

Monash University (Council) Regulations

*Made by the Monash University Council
Incorporating amendments as at 29 July 2016*

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Part 1—Preliminary

1 Short title

These regulations may be cited as the Monash University (Council) Regulations.

2 Authorising provisions

These regulations are made under Part 5 of the **Monash University Act 2009** and the Monash University Statute.

3 Commencement

These regulations come into operation on the day on which they are promulgated by being published on the University website.

4 Interpretation

- (1) The Dictionary at the end of these regulations defines expressions used in them.
- (2) Expressions used in these regulations have, unless the contrary intention appears, the same meaning as they have in the Monash University Statute as amended and in force for the time being.

Note

Under section 23 of the **Interpretation of Legislation Act 1984** expressions used in university regulations made under the **Monash University Act 2009** have, unless the contrary intention appears, the same meaning as they have in that Act as amended and in force for the time being.

- (3) For the purposes of these regulations, the faculty of which a person employed, other than on a sessional basis, in an academic position at a location within or outside Australia, is a member is to be determined in accordance with regulation 5(2) of the Monash University (Vice-Chancellor) Regulations.

- (4) A reference in these regulations, in relation to a power of delegation, to the functions, powers or duties of a person or body is a reference to the functions, powers or duties conferred or imposed on the person or body by or under these or any other University regulations or by or under the Monash University Statute.
- (5) A note at the foot of a provision of these regulations forms part of the regulations.

Part 2—The Council

5 Council meetings

- (1) An ordinary meeting of the Council must be held at least 6 times each year.
- (2) A special meeting of the Council must be held if called by the Chancellor or the Vice-Chancellor or requested in writing by 6 members of the Council.
- (3) The secretary to the Council must give at least 10 days' notice of a meeting of the Council to each member, specifying the time, place and agenda of the meeting.

Note

Under clause 13 of Schedule 1 to the **Monash University Act 2009** a resolution signed by members may be taken to have been passed at a meeting of the Council. As no meeting is held, subregulation (3) does not apply.

- (4) The period of notice referred to in subregulation (3) may be dispensed with in the case of a meeting called by the Chancellor or the Vice-Chancellor as a matter of urgency.
- (5) Subject to the Act, the Council may regulate its own meeting procedure.

Note

Schedule 1 to the **Monash University Act 2009** contains provisions about the Council's procedure.

6 Committees of Council

- (1) The Council, by resolution, may specify how many members of a committee of the Council constitute a quorum at a meeting of the committee.
- (2) Subject to any resolution of the Council, a committee of the Council may regulate its own meeting procedure.

Part 2A —The Elected Members of Council

6A Interpretation

In this Part:

elected member has the same meaning as in the Act;

staff has the same meaning as in the Act;

staff member means an elected member elected by staff;

student has the same meaning as in the Act;

student member means an elected member elected by students.

6B Elected members

- (1) For the purposes of section 11(4A) of the Act:
 - (a) the number of persons who may be elected as a staff member is one (1); and
 - (b) the number of persons who may be elected as a student member is one (1).
- (2) Council shall by resolution determine the term of office of a staff member and the term of office of a student member.

6C Elections

- (1) For the purposes of the election of the elected members the Council, by resolution, may:
 - (a) appoint a returning officer and assign functions, powers and duties to him or her; and
 - (b) empower a returning officer to appoint other election officers; and
 - (c) provide for the preparation and custody of electoral rolls; and
 - (d) state the timelines for an election, including:
 - (i) the date by which notice of the election must be given by the returning officer;
 - (ii) the period within which nominations may be made;
 - (iii) the date of the poll;
 - (iv) the period within which voting may take place; and

- (e) specify how candidates may be nominated and the number of nominators required; and
 - (f) provide for the manner in which ballot papers may be marked; and
 - (g) state the circumstances in which, and the procedure by which, a candidate may withdraw his or her nomination; and
 - (h) specify the form of ballot papers and how the order in which names appear on them may be determined; and
 - (i) state the system of voting to be used for the conduct of an election and the method for counting votes; and
 - (j) provide for the appointment of scrutineers and set out their functions, powers and duties; and
 - (k) deal with any other matter necessary for the conduct of an election.
- (2) If the returning officer is satisfied that the terms of a resolution made under subregulation (1) have not been complied with to an extent that materially compromised the proper outcome of an election, he or she may declare the election void.

6D Election eligibility

- (1) To be eligible for election as a staff member, a person must hold either a full-time appointment or a fractional appointment of not less than 0.5 full-time equivalent (FTE), have held that appointment for a period of more than 12 months and their substantive position must be located in Australia;
- (2) To be eligible for election as a student member, a person must have been enrolled at no less than 0.5 equivalent full-time student load (EFTSL) for a period of at least twelve months immediately prior to the date of commencement of their term of office, be enrolled in Australia, and be either a resident of Australia or living in Australia under a student visa, and if that person is also an employee of the university, their fractional appointment must not exceed 0.5 full-time equivalent.

6E Voting eligibility

- (1) All students are eligible to vote at an election of a student member, provided they are on the electoral roll prepared for that election.
- (2) All members of staff are eligible to vote at an election of a staff member, provided they are on the electoral roll prepared for that election.

6F Casual vacancies in the position of elected member

- (2) If there is a casual vacancy in the office of elected member an election shall be held, except that in the case where the vacancy occurs within 6 months before the expiry of the term of office an election is not obligatory.
- (3) A casual vacancy is to be taken to have occurred in the office of an elected member in any of the following events:
 - (a) a declaration being made under subregulation 6C(2);
 - (b) the elected member ceasing to be eligible, as specified in regulation 6D, for election to the office for which he or she was elected;
 - (c) the elected member retires from office;
 - (d) subclause 7(1) of Schedule 1 of the Act applies.

Part 3—The Provost and Deputy Vice-Chancellors

7 Provost

- (1) The Council may establish an office of Provost and, on the recommendation of the Vice-Chancellor, may appoint a person to it.
- (2) The Provost has the functions, powers and duties conferred or imposed on him or her:
 - (a) by his or her contract of employment; or
 - (b) by or under this or any other University regulation; or
 - (c) by any instrument of delegation.
- (3) The Provost may delegate any of his or her functions, powers or duties (other than a power or function of the Council delegated to him or her by the Council) to:
 - (a) a member of staff of the University; or
 - (b) a committee or other body of persons.

8 Deputy Vice-Chancellors

- (1) The Council, on the recommendation of the Vice-Chancellor, may appoint one or more persons to the office of Deputy Vice-Chancellor.
- (2) A Deputy Vice-Chancellor has the functions, powers and duties conferred or imposed on him or her:

- (a) by his or her contract of employment; or
 - (b) by or under this or any other University regulation; or
 - (c) by any instrument of delegation.
- (3) A Deputy Vice-Chancellor may delegate any of his or her functions, powers or duties (other than a power or function of the Council delegated to him or her by the Council) to:
- (a) a member of staff of the University; or
 - (b) a committee or other body of persons.

Part 4—Awards

9 Degrees and other awards

- (1) The following degrees and other awards may be conferred or granted by the Council:
- (a) undergraduate diploma;
 - (b) associate degree;
 - (c) bachelor degree;
 - (d) bachelor honours degree;
 - (e) graduate certificate;
 - (f) graduate diploma;
 - (g) post-graduate certificate;
 - (h) post-graduate diploma;
 - (i) master's degree;
 - (j) doctoral degree;
 - (k) higher doctoral degree.
- (2) The Monash University (Academic Board) Regulations provide for the requirements that a person must satisfy in order to qualify for a degree or other award.

- (3) The Council may confer a degree that is no longer offered on, or grant any other award that is no longer offered to, a person who was admitted into a course of study leading to that degree or other award when it was still offered and has satisfied the requirements of, but has not graduated with, it.

Part 5—The Academic Board

10 Powers and functions of the Academic Board

- (1) The Academic Board:
 - (a) subject to any resolution of the Council, is responsible to the Council for the maintenance of high standards in education and research;
 - (b) after having informed the Vice-Chancellor of the proposed recommendation, may make any recommendation to the Council regarding the academic affairs of the University;
 - (c) after having informed the Vice-Chancellor of the proposed report, must report to the Council on all matters referred to it by the Council for report;
 - (d) must consider and take any necessary action on any report submitted to it by a dean or the head of an academic unit or other university body;
 - (e) is responsible for accreditation and reaccreditation of units and courses of study required for a degree or other award;
 - (f) may consider any question relating to the academic requirements and standards of courses of study;
 - (g) must decide all questions of admission equivalence.
- (2) The Academic Board has such other functions, powers and duties as are conferred or imposed on it by any University statute, University regulation or resolution of the Council.

11 Committees and delegation of powers

- (1) The Academic Board, by resolution, may constitute and appoint committees as it thinks fit.
- (2) The Academic Board, by resolution, may delegate to the president of the Board or to any committee or any university body or any member of a committee or university body or any member of staff of the University all or any of its functions, powers or duties other than:

- (a) the power to make University regulations; and
 - (b) a power or function of the Council delegated to it by the Council; and
 - (c) the power under regulation 10(1)(b) to make recommendations to the Council.
- (3) A delegation under subregulation (2) is revocable by resolution of the Academic Board.

Note

See also sections 42 (exercise of delegated powers) and 42A (construction of power to delegate) of the **Interpretation of Legislation Act 1984**.

- (4) The Academic Board, by resolution, may specify how many members of a committee constitute a quorum at a meeting of the committee.
- (5) Subject to any resolution of the Academic Board, a committee may regulate its own meeting procedure.

12 Membership of the Academic Board

- (1) The Academic Board consists of:
- (a) the ex officio members specified in subregulation (2); and
 - (b) the appointed members, that is, heads of academic units, deputy deans and associate deans from each faculty appointed by the dean of the faculty; and

Note

The number to be appointed from each faculty depends on faculty size. See subregulation (3).

- (c) the following elected members:
- (i) academic staff from each faculty elected by the academic staff of the faculty;
 - (ii) one director of a non faculty-based research institute or centre elected by the directors of such institutes or centres;
 - (iii) 2 undergraduate students elected by the undergraduate students;
 - (iv) one coursework graduate student elected by the coursework graduate students;
 - (v) one higher degree by research student elected by the higher degree by research students.

Note

Regulation 13 and 14 provide for the election of a president and up to 2 vice-presidents.

- (2) The ex officio members are:
 - (a) the Chancellor;
 - (b) the Vice-Chancellor;
 - (c) the Provost;
 - (d) each Deputy Vice-Chancellor;
 - (e) each dean;
 - (f) such members of the academic staff and the professional staff of the University in leadership roles as are nominated by the Vice-Chancellor with the agreement of the president of the Academic Board.
- (3) The number of members to be appointed under subregulation (1)(b) or elected under subregulation (1)(c)(i) for a faculty is:
 - (a) 2 if the total number of EFT academic staff of the faculty is less than two-thirds of the university faculty average; or
 - (b) 3 if the total number of EFT academic staff of the faculty is between two-thirds and four-thirds of the university faculty average; or
 - (c) 4 if the total number of EFT academic staff of the faculty is greater than four-thirds of the university faculty average.
- (4) An election of members under subregulation (1)(c) is to be conducted in accordance with any applicable resolution made by the Council under regulation 15(1).
- (5) A member appointed or elected to the Academic Board for a faculty continues in office for the duration of the term for which he or she was appointed or elected despite the faculty being abolished or affected by a restructuring of faculties.
- (6) In nominating members under subregulation 2(f), the Vice-Chancellor must make sure that the total number of ex officio members does not exceed one-third of the total number of members of the Academic Board.
- (7) The Academic Board may grant a member of the Board such period of leave of absence as it determines and subject to such terms and conditions as it determines.

