

Monash University (Vice-Chancellor) Regulations

*Made by the Vice-Chancellor & President
Incorporating amendments as at 20 July 2015*

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Part 1—Preliminary

1 Short title

These regulations may be cited as the Monash University (Vice-Chancellor) Regulations.

2 Authorising provision

These regulations are made under 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) A reference in these regulations to admission to a degree or other award is a reference to admission to a course of study leading to that degree or other award.
- (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 reference in these regulations 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 degree or other award being undertaken at the Gippsland campus, a reference to the Gippsland campus.
- (6) A note at the foot of a provision of these regulations forms part of the regulations.

Part 2—The Faculties

5 Establishment and membership of faculties

(1) The following faculties of the University are established:

- (a) Art, Design and Architecture;
- (b) Arts;
- (c) Business and Economics;
- (d) Education;
- (e) Engineering;
- (f) Information Technology;
- (g) Law;
- (h) Medicine, Nursing and Health Sciences;
- (i) Science;
- (j) Pharmacy and Pharmaceutical Sciences.

Note

In addition to establishing a faculty, the Vice-Chancellor may make regulations abolishing or changing the name of a faculty. See section 31(4) of the **Monash University Act 2009**.

(2) The members of a faculty are:

- (a) the members of the staff of an Australian campus who are employed, other than on a sessional basis, in an academic position and:
 - (i) for whom the faculty is the most appropriate to their role; or
 - (ii) in the event of uncertainty or dispute as to which is the most appropriate, for whom the faculty is designated by the Vice-Chancellor as being the one of which they are a member; and
- (b) such other persons (if any), including persons who are employed, other than on a sessional basis, in an academic position at a location outside Australia, as the Vice-Chancellor designates as members of the faculty.

(3) Nothing in, or done under, subregulation (2)(b) has the effect of causing a person to whom it applies to be an employee of the University if they are not otherwise such an employee.

Note

Membership of a faculty is relevant to eligibility for appointment to various committees, panels and other bodies established under University regulations.

6 Functions, duties and accountabilities of deans

- (1) Under the direction of the Vice-Chancellor, each dean has the following functions and duties:
- (a) to lead and manage the academic and operational affairs of the faculty or sub-faculty (as the case requires) in accordance with University statutes, University regulations and University policies and procedures;
Example
Staffing and staff management, administration, budgeting, financial and resource management, workload allocation, occupational health and safety matters and other working conditions of members of staff.
 - (b) to establish appropriate structures and mechanisms for the efficient and effective governance and management of the faculty or sub-faculty (as the case requires), including the establishment of an executive group and other advisory bodies;
 - (c) to work collaboratively with other senior university managers to serve the interests of the University;
 - (d) to represent the faculty or sub-faculty (as the case requires) and the University to the external community;
 - (e) to provide a written report on the academic affairs of the faculty or sub-faculty (as the case requires) to the Academic Board, as and when required to do so by it;
 - (f) any other function or duty set out in his or her contract of employment.
- (2) Without limiting subregulation (1)(b), the dean must ensure that structures and mechanisms (including the appointment of individuals or the establishment of committees) are in place to:
- (a) develop and promote excellence in learning and teaching in the faculty; and
 - (b) evaluate teaching quality in the faculty; and
 - (c) provide for student selection and admission; and
 - (d) manage student progress, conduct and discipline; and
 - (e) provide for curriculum development, approval, implementation, review and renewal; and
 - (f) implement proposals relating to coursework courses and units of study and admissions, pathways and scholarships to the faculty; and
 - (g) undertake coursework course reviews; and

- (h) develop processes for determining the results of the performance of all students in the faculty; and
 - (i) develop, implement and monitor relevant academic performance indicators for the faculty; and
 - (j) develop a faculty research strategy and monitor its implementation; and
 - (k) set and monitor faculty targets aimed at achieving research excellence and impact; and
 - (l) monitor progress on industry engagement and commercialisation of intellectual property at faculty level.
- (3) References in subregulation (2) to a faculty include a reference to a sub-faculty.
- (4) The dean of a faculty, after consulting the relevant Vice-Provost, may appoint a deputy dean or associate dean or other suitable person as chair of any committee established for the purpose of subregulation (2) and may direct that the committee meet at intervals determined by the dean and provide a written report to the dean on its meetings.
- (5) Without limiting the kind of advisory bodies that he or she may establish, the dean of a faculty or sub-faculty must ensure that he or she has an advisory mechanism on which students are represented and, if appropriate, the external community is represented.
- (6) A dean of a faculty is accountable to the Vice-Chancellor for the carrying out of his or her functions and duties.
- (7) A dean of a sub-faculty is accountable to the dean of the faculty for the carrying out of his or her functions and duties.

7 Sub-faculties, schools, departments, centres and institutes

- (1) The Vice-Chancellor, by a notice published on the University website or in any other manner determined by him or her, may:
- (a) establish a sub-faculty of a faculty; or
 - (b) establish a school, department, centre or institute as a unit of a faculty or as a separate entity from any faculty.

Note

Section 10 of the Monash University Statute sets out the governance arrangements of faculties and sub-faculties.

