that office at the expiry of the term of office for which they was appointed.
- 7.3 A casual vacancy in the office of an appointed, co-opted or nominated member of the faculty board occurs if the member:
- (i) resigns from office by notifying the faculty manager (or nominee) in writing, or
  - (ii) is on extended leave.
- 7.4 Where a casual vacancy of an appointed, co-opted or nominated member of the faculty board occurs as per clause 7.3, an appropriate alternative should be nominated by the original nominating authority and appointed by the Chair to fill the vacancy.