13 President

- (1) The members of the Academic Board must elect as president of the Board one of their number who is qualified for election to that office.
- (2) A member is qualified for election as president if he or she:

- (a) is nominated by 2 other members of the Academic Board; and
 - (b) is a member of the academic staff; and
 - (c) holds the rank of professor.
- (3) The president:
- (a) presides at meetings of the Academic Board; and
 - (b) is an ex officio member of any committee of the Academic Board.
- (4) The president holds office for a term of 2 years commencing on 1 January following his or her election and is eligible to be elected for one further term if he or she is still qualified for election.
- (5) The president ceases to hold the office of president if he or she:
- (a) resigns by writing signed by him or her and addressed to the Vice-Chancellor; or
 - (b) is removed from office by a resolution of the Academic Board passed by two-thirds of the members present and voting; or
 - (c) is absent from the University for a period exceeding 3 months without leave granted by the Academic Board; or
 - (d) ceases to hold a qualification required for election to the office.
- (6) The president may be referred to as the chair of the Academic Board.

14 Vice-presidents

- (1) The members of the Academic Board must elect as vice-president of the Board one of their number who is qualified for election to that office and may elect a second such person as another vice-president.
- (2) A member is qualified for election as vice-president if he or she:
- (a) is nominated by 2 other members of the Academic Board; and
 - (b) is a member of the academic staff; and
 - (c) holds the rank of associate professor or above.
- (3) The vice-president, or if there are 2, the vice-president nominated by the Vice-Chancellor for the purpose, must preside at a meeting of the Academic Board if:
- (a) the president is absent or unable to discharge the duties of his or her office; or

- (b) the office of president is vacant.
- (4) A vice-president must assist the president in the execution of his or her powers and duties, as directed by the president.
- (5) A vice-president holds office for a term of 2 years commencing on 1 January following his or her election and is eligible to be elected for one further term if he or she is still qualified for election.
- (6) A vice-president ceases to hold the office of vice-president if he or she:
 - (a) resigns by writing signed by him or her and addressed to the Vice-Chancellor; or
 - (b) is removed from office by a resolution of the Academic Board passed by two-thirds of the members present and voting; or
 - (c) is absent from the University for a period exceeding 3 months without leave granted by the Academic Board; or
 - (d) ceases to hold a qualification required for election to the office.
- (7) A vice-president may be referred to as a deputy chair of the Academic Board.

15 Elected members

- (1) For the purposes of the election of members under regulation 12(1)(c), the Council, by resolution, may:
 - (a) specify eligibility requirements for candidates and voters; and
 - (b) appoint a returning officer and assign functions, powers and duties to him or her; and
 - (c) empower a returning officer to appoint other election officers; and
 - (d) provide for the preparation and custody of electoral rolls; and
 - (e) state the timelines for an election, including:
 - (i) the date by which notice of the election must be given by the returning officer; and
 - (ii) the period within which nominations may be made; and
 - (iii) the date of the poll; and
 - (iv) the period within which voting may take place; and
 - (f) specify how candidates may be nominated and the number of nominators required; and
 - (g) provide for the manner in which ballot papers may be marked; and

- (h) state the circumstances in which, and the procedure by which, a candidate may withdraw his or her nomination; and
 - (i) specify the form of ballot papers and how the order in which names appear on them may be determined; and
 - (j) state the system of voting to be used for the conduct of an election and the method for counting votes; and
 - (k) provide for the appointment of scrutineers and set out their functions, powers and duties; and
 - (l) deal with any other matter necessary for the conduct of an election.
- (2) If the returning officer is satisfied that the terms of a resolution made under subregulation (1) have not been complied with to an extent that materially compromises the proper outcome of an election, he or she may declare the election void.
- (3) A casual vacancy is to be taken to have occurred in the event of a declaration being made under subregulation (2).

Note

Regulation 17 deals with the filling of casual vacancies.

16 Term of office of members

- (1) The term of office of a member of the Academic Board, other than an ex officio member or a member referred to in regulation 12(1)(c)(iii), (iv) or (v) is 2 years commencing 1 July following his or her appointment or election.
- (2) The term of office of a member of the Academic Board referred to in regulation 12(1)(c)(iii), (iv) or (v) is one year commencing 1 July following his or her election.
- (3) A member of the Academic Board is eligible for re-appointment or re-election if he or she is still qualified for appointment or election.
- (4) A member of the Academic Board, other than the president or a vice-president, ceases to hold the office of member if he or she:
- (a) resigns by writing signed by him or her and addressed to the president; or
 - (b) is absent from 3 consecutive ordinary meetings of the Academic Board without leave granted by the Academic Board at or before the last of those 3 meetings; or
 - (c) ceases to hold a qualification required for appointment or election to the office.

17 Casual vacancies

- (1) A casual vacancy in the office of president or a vice-president is to be filled by the members of the Academic Board electing one of their number who is qualified for election to that office for the balance of the term.
- (2) A casual vacancy in any other office of member of the Academic Board (including one arising because of an election referred to in subregulation (1) or from a failure to appoint or elect a member) is, if occurring more than 3 months before the expiration of the term of that office, to be filled for the balance of the term as follows:
 - (a) in the case of the office of a member referred to in regulation 12(1)(b) or 12(1)(c)(i), by an appropriately qualified person nominated by the dean of the faculty;
 - (b) in the case of the office of a member referred to in regulation 12(1)(c)(ii), by an appropriately qualified person nominated by the directors referred to in that regulation;
 - (c) in the case of the office of a member referred to in regulation 12(1)(c)(iii), by an appropriately qualified person nominated by the presidents of the University student associations;
 - (d) in the case of the office of a member referred to in regulation 12(1)(c)(iv) or (v), by an appropriately qualified person nominated by the Monash Postgraduate Association Inc.

18 Meetings of the Academic Board

- (1) An ordinary meeting of the Academic Board must be held at least 4 times each year.
- (2) A special meeting of the Academic Board must be held if called by the Chancellor or the Vice-Chancellor or requested in writing by 10 members of the Academic Board.
- (3) The secretary to the Academic Board must give at least 7 days' notice of a meeting of the Academic Board to each member, specifying the time, place and agenda of the meeting.
- (4) If not less than two-thirds of the members of the Academic Board so agree, a meeting, or part of a meeting, of the Academic Board may be held by a method of communication, or by means of a combination of methods of communication, approved by the president for the purposes of that meeting.
- (5) A member of the Academic Board who participates in a meeting held in accordance with subregulation (4) is present at the meeting even if he or she is not physically present at the same place as another member participating in the meeting.

- (6) A report of the proceedings of each meeting of the Academic Board must be submitted to the next ordinary meeting of the Council.

19 Resolutions without meetings of the Academic Board

- (1) If a majority of the members for the time being of the Academic Board indicate, in the manner specified by the president, that they are in favour of a resolution in terms set out in a document circulated by, or on behalf of, the president, a resolution in those terms must be taken to have been passed at a meeting of the Academic Board held on the day on which that majority is achieved.
- (2) If a resolution is taken to have been passed at a meeting of the Academic Board under subregulation (1), each member must:
- (a) be advised as soon as practicable; and
 - (b) be given a copy of the terms of the resolution.
- (3) In this regulation, **member**, in relation to a resolution, does not include a member who, by reason of regulation 20, is not permitted to vote on the resolution.

20 Declaration of pecuniary interests of Board members

- (1) A member of the Academic Board who has a pecuniary interest in a matter being considered or about to be considered by the Academic Board must, as soon as practicable after the relevant facts have come to his or her knowledge, declare the nature of the interest:
- (a) at a meeting of the Academic Board; or
 - (b) in writing addressed to the president.
- (2) If the president receives a written declaration under subregulation (1), he or she must report it, or cause it to be reported, at the next meeting of the Academic Board.
- (3) The person presiding at a meeting at which a declaration is made under subregulation (1) or reported under subregulation (2) must cause a record of the declaration to be made in the minutes of the meeting.
- (4) After a declaration is made under subregulation (1) by a member of the Academic Board:
- (a) unless the Academic Board otherwise directs, the member must not be present during any deliberation with respect to the matter; and
 - (b) the member is not entitled to vote on the matter; and

- (c) if the member does vote on the matter, the vote must be disallowed.

21 How questions are to be decided and quorum

- (1) A quorum at a meeting of the Academic Board is one-third of the members holding office for the time being excluding any member who is on leave of absence granted by the Academic Board.
- (2) Subject to any resolution of the Council requiring a specified majority of members or of members present and voting on any particular question, all questions which come before any meeting of the Academic Board must be decided by a majority of the members present.
- (3) The person presiding at a meeting of the Academic Board has a vote and, in the event of the votes on any question being equal, a casting vote.
- (4) Subject to this Part, the Academic Board may regulate its own meeting procedure.

22 Review of decisions

The Council may at any time, on its own initiative or at the request of the Vice-Chancellor, review any decision of the Academic Board.

23 Validity of acts or decisions

- (1) An act or decision of the Academic Board or a committee of the Academic Board is not invalid merely because of:
 - (a) a defect or irregularity in, or in connection with, the appointment or election of a member; or
 - (b) a vacancy in membership, including a vacancy arising from the failure to appoint or elect a member.
- (2) Anything done by or in relation to a person purporting to act as the president, or as a vice-president or member, of the Academic Board or as a member of a committee of the Academic Board is not invalid merely because:
 - (a) the occasion for so acting had not arisen; or
 - (b) there was a defect or irregularity in, or in connection with, the appointment or election of the person; or
 - (c) the person had ceased to hold office.

24 Transitional provision

Subject to any resolution of the Council, the Academic Board in existence immediately before the commencement of these Regulations continues to exist and its members:

- (a) are taken to have been appointed or elected in accordance with this Part; and
- (b) continue in office on the same terms and conditions as those on which they were appointed or elected.

Part 6—Deans

25 Deans

- (1) The Vice-Chancellor may appoint a person to be the dean of a faculty or of a sub-faculty when there is a vacancy in that office.
- (2) A dean holds office:
 - (a) for a term not exceeding 5 years fixed by the Vice-Chancellor and specified in his or her contract of employment; and
 - (b) on the conditions determined by the Vice-Chancellor.
- (3) A dean is eligible for reappointment to that office.
- (4) The Vice-Chancellor must inform the Council as soon as practicable of the appointment of a dean.
- (5) The Vice-Chancellor may appoint an acting dean during the period of any absence of the dean from the University.

Note

The functions, duties and accountabilities of deans are set out in regulation 6 of the Monash University (Vice-Chancellor) Regulations.

26 Deputy deans, associate deans, etc.

To assist a dean in carrying out his or her functions, powers and duties, the Vice-Chancellor, on the recommendation of the dean, may appoint one or more deputy deans or associate deans.

27 Delegation

The dean may delegate to any member, or body of members, of the faculty or sub-faculty or to a university body or to any member, or body of members, of a university body any of his or her functions, powers or duties, other than a power or function of the Council delegated to him or her by the Council.