- (2) In each school, department, centre or institute of a faculty there shall be a head appointed by the Vice-Chancellor on the recommendation of the dean.

Part 3—Additional Requirements for Admission

8 Additional requirements for admission to a course of study

- (1) The dean of the degree faculty may recommend to the Vice-Chancellor that higher achievement levels of results or additional requirements for admission to a coursework course of study be established.
- (2) After considering any recommendations made by the dean, the Vice-Chancellor, by notice published on the University website or in any other manner determined by him or her, may specify higher achievement levels of results or additional requirements for admission to the course of study.
- (3) The Vice-Chancellor is not bound by any recommendation made by the dean.
- (4) A person must not be admitted to a course of study that has a research component, including a bachelor honours degree, unless the dean is satisfied that adequate supervision and facilities are available.
- (5) To avoid doubt, any higher achievement levels or additional admission requirements provided for by this regulation are additional to any minimum admission requirements contained in the Monash University (Academic Board) Regulations.

9 Additional requirements for admission to a higher degree by research

- (1) The Graduate Research Committee may recommend to the Vice-Chancellor that higher achievement levels of results or additional requirements for admission to a course of study for a higher degree by research be established.
- (2) After considering any recommendations made by the Graduate Research Committee, the Vice-Chancellor, by notice published on the University website or in any other manner determined by him or her, may specify higher achievement levels of results or additional requirements for admission to a higher degree by research.
- (3) The Vice-Chancellor is not bound by any recommendation made by the Graduate Research Committee.
- (4) A person must not be admitted to a course of study for a higher degree by research unless the Graduate Research Committee is satisfied that adequate supervision and facilities are available.
- (5) To avoid doubt, any higher achievement levels or additional admission requirements provided for by this regulation are additional to any minimum admission requirements contained in the Monash University (Academic Board) Regulations.

10 Quotas

- (1) The Vice-Chancellor may approve a limit on the total number of persons, or the number of persons falling within a particular category, who may in any year be admitted to a course of study or sequence of units of study or a unit of study offered by the University.
- (2) If a limit is approved under subregulation (1), the dean of the degree faculty:
 - (a) must select persons for the course of study or sequence of units on the basis of academic merit; and
 - (b) may select persons for a unit of study on the basis of the faculty's own requirements for enrolment in that unit.
- (3) A person may only be selected under subregulation (2) if they satisfy:
 - (a) the entrance requirements of the University; and
 - (b) the admission requirements for the course of study or the enrolment requirements for the unit of study or the sequence of units of study.

11 Restrictions on admission and graduation

A person is not entitled to be admitted or re-admitted to any course of study or enrolled in a unit of study or have a degree conferred on him or her or any other award granted to him or her:

- (a) while he or she is excluded from the University; or
- (b) while any money, including a fee, payable by him or her to the University or to a subsidiary of, or body affiliated with, the University and due for payment remains unpaid, unless the Vice-Chancellor otherwise directs; or
- (c) while any disciplinary proceeding against him or her or an appeal from such a proceeding is pending, unless the Vice-Chancellor otherwise directs.

12 Enrolment and payment of fees

Except as otherwise provided by any University statute or University regulation, a person must not pursue a course of study or unit of study unless he or she has:

- (a) enrolled in the form approved, and within the time and at the place specified, by the Vice-Chancellor; and
- (b) paid any relevant enrolment fees.

13 Enrolment, re-enrolment and cancellation of enrolment

- (1) The Vice-Chancellor may determine:
 - (a) the date by which a student accepted for admission to a course of study or enrolment in a unit of study must enrol; and
 - (b) the date by which a student previously enrolled must re-enrol; and
 - (c) a final deadline for late enrolment.
- (2) A student who fails to enrol or re-enrol by the date determined by the Vice-Chancellor must pay, in addition to the fees otherwise payable, a late enrolment fee of an amount determined by the Vice-Chancellor.
- (3) A student's admission to a course of study or enrolment in a unit of study offered by a faculty may be cancelled if the student:
 - (a) fails to enrol or to maintain enrolment in that course or unit in accordance with the requirements of the University; or
 - (b) is found by the dean of the degree faculty to have falsified or failed to disclose any of the following that would, if known, have led to the person's application for admission or enrolment being rejected:
 - (i) results of previous study;
 - (ii) evidence of English language skills;
 - (iii) any other qualification or achievement considered in determining the application for admission or enrolment;
 - (iv) the fact of his or her exclusion from the University or another university or another educational institution.
- (4) An application by a person for admission to a course of study to which his or her admission was cancelled under subregulation (3) or regulation 14 or Part 6 must be considered in competition with all other applications for admission to that course in accordance with the normal selection processes of the University.