Part 7—Student Discipline

28 Interpretation

(1) In this Part:

academic misconduct: see regulation 30(4);

bully, in relation to a person, means to engage in repeated unreasonable behaviour, whether physical, oral or written, directed to that person of a kind that creates a risk to the health or safety of that or any other person;

collusion means unauthorised collaboration with another person on assessable oral, written or practical work;

decision maker means responsible officer or panel, as the case requires;

faculty discipline panel means a faculty discipline panel established under regulation 33;

general misconduct: see regulation 30(3);

hearing means hearing by a panel;

misconduct means general misconduct, academic misconduct or research misconduct;

panel means faculty discipline panel, research discipline panel or university discipline panel;

partner institution means an educational institution with which the University offers one or more joint degrees or other awards;

plagiarism means taking and using another person's ideas or manner of expressing them and passing them off as one's own;

research discipline panel means a research discipline panel established under regulation 34;

research misconduct: see regulation 30(5);

responsible area, in relation to a class of misconduct, means the entity or area of the University that is specified by the Vice-Chancellor, by notice published on the University website, as the responsible area for misconduct of that class;

Note

Entity is defined by section 38 of the **Interpretation of Legislation Act 1984** as including a person and an unincorporated body.

responsible officer, in relation to a class of misconduct, means the member of staff of the University who is specified by the Vice-Chancellor, by notice published on the University website, as the responsible officer for misconduct of that class;

security officer means the security manager of the University or any of the following who reports directly to him or her:

- (a) the member of staff of the University responsible for security investigations;
- (b) the member of staff of the University responsible for the University's security operations;
- (c) the members of staff of the University responsible for overseeing security operations across a campus;
- (d) a person employed or engaged by the University to perform security duties in relation to any land or other property owned or occupied by the University and who is the most senior such person then on duty;"

senior member of the academic community means a person who has experience relevant to an allegation of research misconduct, whether or not he or she is a member of staff of the University;

university discipline panel means university discipline panel established under regulation 36.

- (2) For the purposes of this Part, a reference to the University as a location or to a university precinct includes, for a student admitted at any time before 1 January 2014 to a course of study for a degree or other award being undertaken at the Gippsland campus, a reference to the Gippsland campus.
- (3) If under this Part a responsible officer is authorised or required to refer a report of misconduct to a panel for hearing and determination by it, the responsible officer may do so by notifying the person or body empowered to appoint members of the panel.

29 Application

- (1) Subregulation (2) applies if:
 - (a) a student is undertaking a joint degree or other award between the University and a partner institution; and
 - (b) the partner institution has found that the student has committed an act of misconduct.

- (2) The responsible officer or a panel (including a panel that is to hear and determine an appeal and the chair of such a panel) may adopt the finding of the partner institution as their own decision.
- (3) Before adopting a finding of a partner institution, the responsible officer, a panel or a panel chair must be satisfied that:
 - (a) the rules of natural justice were observed in the making of the finding by the partner institution; and
 - (b) the process followed by the partner institution was in compliance with any relevant legislative requirement imposed on the University.
- (4) To avoid doubt, if a decision is made by the responsible officer, a panel or a panel chair by adopting the finding of a partner institution, the responsible officer, panel or panel chair is not required to follow the decision-making process set out in this Part.

30 Misconduct offences

- (1) In this regulation, **person** means a person at or in the vicinity of:
 - (a) a university precinct; or
 - (b) another place where a university activity is taking place, is about to take place or has just taken place.
- (2) A student who commits, or attempts to commit, or assists or encourages another student to commit, an act of general misconduct, academic misconduct or research misconduct commits a misconduct offence.
- (3) **General misconduct** is conduct that is contrary to accepted standards of behaviour and includes conduct by which a student knowingly or recklessly:
 - (a) causes, or threatens to cause, personal injury or harm of any kind to another person; or
 - (b) attacks, harasses, intimidates, stalks or bullies another person or threatens to attack, harass, intimidate, stalk or bully another person; or
 - (c) causes, or threatens to cause, or behaves in a manner likely to cause, damage to, loss of, interference with or obstruction of the use of, property of the University or of another person; or
 - (d) breaches a law of a country in which the student is located for the purposes of a university activity; or
 - (e) breaches a University statute or University regulation or a published policy or procedure of the University; or

- (f) breaches terms of use for the university library established under Part 8 of the Monash University (Vice-Chancellor) Regulations; or
 - (g) disrupts the orderly conduct of a university activity; or
 - (h) in the course of any dealing with the University or with a member of staff of the University or a person employed at Monash South Africa or Monash University Malaysia, makes a dishonest, fraudulent or false statement or representation or engages in a dishonest or fraudulent activity; or
 - (i) fails to comply with a reasonable direction of a member of staff of the University or a person employed at Monash South Africa or Monash University Malaysia, including a request made by a security officer to produce identification, leave a University precinct or not to enter, access or otherwise be present on or in a University precinct; or
 - (j) possesses material in an examination venue contrary to the instructions of the chief examiner or other official working at that venue.
- (4) **Academic misconduct** is conduct by which a student seeks to gain for himself, herself or another person an unfair or unjustified academic advantage in a course of study or unit of study, including conduct by which a student:
- (a) knowingly cheats in an examination or in any work required to be submitted for assessment; or
 - (b) knowingly or recklessly:
 - (i) breaches the conditions or requirements set for an examination, assessment or other work; or
 - (ii) engages in an act of plagiarism or collusion or otherwise breaches the academic integrity requirements of the University; or
 - (iii) breaches a published university policy on a matter of an academic nature.
- (5) **Research misconduct** is conduct by a student in connection with research that is dishonest, reckless or negligent and that seriously deviates from accepted standards for proposing, conducting or reporting research, including:
- (a) plagiarism; and
 - (b) breach of copyright; and
 - (c) misleading attribution of authorship; and

- (d) omitting references to relevant published work of another person; and
- (e) taking without authority, or hiding or damaging, property of another person related to research; and
- (f) failing to obtain any required ethics clearance before commencing research or performing any step in research; and
- (g) using information in breach of a duty of confidentiality; and
- (h) submitting false results to a supervisor, examiner or publisher; and
- (i) making a false or misleading statement or representation or otherwise engaging in false or misleading conduct.

31 Reports to, and investigations of misconduct by, responsible officers

- (1) A member of staff of the University who has reasonable grounds to believe that a student has committed an act of misconduct must report the matter to the responsible officer, either orally or in writing.
- (2) If the manager of the examinations branch of the University receives a report alleging that a student was found in possession of unauthorised material in an examination, the manager must:
 - (a) if he or she considers that the student may have been in possession of the unauthorised material for the purpose of cheating, refer the report to the associate dean of the responsible area as a prima facie case of academic misconduct; and
 - (b) in any other case, deal with the report in accordance with this Part as an allegation of general misconduct.
- (3) A responsible officer who receives a report of misconduct may:
 - (a) refer it to another responsible officer if satisfied that the other officer is the appropriate responsible officer; or
 - (b) dismiss the report and take no further action if satisfied that the report:
 - (i) does not constitute an allegation of misconduct; or
 - (ii) is minor, trivial, vexatious or frivolous in nature; or
 - (iii) should not be the subject of a formal disciplinary process; or
 - (c) investigate the matter; or

- (d) refer it to an appropriate panel for hearing and determination as an allegation of misconduct.
- (4) A responsible officer who has reasonable grounds to believe that a student has committed an act of misconduct may investigate the matter, whether or not a report has been made under subregulation (1).
- (5) If a responsible officer who receives a report of misconduct is satisfied that the circumstances of the allegation are of a serious nature and indicate that the student poses a risk to the safety of himself or herself or of another person, he or she must:
 - (a) immediately notify the Vice-Chancellor or, if a faculty or sub-faculty is the responsible area, the dean of the responsible area, either orally or in writing; and
 - (b) investigate the matter or refer it to an appropriate panel for hearing and determination as an allegation of misconduct.
- (6) The Vice-Chancellor or dean, after having been notified under subregulation (5)(a), may direct the responsible officer to cease investigating the matter and to refer it to an appropriate panel for hearing and determination.

32 Investigation by responsible officer

- (1) The responsible officer must conduct an investigation in accordance with this regulation.
- (2) The responsible officer must notify the student concerned of the allegation and provide him or her with a reasonable opportunity to respond to it.
- (3) A student may be accompanied and assisted, but not legally represented, by one other person at any meeting with the responsible officer.
- (4) When conducting an investigation a responsible officer may:
 - (a) make enquiries and inform himself or herself in any manner that he or she thinks fit; or
 - (b) determine his or her own procedure; or
 - (c) refer the report to an appropriate panel for hearing and determination; or
 - (d) do anything else necessary for, or in connection with, the conduct of the investigation.
- (5) A responsible officer, in conducting an investigation, is bound by the rules of natural justice but not by the rules of evidence.

- (6) The responsible officer may suspend an investigation at any time and refer it to an appropriate panel for hearing and determination.
- (7) After conducting an investigation the responsible officer may:
 - (a) dismiss the report if satisfied that the misconduct has not been proved; or
 - (b) find that the misconduct has been proved and impose a penalty; or
 - (c) refer it to an appropriate panel for hearing and determination; or
 - (d) determine that it be dealt with in another way.
- (8) The responsible officer must notify the student concerned of his or her decision, the reasons for it and the penalty (if any) imposed within 7 days after the decision is made.

33 Faculty discipline panels

- (1) Each faculty must have one or more faculty discipline panels.
- (2) A faculty discipline panel consists of:
 - (a) the dean of the faculty or a member of the academic staff of the faculty appointed by the dean (or, if the panel is to be convened at Monash South Africa or Monash University Malaysia, a person employed in an academic position at that location) who is the chair; and
 - (b)

a member of academic staff of the faculty appointed by the dean (or, if the panel is to be convened at Monash South Africa or Monash University Malaysia, a person employed in an academic position at that location) or a member of staff working in the faculty who is not a member of academic staff but who has experience in dealing with student advice and student enrolment matters; and
 - (c) a student from the faculty appointed by the dean.
- (3) Where reasonably practical, the dean must appoint under subregulation (2)(c):
 - (a) an undergraduate student if the student concerned is one; or
 - (b) a postgraduate student if the student concerned is one.
- (4) The dean must annually cause a confidential report to be made to the Academic Board on the proceedings of each faculty discipline panel.

- (5) Despite subregulation (2), if the student concerned is admitted to a course of study for a degree or other award being undertaken at the Gippsland campus, the person appointed as a panel member under paragraph (b) of that subregulation may be a person employed by Federation University Australia in an academic position at the Gippsland campus.
- (6) A faculty discipline panel may hear and determine:
 - (a) a report of an act of general misconduct or an act of academic misconduct or both; and
 - (b) an appeal from a decision of a responsible officer finding general misconduct or academic misconduct or both.

34 Research discipline panels

- (1) The Graduate Research Committee must appoint a research discipline panel.
- (2) A research discipline panel consists of:
 - (a) a member of the Graduate Research Committee nominated by the Committee or, if the panel is to be convened at Monash South Africa or Monash University Malaysia, a person located there nominated by the Committee, who is the chair; and
 - (b) a member of the academic staff of the University, or a senior member of the academic community, appointed by the Graduate Research Committee or, if the panel is to be convened at Monash South Africa or Monash University Malaysia, a person employed in an academic position at that location nominated by the Pro Vice-Chancellor responsible for the location or, if the location does not have a Pro Vice-Chancellor, nominated by a person employed in an academic position at the location and responsible for the academic leadership of the location; and
 - (c) a higher degree by research student appointed by the Graduate Research Committee.
- (3) If the matter to be heard and determined by the panel involves an allegation of academic misconduct in a unit of study, the person to be appointed under subregulation (2)(b) must be a member of the academic staff nominated by the dean of the teaching faculty.
- (4) The chair of the Graduate Research Committee must annually cause a confidential report to be made to the Academic Board on the proceedings of each research discipline panel.
- (5) A research discipline panel may hear and determine:

- (a) a report of an act of research misconduct or an act of research misconduct in combination with any other type of misconduct; and
- (b) an appeal from a decision of a reasonable officer finding research misconduct or research misconduct in combination with any other type of misconduct.

35 University discipline panel pool

- (1) The Academic Board must appoint a pool of persons eligible for appointment as members of a university discipline panel.
- (2) The pool must consist of:
 - (a) at least 6 members of the academic staff of the faculty of law;
 - (b) at least 2 members of the academic staff of each other faculty located at an Australian campus;
 - (c) at least 2 members of staff located at an Australian campus nominated by the senior officer responsible for administrative operations of the University;
 - (d) at least 2 persons employed in an academic position at Monash South Africa;
 - (e) at least 2 persons employed in an academic position at Monash University Malaysia;
 - (f) up to 6 undergraduate students from any recognised association undertaking a course of study at an Australian campus;
 - (g) up to 6 undergraduate students undertaking a course of study at Monash South Africa;
 - (h) up to 6 undergraduate students undertaking a course of study at Monash University Malaysia;
 - (i) up to 6 graduate or postgraduate students from any recognised association undertaking a course of study at an Australian campus;
 - (j) up to 6 graduate or postgraduate students undertaking a course of study at Monash South Africa;
 - (k) up to 6 graduate or postgraduate students undertaking a course of study at Monash University Malaysia;
 - (l) up to 5 persons who are former members of the Graduate Research Committee and who are located at an Australian campus;

- (m) up to 5 persons who are former members, or representatives, of the Graduate Research Committee and who are located at Monash South Africa;
 - (n) up to 5 persons who are former members, or representatives, of the Graduate Research Committee and who are located at Monash University Malaysia.
- (3) While there remains any student admitted to a course of study for a degree or other award being undertaken at the Gippsland campus, the pool may include 2 persons employed by Federation University Australia in an academic position at the Gippsland campus.
- (4) In appointing persons as members of the pool, the Academic Board must:
- (a) appoint members based on their experience and qualifications; and
 - (b) seek, as nearly as possible, to have an equal gender balance in the pool; and
 - (c) seek, as nearly as possible, in appointing members who are located at Monash South Africa or Monash University Malaysia, to ensure that all equity groups there are represented.
- (5) A person may be appointed as a member of the pool for a term not exceeding 2 years and is eligible for re-appointment.
- (6) A person who is appointed as a member of the pool and who ceases to belong to his or her category of appointment ceases to be a member.

36 Appointment of university discipline panel

- (1) The president of the Academic Board must appoint a university discipline panel from persons who are members of the pool appointed under regulation 35.
- (2) A university discipline panel consists of:
- (a) a member of the academic staff of a faculty being, if the panel is to hear an appeal, a member of academic staff of the faculty of law or, if the panel is to be convened at Monash South Africa or Monash University Malaysia, a person employed in an academic position at that location being, if the panel is to hear an appeal, legally qualified, who is the chair; and

- (b) a member of the academic staff of a faculty or, where the report or appeal includes an allegation of general misconduct, a member of the academic staff of the faculty or a member of staff nominated by the senior officer responsible for administrative operations of the University or, where the report or appeal includes an allegation of research misconduct, a former member of the Graduate Research Committee, and if the panel is to be convened at Monash South Africa or Monash University Malaysia, may a person employed in an academic position at that location but in all cases where the panel is to hear an appeal the member must not be from the faculty of law; and
 - (c) a student.
- (3) Where reasonably practical, the president of the Academic Board must appoint under subregulation (2)(c):
- (a) an undergraduate student if the student concerned is one; or
 - (b) a postgraduate student if the student concerned is one; or
 - (c) a higher degree by research student, if the student concerned is one; or
 - (d) a member of a recognised association related to, or connected with, the student's campus.
- (4) A member of the pool who is located at Monash South Africa or Monash University Malaysia is only eligible to be appointed as a member of a university discipline panel that is to be convened there.
- (5) The director of the central secretariat of the University must annually cause a confidential report to be made to the Academic Board on the proceedings of each university discipline panel.
- (6) A university discipline panel may hear and determine:
- (a) a report of general misconduct involving two or more students from more than one faculty; and
 - (b) an appeal from a decision of a responsible officer finding an act of general misconduct involving two or more students from more than one faculty; and
 - (c) an appeal from a decision of a panel finding any type or types of misconduct.

37 General provisions applying to membership of all panels

- (1) None of the following is to be appointed as a member of a panel convened to hear a report of misconduct or an appeal:

- (a) a person who reported or witnessed the misconduct;
 - (b) a person who, as a responsible officer, conducted an investigation of the report or assisted a responsible officer in doing so;
 - (c) in the case of an appeal, a person who was a member of a panel that made the decision under appeal;
 - (d) a person who, in the opinion of the person or body responsible for making the appointment, is affected by a reasonable apprehension of bias.
- (2) A person who is appointed as a member of a panel and who ceases to belong to his or her category of appointment may continue as a member if he or she is still a member of staff or a student, as the case requires.
- (3) If at any time before a panel has completed the hearing and determination of a matter, a member becomes unwilling or unable to fulfil his or her duties as a member, the person or body empowered to appoint members of the panel may substitute that member with another member belonging to the same category of appointment.

38 Convening of panel and objections

- (1) On being notified that a report of misconduct is to be referred to the panel, the person or body empowered to appoint the members must convene a panel.
- (2) The chair of the panel must notify the student concerned of the allegation and that a hearing will be held.
- (3) The chair of the panel must cause a hearing notice to be given to the student as soon as possible setting out:
- (a) the names of the panel members; and
 - (b) the names of the witnesses whose evidence is proposed to be relied on at the hearing and the nature of that evidence; and
 - (c) the date, time and place for the hearing, which must be not earlier than 10 working days after the giving of the notice unless the student has agreed to an earlier date.
- (4) The student concerned may object to a panel member on the ground of a reasonable apprehension of bias.
- (5) An objection must:
- (a) be in writing and provide full particulars of the allegation of reasonable apprehension of bias; and

- (b) be delivered to the person or body that appointed the panel within 4 working days after the date of service of the hearing notice.
- (6) A person or body, on receiving an objection under subregulation (5)(b), may:
 - (a) without making a finding, appoint a substitute panel member belonging to the same category of appointment and notify the student concerned of the name of that member; or
 - (b) require the dean of the faculty of law to appoint an adjudicator to consider and determine the objection.
- (7) An adjudicator must be a member of the academic staff of the faculty of law who holds a position at the University that is not less senior than the panel member against whom the objection has been made.
- (8) However, if the panel is to be convened at Monash South Africa or Monash University Malaysia, and there is no member of the faculty of law located there, the dean of the faculty of law may appoint as adjudicator a legally qualified person employed in an academic position at that location or at an Australian campus.
- (9) When considering an objection, the adjudicator may:
 - (a) make enquiries and inform himself or herself in any manner that he or she thinks fit; and
 - (b) determine his or her own procedure.
- (10) A hearing officer, in considering an objection, is bound by the rules of natural justice but not by the rules of evidence.
- (11) After considering an objection the adjudicator may:
 - (a) dismiss the objection if satisfied that it is not substantiated; or
 - (b) uphold the objection if satisfied that there is a reasonable apprehension of bias and direct that a substitute panel member be appointed.
- (12) The person or body empowered to appoint members must notify the student of the outcome of the determination of the objection by the hearing officer and, if a substitute panel member is appointed, of the name of that member.
- (13) If an objection is not determined before the date specified in the hearing notice given under subregulation (3), the hearing must be delayed.

39 Appointment of advisers to panels

- (1) The chair of a panel may appoint one or more members of the academic staff or, in the case of a research discipline panel, one or more senior members of the academic community as advisers to the panel.
- (2) If the chair of a panel convened at Monash South Africa or Monash University Malaysia is not a member of the faculty of law, the chair may appoint a person who is legally qualified in South Africa or Malaysia (as the case requires) as an adviser to the panel.
- (3) An adviser may attend a hearing of the panel and provide assistance and information to it but has no voting or decision-making rights.

40 Student response to hearing notice

- (1) The student must, not later than 4 working days before the date of the hearing or as otherwise agreed by the chair of the panel, given the chair written notice of:
 - (a) the student response to the alleged misconduct; and
 - (b) the names of any witnesses attending to give evidence for the student; and
 - (c) the names of any witnesses set out in the hearing notice given to him or her under regulation 38(3) that the student wishes to question; and
 - (d) subject to subregulation 40(2), (3) and (4), the name and qualifications of any person the student wishes to be accompanied and assisted or represented by at the hearing.
- (2) A student may be accompanied and assisted, but not legally represented, by one other person at a hearing before a panel, other than the hearing of an appeal before a university discipline panel.
- (3) At the hearing of an appeal before a university discipline panel a student may be accompanied and assisted or represented by one other person who may be legally qualified.
- (4) If a student is represented by a legally qualified person at a hearing, the University may also be legally represented by one other person at the hearing.

41 Panel hearings

- (1) A panel may:
 - (a) make enquiries and inform itself in any manner that it thinks fit; and
 - (b) determine its own procedure; and

- (c) do anything else necessary for, or in connection with, the conduct of the hearing.
- (2) When conducting a hearing a panel is bound by the rules of natural justice but not by the rules of evidence.
- (3) A panel may adjourn a hearing at any time, with or without conditions.
- (4) On hearing a matter of academic misconduct a panel may consider evidence of previous advice or instruction provided to the student by the University regarding plagiarism, collusion or cheating or any other academic integrity requirement of the University.
- (5) At a hearing the student has the right to:
 - (a) question witnesses as notified under regulation 40 or otherwise allowed by the chair; or
 - (b) call witnesses to give evidence on his or her behalf as notified under regulation 40 or otherwise allowed by the chair; or
 - (c) produce documents; or
 - (d) present his or her case, give evidence or make oral or written submissions.
- (6) After the hearing is concluded the panel, by a unanimous or majority decision, may:
 - (a) dismiss the report of misconduct if satisfied that the misconduct has not been proved; or
 - (b) find that the misconduct has been proved and impose a penalty.
- (7) The chair must notify the student concerned of the decision of the panel, the reasons for it and the penalty (if any) imposed within 7 working days after the decision is made.

42 Penalties

- (1) When imposing a penalty a decision maker must have regard to the following:
 - (a) the objective of punishing the student;
 - (b) the objective of deterring future misconduct;
 - (c) the objective of rehabilitating the student;
 - (d) the objective of protecting the university community or a university precinct;

- (e) the nature and severity of the misconduct;
 - (f) the personal circumstances of the student;
 - (g) any loss, damage or harm caused by the misconduct to the University or any other person;
 - (h) any previous findings of misconduct against the student;
 - (i) any guidelines issued by the Council.
- (2) The penalties available for an act of general misconduct are:
- (a) a recording of guilt on the student's record;
 - (b) a reprimand;
 - (c) with the agreement of the student, a conditional penalty;
- Note**
See regulation 43(1) for conditional penalties for an act of general misconduct.
- (d) a fine not exceeding 5 penalty units or, in the case of Monash South Africa or Monash University Malaysia, an amount determined as equivalent, having regard to local economic conditions, by the Pro Vice-Chancellor responsible for that location or, if the location does not have a Pro Vice-Chancellor, determined by a person employed in an academic position at the location and responsible for the academic leadership of the location;
 - (e) a requirement to make good any damage caused by way of restitution;
 - (f) a prohibition from entering a specified university precinct for a specified period;
- Note**
See regulation 44(1).
- (g) suspension from a course of study or a unit of study;
- Note**
See regulation 44(2).
- (h) exclusion from the University.
- Note**
See regulation 44(3).
- (3) The penalties available for an act of academic misconduct are:
- (a) a penalty specified in subregulation (2);
- Note**
See regulation 43(2) for conditional penalties for an act of academic misconduct.

- (b) prohibition of the assessment of any work that has not been assessed, or disallowance of the mark given to assessed work, with or without allowance to resubmit the work within a specified period on specified conditions;
 - (c) imposition of a mark of zero in the unit of study of which the work forms the whole or a part.
- (4) The penalties available for an act of research misconduct are:
- (a) a penalty specified in subregulation (2);
- Note**
See regulation 43(3) for conditional penalties for an act of research misconduct.
- (b) prohibition of the assessment of any research that has not been assessed or disallowance of the mark given to assessed research, with or without allowance to resubmit the research within a specified period on specified conditions;
 - (c) notification of a person affected by the misconduct of the act of research misconduct.
- (5) Any penalty may be imposed with conditions.
- (6) A penalty must be imposed unless the decision maker is satisfied that:
- (a) the act of misconduct was minor in nature; and
 - (b) the student is unlikely to engage in another act of misconduct.
- (7) The Vice-Chancellor, by notice published on the University website, may limit the range of penalties available for an act of misconduct in the case of a decision-maker of a class specified in the notice.
- (8) Without limiting subregulation (7), a notice under that subregulation may fix the amount of the fine that may be imposed by a responsible officer for an act of misconduct specified in the notice.

43 Provisions about conditional penalties

- (1) A conditional penalty for an act of general misconduct may include a requirement that the student:
- (a) seek counselling; or
 - (b) assist with a university event or activity; or
 - (c) apologise to any person aggrieved by the misconduct; or
 - (d) write a reflective piece in relation to the misconduct.

- (2) A conditional penalty for an act of academic misconduct may include a requirement that the student:
 - (a) not enrol in more than a specified number of units of study; or
 - (b) enrol in a particular unit of study; or
 - (c) develop a study plan to be approved as specified by the decision maker; or
 - (d) write a reflective piece in relation to the misconduct; or
 - (e) seek academic counselling; or
 - (f) make contact with a course supervisor at specified intervals; or
 - (g) meet any conditions or requirements imposed by an academic progress committee.
- (3) A conditional penalty for an act of research misconduct may include a requirement that the student:
 - (a) withdraw or remove the research from publication; or
 - (b) withdraw or remove any data from publication; or
 - (c) apologise to any person aggrieved by the misconduct; or
 - (d) write a reflective piece in relation to the misconduct; or
 - (e) seek academic counselling or research skill development.
- (4) If a student fails to comply with a conditional penalty, the decision maker may:
 - (a) extend the time for compliance or waive compliance; or
 - (b) annul the penalty and impose a new penalty.

44 Effect of prohibition, suspension or exclusion

- (1) A student who is prohibited from entering a university precinct for a period remains a student and is not precluded from pursuing any course of study or unit of study during that period but must not be present on or in the precinct.
- (2) A student who is suspended from a course of study or a unit of study remains a student but must not, without the written consent of the associate dean of the teaching faculty, during the period of the suspension:
 - (a) attend any lecture, tutorial or other class; or

- (b) sit any examination or submit any work or research; or
 - (c) gain any credit towards the course of study or unit of study.
- (3) A student who is excluded from the University ceases to be a student.
- (4) Subject to subregulation (5), a suspension from a course of study or unit of study or an exclusion from the University imposed by a responsible officer or a panel does not take effect until:
- (a) the time allowed for making an appeal expires; or
 - (b) if an appeal is made and the decision is affirmed, the final determination of the appeal.
- (5) A panel may order that a suspension or exclusion takes effect immediately if satisfied that exceptional circumstances exist that make doing so reasonably necessary.
- (6) Without limiting subregulation (5), exceptional circumstances include where the student:
- (a) is under 18 years of age and refuses to maintain care arrangements approved under the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007, as amended and in force for the time being; or
 - (b) is missing; or
 - (c) has medical concerns that endanger the student's well-being; or
 - (d) has engaged, or threatens to engage, in behaviour that is reasonably believed to endanger the student or any other person; or
 - (e) is at risk of committing a criminal offence.

45 Appeals

- (1) A student found to have committed an act of misconduct may appeal on a ground specified in subregulation (3) against:
- (a) the finding and penalty; or
 - (b) the penalty alone.
- (2) A student may not appeal against the finding if he or she admitted committing the act of misconduct to the responsible officer or panel.
- (3) The grounds are:

- (a) subject to subregulation (4), reasonable apprehension of bias on the part of the responsible officer or a panel member; or
 - (b) subject to subregulation (5), the penalty is excessive; or
 - (c) new evidence exists that was not reasonably available to the student during the investigation or hearing which had the potential to affect its outcome; or
 - (d) a breach of the rules of natural justice which had the potential to affect the outcome of the investigation or hearing; or
 - (e) the decision is so illogical or irrational that it could not have been reasonably made.
- (4) If the student did not lodge an objection against the panel member in accordance with regulation 38, an appeal on the ground of a reasonable apprehension of bias on the part of a panel member may only be based on the conduct of the member during the hearing.
- (5) A student may not appeal on the ground that the penalty imposed is excessive if the penalty was fixed by a notice published under regulation 42(8).
- (6) An appeal must be:
- (a) made in writing; and
 - (b) brought not later than 20 working days after the date of service of the notice of the decision; and
 - (c) delivered to the person or body empowered to appoint the relevant panel, if the appeal is against a decision of a responsible officer; and
 - (d) delivered to the president of the Academic Board, if the appeal is against a decision of a panel.
- (7) An appeal against a decision of a responsible officer is to be heard by:
- (a) a faculty discipline panel of the relevant faculty if there is a finding of general misconduct, academic misconduct or both; or
 - (b) a research discipline panel if there is a finding of research misconduct, either solely or in combination with any other act of misconduct; or
 - (c) a university discipline panel if there is a finding of general misconduct committed by multiple students from different faculties.

- (8) If the appeal is against a decision of a panel, the president of the Academic Board must, within 10 working days after receiving the notice of appeal, appoint a chair of a panel that could hear and determine the appeal.
- (9) The chair appointed under subregulation (8) must review the notice of appeal and may:
 - (a) dismiss the appeal if satisfied that it is frivolous, vexatious, misconceived or lacking in substance; or
 - (b) advise the president of the Academic Board to appoint the remaining 2 members of the panel.
- (10) If the chair dismisses an appeal under subregulation (9), he or she must, within 7 working days after the decision to dismiss it, provide the student with a written notice of his or her decision and the reasons for it.

46 Procedure for hearing appeals

- (1) A panel that is to hear an appeal must review the notice of appeal and determine whether the appeal ground has been made out.
- (2) The panel must dismiss the appeal if satisfied that the appeal ground has not been made out.
- (3) An appeal that is not dismissed under subregulation (2) is to proceed by way of a new hearing unless it is solely on the ground that the penalty is excessive. Regulation 41 applies to the hearing with any necessary modifications.
- (4) An appeal on the ground that the penalty is excessive is to proceed strictly by way of a rehearing.
- (5) After the hearing of the appeal is concluded the panel, by a unanimous or majority decision, may:
 - (a) affirm the decision of the responsible officer or original panel; or
 - (b) vary the decision of the responsible officer or original panel; or
 - (c) set aside the decision of the responsible officer or original panel and substitute it with its own decision.
- (6) A panel may only impose under subregulation (5)(c) a penalty that the responsible officer or original panel was empowered to impose.
- (7) The chair must notify the student concerned of the decision of the panel, the reasons for it and the penalty (if any) imposed within 7 working days after the decision is made.

47 Multiple allegations or reports

- (1) If a report of misconduct involves allegations of multiple acts of misconduct arising out of the same or related circumstances, the allegations may be dealt with jointly but the student may be subject to separate findings and penalties in relation to each allegation.
- (2) If multiple reports of misconduct are made by different persons in relation to the same student arising out of the same or related circumstances, the reports must be dealt with jointly as if they were one.

48 Joint misconduct

- (1) If a report of misconduct alleges that 2 or more students engaged jointly in an act or acts of misconduct and that report is the subject of a panel hearing, the panel must hear the allegations together unless:
 - (a) the chair is satisfied that it would be unreasonable or impractical for that to be done; or
 - (b) the chair upholds an objection made by one of the students under subregulation (2).
- (2) A student may object in writing to a joint hearing on the ground that he or she would be unfairly prejudiced by it.
- (3) An objection must be given to the chair of the panel within 4 working days after service of the hearing notice.
- (4) The chair may uphold or dismiss an objection.

49 Direction to leave university precinct

- (1) A security officer may at any time request a person in a university precinct to produce his or her identification for inspection by him or her.
- (2) If requested by the person who is the subject of a request under subregulation (1), the security officer must produce his or her identification for inspection by that person.
- (3) In the circumstances specified in subregulation (4), a security officer may direct, orally or in writing, a person:
 - (a) to leave a university precinct; or
 - (b) not to enter, access or otherwise be present on or in a specified university precinct except to produce his or her identification to a security officer.
- (4) The circumstances are that the security officer reasonably believes that the person is a student who:

- (a) has engaged in, or may attempt to engage in, an act of general misconduct; or
- (b) may pose a risk to the health or safety of any person, including himself or herself; or
- (c) has failed to show that he or she has a lawful right to be on or in the university precinct.

Note

The power that a security officer may exercise under this regulation to direct a person to leave a university precinct is more limited than the power under regulation 43 of the Monash University (Vice Chancellor) Regulations to withdraw the permission of a person to be on any University property.

50 Requests for information

- (1) At any time during an investigation or panel hearing, a decision maker may request information from any person or body by providing them with a written notice setting out details of:
 - (a) the information sought; and
 - (b) the date by which it is required.
- (2) A decision maker is not required to disclose the reason for the request.
- (3) A person who is a member of the University must comply with the request, or give detailed reasons why not, on or before the required date.

51 Resumption of disciplinary process

A disciplinary process under this Part that has not been finalised before the student ceases to be enrolled at the University may be continued or concluded if the student re-enrols at any time.

52 Student discipline register

- (1) The Vice-Chancellor may require that a central university student discipline register be kept for the recording of all matters of misconduct.
- (2) The Vice-Chancellor may determine the form of the register and who may access it.

53 Special provision relating to Monash University Malaysia

- (1) In this section, **PHEIA** means the Malaysian Private Higher Educational Institutions Act 1996 (Act 555) as amended from time to time and, where the context requires, includes any other relevant Malaysian laws applicable to private higher educational institutions.

- (2) The Pro Vice-Chancellor of Monash University Malaysia may take any necessary action or step to comply with or give effect to PHEIA.
- (3) Any person or body exercising a function or power under this Part in relation to a student undertaking a course of study at Monash University Malaysia must be taken to have all the functions and powers of the Pro Vice-Chancellor of Monash University Malaysia for that purpose.
- (4) In the event of any inconsistency between PHEIA and these regulations, PHEIA prevails.
- (5) Without limiting this regulation:
 - (a) a student may be accompanied, assisted and represented at any meeting, hearing, appeal or other stage of a disciplinary process by an employee at Monash University Malaysia or a student undertaking a course of study there; and
 - (b) a student who is dissatisfied with a decision of a responsible officer or panel may submit an appeal in writing to the Malaysian Registrar General of Private Higher Educational Institutions in accordance with PHEIA.

54 Giving of notices

- (1) A notice required to be given to a student under this Part may be given personally to the student or sent by post or email to the address or email address of the student in the records of the University.
- (2) A notice is to be taken to have been given:
 - (a) for a notice given personally, on the date on which it is given; or
 - (b) for a notice sent by email, on the date on which it is emailed; or
 - (c) for a notice sent by post, on the date at which the letter would ordinarily be delivered by ordinary post, registered post or certified mail, as the case requires.

55 Delegation

A person or body may delegate to any other person or body any of their functions, powers or duties under this Part, other than:

- (a) the function of attending a hearing or otherwise acting as a member of a panel; or
- (b) in the case of a dean, a power or function under regulation 49; or
- (c) a power or function of the Council delegated to them by the Council.

56 Transitional provisions

- (1) A disciplinary process that was begun before the commencement of these regulations but which had not been completed immediately before that commencement must continue to be dealt with in accordance with the University statutes and University regulations as in force immediately before that commencement.
- (2) A disciplinary process is not completed until all appeal rights have been exhausted and appeals finally determined.

Part 8—Revocation of Degrees or Other Awards

57 Application of this Part

This Part applies to a degree conferred or other award granted by the Council, whether before or after the commencement of these regulations.

58 Report to Provost

- (1) A person who has reasonable grounds to believe that a ground for revocation exists in relation to the holder of a degree or other award may report the matter to the Provost.

Note

The circumstances in which a degree or other award may be revoked are specified in section 18(2) of the Monash University Statute.

- (2) On receipt of a report under subregulation (1), the Provost must review the matter and determine whether:
 - (a) there is sufficient evidence to warrant the conduct of an investigation in accordance with this Part; or
 - (b) no further action should be taken.
- (3) If the Provost makes a determination under subregulation (2)(a), he or she:
 - (a) must appoint a review committee to conduct an investigation; and
 - (b) may notify any person or body of the fact of that investigation if he or she considers it reasonably necessary to do so in the public interest.

Example

The Provost may notify the Australian Health Practitioner Regulation Agency if an investigation relates to the circumstances in which a degree was obtained by a health practitioner registered with that Agency.

- (4) The Provost may make a notification under subregulation (3)(b) at any time after making a determination under subregulation (2)(a).

59 Composition of review committee

- (1) A review committee is constituted by at least 3 persons appointed by the Provost of whom one must be the dean of the degree faculty for the degree or other award that is the subject of the investigation.
- (2) The Provost must appoint one person to be the chair of the review committee.
- (3) A person who is a student of the University is not eligible to be a member of a review committee.
- (4) The Provost has power at any time:
 - (a) to remove a member of a review committee; or
 - (b) to appoint a new member to replace a member who has been removed; or
 - (c) to appoint an additional member.

60 Powers of review committee

- (1) A review committee must investigate a matter referred to it by the Provost and for that purpose may:
 - (a) conduct the investigation by interviewing or hearing any person or receiving a written submission from any person or body or by any combination of those methods; or
 - (b) obtain information in any manner it thinks fit; or
 - (c) require a member of staff or student of the University to provide information about the matter; or
 - (d) subject to subregulation (2), determine its own procedure.
- (2) A review committee is bound by the rules of natural justice but is not bound by the rules of evidence.
- (3) The review committee must provide the degree or other award holder under investigation with:
 - (a) notice of the alleged ground for revocation; and
 - (b) reasonable notice of any meeting or hearing at which his or her attendance is requested; and
 - (c) a reasonable opportunity to respond to the allegation.

- (4) The holder may be accompanied and assisted, but (except with the permission of the chair of the review committee) not legally represented, by one other person at any meeting or hearing.
- (5) If the holder is legally represented at a meeting or hearing, the committee may be assisted by a legally qualified person at the meeting or hearing.

61 Report of review committee

- (1) The review committee must, at the conclusion of its investigation and within the period specified by the Provost, give a written report to the Provost.
- (2) The report must include:
 - (a) a statement of the alleged ground for revocation; and
 - (b) a description of the procedure adopted by the committee in the investigation; and
 - (c) a list of persons interviewed or heard by the committee and documents examined by it; and
 - (d) a summary of the evidence before the committee; and
 - (e) a statement of the committee's findings and reasons; and
 - (f) a recommendation as to whether the degree or other award should or should not be revoked and the reasons for making that recommendation; and
 - (g) any additional recommendation of the committee and the reasons for making it; and
 - (h) any other matter the committee determines to include in the report.

62 Provost to consider matter and report to the Council

- (1) This section applies in relation to the Provost after he or she has been given the report of a review committee under regulation 61(1).
- (2) The Provost may conduct further enquiries.
- (3) The Provost must:
 - (a) determine that no further action should be taken; or
 - (b) submit a report to the Council, including a recommendation that the degree or other award be revoked.
- (4) The Provost is not bound by any recommendation in the report of the review committee.

63 Council to make determination

- (1) On receipt of a report and recommendation under regulation 62(3)(b), the Council must determine whether the degree or other award is to be revoked.
- (2) A revocation decision takes effect from the date determined by the Council, which must be after the date the holder is notified under subregulation (4).
- (3) The effect of a revocation decision is that the conferral or granting of the degree or other award is rescinded and the person on whom the degree was conferred or to whom the other award was granted no longer has or holds it.
- (4) If the Council decides to revoke a degree or other award, it must send notice of that decision to the holder within 14 days after making it.
- (5) A notice under subsection (4) must:
 - (a) state the date on which the revocation takes effect; and
 - (b) inform the person that he or she:
 - (i) must return the original testamur, together with any transcript or other record of the degree or other award, to the University within the period specified in the notice; and
 - (ii) is no longer entitled to represent to any person or body, whether by the use of post-nominals or otherwise, that he or she is a recipient of the revoked degree or other award; and
 - (c) give the reasons for the decision to revoke the degree or other award.
- (6) At any time after making a revocation decision, the Council may notify any person or body of that decision if it considers it reasonably necessary to do so in the public interest.
- (7) All papers submitted to the Council under this Part must be treated as confidential.
- (8) To avoid doubt, a resolution of the Council under this regulation is not confidential.

64 Other person may undertake role of Provost

- (1) The Vice-Chancellor may appoint another person to undertake the role of the Provost under this Part if the office of Provost is vacant or the Provost has or may have a conflict of interest.
- (2) A person appointed under subregulation (1) has all the functions and powers of the Provost under this Part.

65 Delegation

The Provost may delegate to any other member of the University any of his or her functions, powers or duties under this Part, other than a power or function of the Council delegated to him or her by the Council.

Part 9—Recognised Associations

66 Recognition of associations

- (1) The Council may recognise as an association under this Part an incorporated body that the Council is satisfied:
 - (a) represents students; and
 - (b) is capable of carrying out obligations that may be imposed on it under University regulations or an agreement with the University.
- (2) Recognised associations are specified in Schedule 1.
- (3) If the Council ceases to be satisfied as specified in subregulation (1) with respect to a recognised association or for any other reason is of the opinion that a recognised association should cease to be recognised under this Part, it may:
 - (a) cancel the recognition of the association; or
 - (b) suspend the recognition of the association for a specified period or until the happening of a specified event.

67 Funds

- (1) The University may pay to a recognised association:
 - (a) a proportion of any money paid to the University by way of student services and amenities fees; or
 - (b) a proportion of any profit made in the course of providing facilities, services or activities funded wholly or partly by student services and amenities fees; or
 - (c) any other funds that the University decides it is appropriate to pay to the association.
- (2) A payment under subregulation (1) may be made subject to any conditions specified by the University when making the payment.
- (3) Without limiting subregulation (2), funds paid to a recognised association under subregulation (1) must be spent by the recognised association solely on providing facilities, services or activities that are of direct benefit to students of the University.

- (4) A recognised association is responsible for the proper application of funds paid to it under this regulation.

68 Audited reports

- (1) A recognised association must send an audited report of its accounts annually to the Vice-Chancellor.
- (2) The audited report must deal separately with any funds paid to it under regulation 67.

69 Power of Vice-Chancellor with respect to payment of funds

- (1) If at any time the Vice-Chancellor has grounds to believe that funds paid to a recognised association are being spent otherwise than in accordance with regulation 67(2) or (3), he or she may:
- (a) direct that the University cease paying funds to the association until otherwise determined by him or her; and
 - (b) direct that the association produce, within the period specified by the Vice-Chancellor, a reconciliation of its financial records as specified by him or her.
- (2) Without limiting subregulation (1), if after receipt of an audited report or at any other time the Vice-Chancellor is not satisfied that the accounts of a recognised association are in order, he or she may direct that the University cease paying funds to the association until otherwise determined by him or her.
- (3) If after receipt of an audited report or at any other time the Vice-Chancellor is satisfied that funds paid to a recognised association under regulation 67 have been spent otherwise than in accordance with regulation 67(2) or (3), he or she must require the association to repay the amount so spent to the University.
- (4) An amount required to be repaid to the University under subregulation (3) is a debt due and owing to the University and the University may commence a proceeding to recover it in any court of competent jurisdiction.

70 Intermission from study

- (1) An office bearer of a recognised association may apply in writing to the dean of his or her degree faculty for an intermission from a course of study in which the office bearer is enrolled so as to enable him or her to better undertake the duties of the office.
- (2) The dean may grant an intermission on an application under subregulation (1).

- (3) A person who is granted an intermission under this regulation is to be taken to be a student during the period of that intermission for all purposes but is not liable to pay any tuition fee that would otherwise be payable by that person as a student.

Part 10—Campus Service Councils

71 Establishment of campus service councils

- (1) The Vice-Chancellor may establish a campus service council for an Australian campus.
- (2) A campus service council is to be comprised of representatives of the management, staff and students of the campus.
- (3) Subject to subregulation (2), the form and membership of a campus service council is to be determined by the Vice-Chancellor after consulting with the campus management and the relevant recognised association or, if there is none, an association that the Vice-Chancellor is satisfied represents students at the campus.
- (4) The Vice-Chancellor must appoint one of the members as chair of the campus service council for the term, and on any other terms or conditions, determined by the Vice-Chancellor.

72 Role of campus service councils

The role of a campus service council is to:

- (a) work towards developing the campus community; and
- (b) provide a forum for the discussion of financial and other matters affecting the campus; and
- (c) enable the campus community to have input into a broad range of university activities.

Part 11—The Common Seal

73 Custody of the seal

The common seal of the University must be kept in the custody of the secretary to the Council or his or her nominee.

74 Affixing of the seal

- (1) The seal must be affixed to:

- (a) a certificate to be issued in respect of any degree conferred, or other award granted, by the Council, unless otherwise directed by the Council; or
 - (b) a University statute; or
 - (c) a verified copy of a University statute or University regulation required for production in any court or before any person acting judicially; or
 - (d) any document in respect of which the Council directs that the seal is to be affixed; or
 - (e) any document in respect of which the Chancellor, a Deputy Chancellor or the Vice-Chancellor directs that the seal is to be affixed.
- (2) The person by whom the seal may be affixed is:
- (a) for a certificate referred to in subregulation (1)(a), a senior officer of the University responsible for graduations or his or her nominee; and
 - (b) for any other document, the university solicitor or his or her nominee.
- (3) A person may only give a direction under subsection (1)(e) if he or she is of the opinion that:
- (a) the document is of a formal nature or needs to be issued without delay; and
 - (b) approval of the Council is not required for the signing of the document.
- (4) If a seal is affixed to a document under subregulation (1)(e), the Vice-Chancellor must report that fact to the Council as soon as practicable after the affixing is attested.

75 Attestation of the seal

The affixing of the seal to any document must be:

- (a) attested by an authorised officer; and
- (b) counter-attested by another authorised officer, the secretary to Council or a person approved by resolution of the Council for the purpose.

76 Execution of deeds not under seal

The University may execute a document (other than one referred to in regulation 74(1)(a), (b) or (c)) as a deed without affixing the seal if the document is expressed to be executed as a deed and is signed as follows:

- (a) for a deed in the form of a lease, licence or other document relating to an interest in land, by the senior officer of the University responsible for administrative operations or his or her nominee or by the senior officer of the University responsible for facilities and services; or
- (b) for a deed giving effect to or otherwise confirming an assignment to the University of intellectual property from a member of staff or student of the University:
 - (i) by the Provost; or
 - (ii) by the senior officer of the University responsible for research; or
 - (iii) by the senior officer of the University responsible for graduate education; or
 - (iv) by the person responsible for the research office; or
- (c) for a deed of novation or variation of an agreement relating to research, by the person responsible for the research office or a person who would have been authorised to sign the agreement being novated or varied; or
- (d) for any other deed of novation or variation, by a person who would have been authorised to sign the agreement being novated or varied; or
- (e) for any other deed, by an authorised officer or a person approved by resolution of the Council for the purpose.

77 Form

- (1) The Council, by resolution, may specify the form of wording to be used in affixing the seal to any class of document.
- (2) The Council, by resolution, may specify the form of wording to be used when executing any class of deed.

Part 12—Trust Funds

78 Administration of trust funds

- (1) Any trust fund created by the University is to be administered and applied as the Council:
 - (a) by resolution may determine; or
 - (b) by regulation may prescribe.
- (2) The university treasurer, however designated, must maintain a register of trust funds of the University.

79 Regulations continued

- (1) The following regulations continue in operation and have effect as if they were made by the Council for the purposes of regulation 78(1)(b):
 - (a) the DK & G Anderson Prize Fund Regulations;
 - (b) the Harold Armstrong Memorial Fund Regulations;
 - (c) the Graham John Beard Memorial Fund Regulations;
 - (d) the Max Buxton Scholarship Fund Regulations;
 - (e) the Garnet H Carroll Prize Regulations;
 - (f) the JW Dodds Memorial Scholarship Fund Regulations;
 - (g) the Econometrics Memorial Scholarship Fund Regulations;
 - (h) the Elizabeth Eggleston Memorial Fund Regulations;
 - (i) the Ernest Fields Scholarship Regulations;
 - (j) the Wilfred Fullagar Memorial Lecture Regulations;
 - (k) the Vallejo Gantner Memorial Travel Fund Regulations;
 - (l) the Paul Grange Visiting Fellowship Fund Regulations;
 - (m) the Jack and Marie Healy Memorial Fund Regulations;
 - (n) the George Hicks Visiting Fellowship in Southeast Asian Studies Regulations;
 - (o) the Phyllis Hillgrove Scholarship Fund Regulations;
 - (p) the Ian Little Scholarship Fund Regulations;

- (q) the Oscar Mendelsohn Lecture Fund Regulations;
 - (r) the Monash-Hicks Postgraduate Research Scholarship in Indonesian History Regulations;
 - (s) the Monash University Accident Research Foundation Regulations;
 - (t) the Monash University Engineering Foundation Regulations;
 - (u) the Monash University Herb Feith Foundation Regulations;
 - (v) the Monash University Faculty of Business and Economics Strategic Investment Foundation Regulations;
 - (w) the Monash University Foundation for Jewish Studies Regulations;
 - (x) the Monash University Law School Foundation Regulations;
 - (y) the Monash University Medical Foundation Regulations;
 - (z) the Monash University Postgraduate Medical Education Fund Regulations;
 - (aa) the Monash APPI Foundation Regulations;
 - (bb) the Monash University Syme Faculty Foundation Regulations;
 - (cc) the Monash University Victorian College of Pharmacy Foundation Regulations;
 - (dd) the Vera Moore Fund Regulations;
 - (ee) the Morgen Assistance Fund Regulations;
 - (ff) the R G Myers Memorial Lecture Regulations;
 - (gg) the Professor R C Nairn Trust Fund Regulations;
 - (hh) the Helen M Schutt Trust Scholarship Regulations;
 - (ii) the Special Education Fund Regulations;
 - (jj) the Student Assistance Fund Regulations;
 - (kk) the William and Katherine Winter Foundation Regulations;
 - (ll) the Professor Yong Tau Kee Foundation Regulations.
- (2) A reference in any regulation continued by this regulation to a faculty board is to be taken to be a reference to the dean of the faculty.

Part 13 - Exclusion for Safety Reasons

80 Report to dean

- (1) If a member of staff of the University or a person who provides medical, psychological or counselling services on the premises of the University or on premises connected with the University forms an opinion of a kind referred to in subregulation (2) in relation to a student, he or she must, as soon as practicable, report the opinion and the grounds for it, to the dean of the student's faculty.
- (2) The opinion is that:
 - (a) in the case of a person subject to obligations of confidence, the student presents a serious risk to the health or safety of any person, including the student concerned; or
 - (b) in any other case, the student presents a serious risk to the health or safety of any person, including the student concerned, or to the property of the University.

81 Power of dean to impose conditions

- (1) The dean may decide that the student's admission to a course of study or enrolment or re-enrolment in a unit of study or a course of study is conditional on the dean receiving evidence to his or her satisfaction as required by a notice given by him or her under subregulation (3).
- (2) Subregulation (1) applies if the dean of the degree faculty is satisfied that a student may present a serious risk to:
 - (a) the health or safety of any person, including the student himself or herself; or
 - (b) the property of the University.
- (3) Within 7 days after making a decision under subregulation (2), the dean must cause written notice of it to be given personally to the student or sent by post or email to the address or email address of the student in the records of the University.
- (4) A notice under subregulation (3) must include:
 - (a) a description of the form of evidence required and the type of person from whom it must be obtained; and
Example
Evidence may be required from a doctor (including a doctor specialising in a particular area) or a psychologist or provider of a behaviour change program.
 - (b) any requirement as to how recent the evidence must be; and

- (c) a statement of the issues to be addressed in the evidence; and
 - (d) the date or dates by which the evidence must be provided to the dean.
- (5) After the deadline set to receive the evidence, the dean, if reasonably satisfied that the student does not present a serious risk of a kind referred to in subregulation (1), may decide that the student may remain admitted to the course of study or enrolled or re-enrol in the unit of study or course of study with or without conditions.
- (6) The imposition of a condition by the dean under this regulation does not prevent the dean from exercising any other power that he or she has with respect to admission, enrolment or re-enrolment.
- (7) The dean may vary or revoke a condition imposed under subregulation (2) or (5).
- (8) A condition imposed under subregulation (2) or (5) has effect with respect to all courses of study and units of study at the University.

82 Powers of the dean to make an interim decision to suspend, exclude or refuse admission or enrolment

- (1) Subject to subregulation (4), if the dean of a faculty is of the opinion that it is reasonably necessary to make an interim decision of a kind referred to in subregulation (3) about the person to protect the health or safety of any person (including the person concerned) or the property of the University, he or she may make that decision.
- (2) Subject to subregulation (4), a dean may also make an interim decision of a kind referred to in subregulation (3) about a student who has failed to comply with a condition imposed by the dean under subregulation 81(1) or (5).
- (3) The interim decision that may be made is any of the following:
- (a) in the case of a student:
 - (i) suspend him or her, for a specified period or until the dean otherwise determines, from pursuing any course of study or unit of study in the University; or
 - (ii) suspend him or her from the University; or
 - (iii) exclude him or her from the University,
 - (b) in the case of any other person, refuse to admit or re-admit a person to a course of study or to enrol to or re-enrol a person in a unit of study or course of study in the University for a specified period or until the dean otherwise determines; and

- (c) in the case of a student or any other person, suspend or exclude the student or person from any university precincts.
- (4) Before making an interim decision under this regulation, the dean:
 - (a) must obtain a report on the person concerned from a doctor, a psychologist, the University counselling, security or campus safety branch; and
 - (b) must consult with at least 2 members of the academic staff of the faculty who hold full-time positions as lecturer or above; and
 - (c) may make enquiries and inform himself or herself in any manner that he or she thinks fit; and
 - (d) may invite the person concerned to attend a meeting with him or her or with his or her nominee.
- (5) The dean may at any time, at his or her own initiative or on the application of the person, reconsider the interim decision and may:
 - (a) vary or remove any term or condition of the decision or impose a new condition;
 - (b) affirm the decision; or
 - (c) revoke the decision.
- (6) In reconsidering an interim decision under subregulation (5), the dean:
 - (a) must consider whether the decision continues to be necessary for the reasons set out in subregulation (1);
 - (b) must consider any submission made by the person on the matter; and
 - (c) may make enquiries and inform himself or herself in any manner that he or she thinks fit.
- (7) The interim decision remains in force until it expires, is revoked or is replaced by a final decision of the Vice-Chancellor under regulation 86.
- (8) An interim decision under this regulation has effect with respect to all courses of study and units of study in the University.

83 Notice

- (1) Within 48 hours after making a decision under regulation 82, and subject to regulation 89, the dean must:

- (a) cause written notice of the decision made to be served on the person concerned personally, or by pre-paid post to his or her last known address or by email to an email address in the records of the University;
- (b) ensure the notice includes:
 - (i) a statement of the dean's decision and the reasons for it; and
 - (ii) direction to the head of the central secretariat to convene a panel to expeditiously finally determine the person's case.

84 Conduct review panel

- (1) The head of the central secretariat must, within 10 days after the receipt of the notice under subregulation 83(1)(b)(ii), constitute a conduct review panel to make a recommendation to the Vice-Chancellor to finally determine the person's case.
- (2) A conduct review panel consists of:
 - (a) a member of the academic staff nominated by the dean of the faculty of Medicine, Nursing and Health Sciences; and
 - (b) a member of staff nominated by the senior officer responsible for operational affairs of the University; and
 - (c) a member of the academic staff of the faculty concerned nominated by the faculty dean or, for a conduct review panel that is constituted at an international campus, a person employed at that campus in an academic position and nominated by the Pro Vice-Chancellor of that campus or, if that campus does not have a Pro Vice-Chancellor, a person employed at that campus in an academic position who is nominated by the person responsible for the academic leadership of the campus.
- (3) In any particular case a conduct review panel may include one additional member co-opted by the panel. The panel may at any time remove a co-opted member from office.
- (4) The member referred to in subregulation (2)(a) is the chair of the panel.
- (5) A conduct review panel must not include a member who has been involved with the person in relation to any matter covered by this Part.

85 Provision of an opportunity to respond

- (1) Before a conduct review panel makes a recommendation to the Vice-Chancellor:
 - (a) it must provide the person with a reasonable opportunity to submit written evidence for consideration by the panel; and

(b) it may request the person to attend before it.

(2) If the person attends before the panel under subregulation (1)(b), the person may be accompanied and assisted by a member of staff or student of the University or by any other person approved by the panel.

86 Powers and duties of conduct review panel and the Vice-Chancellor

(1) A conduct review panel may:

(a) make such inquiries and consult such persons as it thinks fit; and

(b) require persons with special knowledge of the conduct or health of the person to report to, or consult with, it; and

(c) where it is considered relevant, request the person to undergo one or more medical examinations or psychological assessments at the expense of the University by a person or persons nominated by the chair.

(2) The refusal of the person to agree with a request under subregulation (1)(c) may be taken into account by the panel in considering the case.

(3) Subject to subregulation (4), a member of staff of the University or a person who provides medical, psychological or counselling services on the premises of the University or on premises connected with the University must answer questions and provide information as required by the panel.

(4) If a person referred to in subregulation (3) is subject to obligations of confidence, that subsection applies only:

(a) if the person had formed the opinion that the person concerned presents a serious risk to the health or safety of a person; and

(b) to questions and information concerning the person and that risk.

(5) A conduct review panel may recommend that the Vice-Chancellor:

(a) vary or remove any condition of the interim decision;

(b) affirm the interim decision, with or without varying the conditions;

(c) revoke the interim decision with or without conditions; or

(d) in the case of a student, exclude him or her from the University.

(6) After considering the recommendations of the conduct review panel, the Vice-Chancellor must finally determine the person's case.

- (7) A Vice-Chancellor may inform any member of staff of the University of his or her decision and of relevant information in support of the decision if it considers it necessary to do so for the protection of the health or safety of any person or the property of the University.
- (8) If conditions are imposed or maintained under subregulation (6) or (9), the Vice-Chancellor may:
- (a) require the person concerned to report to the chair of the panel at specified intervals on his or her compliance with the conditions; and
 - (b) if professional assistance is a condition, require the person concerned to cause the person providing the professional assistance to make a report to the chair at specified intervals.
- (9) If the chair is satisfied that conditions imposed or maintained under subregulation (6) have not been complied with or any report provided does not comply with the requirements set by the Vice-Chancellor, the chair may:
- (a) allow admission or enrolment to continue subject to new or varied conditions;
 - (b) deem the interim decision confirmed; or
 - (c) in the case of a student, exclude him or her from the University.
- (10) Within 7 days after the making of a decision by the Vice-Chancellor or the chair under this regulation, and subject to regulation 89, the head of the central secretariat of the University must:
- (a) cause written notice of the decision to be served on the person concerned personally, or by prepaid post to his or her last known address or email address on the records of the University;
 - (b) ensure the notice includes a statement of the decision and the reasons for it; and
 - (c) provide a copy of that notice to the dean.
- (11) For the purposes of subregulations (8) and (9), if the chair is absent or otherwise unavailable, any other member of the conduct review panel may act in the place of the chair and, if so, a reference in those subregulations to the chair is to be taken to be a reference to the member so acting.

87 Annual report

The head of the central secretariat of the University must annually cause a confidential report to be made to the Vice-Chancellor on decisions made under this Part.

88 Effect of decision

- (1) A student who is suspended, excluded or refused enrolment or re-enrolment under this Part remains a student of the University until a final decision of the conduct review panel and:
- (a) is precluded from pursuing any course of study or unit of study;
 - (b) where directed by the dean or a conduct review panel, must not be present in the University or the whole or the part of the university precinct, as the case requires; and
 - (c) must not, without the written consent of the dean do any one or more of the following:
 - (i) attend any lecture, tutorial or other class;
 - (ii) sit any examination or submit any work or research;
 - (iii) gain any credit towards a course of study or unit of study.

89 Service of notices

- (1) Service of a notice under this Part is to be taken to have been effected:
- (a) for a notice served personally, on the date on which it is delivered;
 - (b) for a notice served by email, on the date on which it is sent;
 - (c) for a notice served by pre-paid post within the country from where it was sent, 2 working days after the date on which it is posted; or
 - (d) for a notice served by pre-paid post outside the country from where it was sent, 7 working days after the date on which it is posted.
- (2) If authorised by Health Privacy Principle 2 of the Health Records Act 2001, notice of any decision under this Part and grounds for the decision may be forwarded to an immediate family member of the person concerned within the meaning of that Act or to a registered medical practitioner advising or treating the person.

90 Provost may act for dean

The Provost may exercise all the functions, powers and duties of a dean under this Part.

Part 14—Transitional Provision

91 Saving of Council resolutions made under revoked legislation

Insofar as a resolution made by the Council before the commencement

of these regulations under a University statute or University regulation revoked by section 31(1) of the Monash University Statute could have been made on or after that commencement under the Monash University Statute or these or any other University regulations, it has effect as if it had been made under that Statute or these or those regulations, as the case requires.

SCHEDULE 1

Monash Postgraduate Association Inc.

Monash Student Association (Clayton) Inc.

MONSU Caulfield Inc.

Monash University Gippsland Student Union Inc.

Monash University Student Union Peninsula Inc.

Monash Parkville Students' Association Inc.

Monash Union of Berwick Students Inc.

DICTIONARY

Academic Board means the Academic Board established by the Council under section 20 of the Act;

academic progress committee means a committee by that name constituted under regulation 29 of the Monash University (Academic Board) Regulations;

academic staff means members of staff holding teaching or research appointments or appointments involving both teaching and research, whether on a full-time, part-time or sessional basis;

academic unit means any of the following established by the Vice-Chancellor under regulation 7 of the Monash University (Vice-Chancellor) Regulations:

- (a) a sub-faculty, school, department, centre, institute or other unit into which a faculty is divided;
- (b) a school, department, centre or institute established as a separate entity from a faculty;

Act means the **Monash University Act 2009**;

associate dean means the associate dean of the faculty who is responsible for coursework teaching programs or the person nominated by the dean as holding the closest equivalent position;

Australian campus means a location within Australia declared to be a campus of the University under section 20 of the Monash University Statute;

authorised officer means the Chancellor, a Deputy Chancellor, the Vice-Chancellor, the Provost, a Deputy Vice-Chancellor or a Vice-President;

award means a degree, diploma, certificate or other award of the University;

campus means a location declared to be a campus of the University under section 20 of the Monash University Statute;

centre means a centre established under the Monash University (Vice-Chancellor) Regulations;

course of study means a number of units of study extending over a period of time leading to a degree or other award;

coursework graduate student means a student enrolled in a postgraduate degree of the University that is not a higher degree by research;

dean means dean of a faculty or sub-faculty appointed by the Vice-Chancellor under these Regulations;

degree means an undergraduate, master's or doctoral degree of the University;

degree faculty, in relation to a degree or other award, means the faculty specified in a University handbook as being responsible for the degree or other award for the year for which the handbook is published;

department means a department established under the Monash University (Vice-Chancellor) Regulations;

Deputy Chancellor means a person appointed to the office of Deputy Chancellor of the University under section 25 of the Act;

Deputy Vice-Chancellor means a person appointed under Part 3 to the office of Deputy Vice-Chancellor;

double degree means a course of study specified in a University handbook as leading to 2 degrees;

double degree student means a student who is undertaking a double degree;

EFT means equivalent full-time;

faculty means a faculty of the University established under the Monash University (Vice-Chancellor) Regulations and, in relation to a student, means:

- (a) the degree faculty; or
- (b) for a double degree student, the managing faculty; or
- (c) for a student enrolled in a unit of study or a non-award study, the teaching faculty;

Gippsland campus means the location at Northways Road, Churchill, Victoria and transferred to Federation University Australia (formerly called the University of Ballarat) on 1 January 2014;

Graduate Research Committee means the committee (however designated) established in accordance with Part 4 of the Monash University (Vice-Chancellor) Regulations;

head, in relation to an academic unit or other university body, means the person appointed to lead and manage the unit or other body;

higher degree by research means a master's by research or doctoral degree of the University;

institute means an institute established under the Monash University (Vice-Chancellor) Regulations;

international campus means a location outside Australia declared to be a campus of the University under section 20 of the Monash University Statute;

international student means a student holding a student visa for the purpose of undertaking a course of study in Australia;

managing faculty, in relation to a student undertaking a double degree, means the faculty specified in a University handbook as being responsible for the administration of that double degree for the year for which the handbook is published;”;

members of the University includes the Visitor of the University, the members of the Council, the members of staff of the University including the holders of honorary appointments such as emeritus professors, the students of the University and the graduates of the University;

Monash South Africa means the location or locations in South Africa from which courses of study are delivered;

Monash University Malaysia means the location or locations in Malaysia from which courses of study are delivered;

non-award study means a unit of study that is not undertaken as part of a course of study;

Open Universities Australia means Open Universities Australia Pty Ltd or any successor of that body;

penalty unit is to be construed in accordance with section 110 of the **Sentencing Act 1991**;

president, in relation to the Academic Board, means the person elected to the office of president (however designated) of the Academic Board;

professor means a member of the academic staff of the University appointed as a professor but does not include an associate professor;

Provost means the person, if any, appointed to the office of Provost under Part 3;

recognised association means an association recognised under Part 9;

research includes a thesis, research paper or research report, or work towards a thesis, research paper or research report;

school means a school established under the Monash University (Vice-Chancellor) Regulations;

seal means common seal of the University;

student means a person who:

- (a) is admitted to a course of study at the University; or
- (b) is enrolled at the University in a non-award study or one or more units of study on an assessed or non-assessed basis and without admission to a course of study; or
- (c) is pursuing a course of study or unit of study at the University through an exchange or study program or other arrangement between the University and another educational institution; or
- (d) is engaged in a student mobility program involving the University, whether or not the program is credited towards a course of study or unit of study; or
- (e) has completed a course of study but on or to whom the relevant degree or award has not been conferred or awarded; or
- (f) is on an intermission or has been suspended from, or has deferred enrolment in, a course of study; or
- (g) is enrolled in a course of study or one or more units of study offered by the University through Open Universities Australia or another educational institution; or
- (h) has consented in writing to be bound as a student by the University statutes and University regulations;

sub-faculty means sub-faculty of a faculty established under the Monash University (Vice-Chancellor) Regulations;

teaching faculty, in relation to a unit of study, means the faculty specified in a University handbook as being responsible for the teaching of that unit for the year for which the handbook is published;

undergraduate student means a student enrolled in a bachelor's degree of the University;

unit of study means a component of a course of study that is taught and examined as a discrete entity but does not include a thesis or alternative research component for a higher degree by research;

university activity means an activity carried out on a university precinct or other place in or outside Australia that is arranged, or conducted, by or on behalf of the University, whether alone or in connection with any other entity;

Examples

A lecture, tutorial, examination, practical exercise, ceremony, meeting of a university body, sporting or musical event, game, competition, activity, field trip or excursion;

university body means a body established by or under any University statute or University regulation;

university faculty average means the total number of EFT academic staff of the University divided by the total number of faculties;

university precinct means the whole or part of any land, building or facility owned or occupied by the University or used by it, or by one or more students, for the purpose of conducting a university activity;

vice-president, in relation to the Academic Board, means the person elected to the office of vice-president (however designated) of the Academic Board;

work means any piece of oral, written or practical work or assessment undertaken for the purposes of a course of study or unit of study;

working day means a day other than:

- (a) a day that is a university holiday under Part 9 of the Monash University (Vice-Chancellor) Regulations; or
- (b) in relation to an Australian campus, a Saturday or a Sunday or a day appointed as a public holiday in the whole of Victoria under the **Public Holidays Act 1993**; or
- (c) in relation to an international campus, a day that is a public holiday in the place where that campus is located;

year means calendar year.

End Notes

1. Table of amendments from 28 May 2014 (as incorporated into this version):

Amendment	Sections Amended	Commencement Date (Promulgation)
Monash University (Council) Amendment (No.1) Regulations	Regulations 4, 11, 12, 27, 28, 30, 33, 34, 35, 36, 38, 41, 49, 71, 76, Dictionary	28 May 2014
Monash University (Council) Amendment (No.2) Regulations	Regulations 33, 34, 35, 36, 38, 40, 47, 55, Dictionary	2 July 2014
Monash University (Council) Amendment No.1	Regulations 31, 40, 41, 42, 45, 46, 50 New part 13	20 July 2015

Monash University (Council) Regulations

of 2015 Regulations		
Monash University (Council) Amendment No.2 of 2015 Regulations	Regulations 41(7).	19 October 2015
Monash University (Council) Amendment No.1 of 2016 Regulations	Part 2A (Regulations 6A-6F)	29 July 2016