14 Refusal and cancellation of admission and enrolment

- (1) The dean of the degree faculty or, in the case of a higher degree by research, the Graduate Research Committee may refuse a person admission to a course of study or enrolment in a unit of study if:
 - (a) the person has been suspended or excluded from admission to a degree or other award of the University or of another university or another educational institution:
 - (i) for reasons of unsatisfactory progress or inability to progress;
or

- (ii) in order to protect the health or safety of any person or the property of the University or that other university or educational institution (safety reasons); or
 - (iii) for reasons of discipline; or
 - (iv) for a combination of such reasons; or
 - (b) in his or her opinion the person's conduct would have provided reasonable grounds to take action to suspend or exclude him or her from the University for reasons of academic progress, discipline or safety had he or she been a student of the University at the time of the conduct.
- (2) The dean of the degree faculty or, in the case of a higher degree by research, the Graduate Research Committee, if of the opinion that not to do so may place the University in breach of a law or a legal requirement, may:
- (a) refuse or cancel a person's admission to a course of study or enrolment in a unit of study; or
 - (b) cancel a person's application for admission to a course of study or enrolment in a unit of study.
- (3) The dean of the degree faculty or, in the case of a higher degree by research, the Graduate Research Committee, if of the opinion that it is necessary to do so to ensure compliance with a law or a legal requirement, may impose a condition on a person's:
- (a) admission to a course of study; or
 - (b) enrolment in a unit of study; or
 - (c) enrolment in a unit of study that is not a component of a course of study.

15 Deferment of a course of study

- (1) The dean of the degree faculty or, in the case of a higher degree by research, the Graduate Research Committee may permit a person who is offered a place in a course of study to defer the commencement date for that course for up to 12 months or, in circumstances the dean or the Committee regards as exceptional, for a longer period.
- (2) Without limiting the discretion of the dean or the Committee under subregulation (1), if deferment is sought for the purpose of engaging in study at another university or another educational institution, the dean or the Committee may determine that it is not appropriate to allow the person to defer.

16 Disestablishment of courses and units of study

- (1) The Vice-Chancellor, on his or her own initiative or on the recommendation of the Academic Board, may disestablish a course of study or a unit of study.
- (2) For the purposes of subregulation (1), the Academic Board may recommend the disestablishment of a course of study or unit of study for any reason including where it is of the opinion that standards of academic quality in relation to the course or unit are being breached or not maintained systemically.
- (3) If the Vice-Chancellor decides to disestablish a course of study:
 - (a) the dean of the degree faculty or, in the case of a higher degree by research, the Graduate Research Committee must stop admitting persons to that course, other than any who at the time of the decision had completed an approved pathway program or were undertaking an approved pathway program which they then subsequently successfully completed; and
 - (b) the Vice-Chancellor must determine the period during which the course will continue to be taught for the purpose of providing the students admitted to it with an opportunity to complete it; and
 - (c) the dean of the degree faculty or, in the case of a higher degree by research, the Graduate Research Committee must make any other necessary transitional arrangements.

Note

The dean may delegate this function, power or duty under regulation 27 of the Monash University (Council) Regulations.

Part 4—Graduate Research Committee

17 Functions of the Graduate Research Committee

- (1) There is a Graduate Research Committee with responsibility for the matters relating to higher degrees by research specified in subregulation (2).
- (2) The Graduate Research Committee has responsibility for:
 - (a) subject to the general supervision of the Academic Board, the academic content of, and assessments for, higher degrees by research; and
 - (b) admission to, administration of and exclusion from, higher degrees by research; and

- (c) the administration of scholarships for higher degrees by research; and
- (d) dealing with any matters relating to higher degrees by research that are given to it by these Regulations or the Monash University (Academic Board) Regulations.

18 Membership of the Graduate Research Committee

- (1) The Graduate Research Committee consists of:
 - (a) a chair of the Committee nominated by the senior officer responsible for research within the University; and
 - (b) a deputy chair of the Committee nominated by the senior officer responsible for research within the University; and
 - (c) a representative of the Academic Board nominated by the president of the Academic Board; and
 - (d) a representative of each faculty nominated by the dean of the faculty after consulting the relevant Vice-Provost; and
 - (e) a representative of any entities that are not faculties or units of faculties in which students are enrolled for a higher degree by research, nominated by the chair of the Committee; and
 - (f) 2 representatives of the Monash Postgraduate Association Inc. nominated by the executive committee of the Association; and
 - (g) the convenor of the subcommittee of the Committee known as the steering committee.

Note

Regulation 20 provides for the constitution and appointment of this subcommittee.

- (2) The term of office of a member is one year for a member referred to in subregulation (1)(f) and 2 years for all other members. A member is eligible for re-nomination.
- (3) A casual vacancy in the office of a member referred to in subregulation (1)(f) is to be filled for the balance of the term by a person nominated by the executive committee of the Monash Postgraduate Association Inc.
- (4) The Committee may co-opt any person to be a member of the Committee to assist it in carrying out its functions.
- (5) The Committee may at any time remove a co-opted member from office.
- (6) A person or body may nominate a person as an alternate member to attend any meeting of the Graduate Research Committee that a member nominated by them cannot attend.

- (7) An alternate member has all the functions and powers and may perform all the duties of the member for whom he or she is acting.

19 Meetings of the Graduate Research Committee

- (1) One half of the members for the time being in office constitutes a quorum at a meeting of the Graduate Research Committee.
- (2) The chair presides at meetings of the Committee.
- (3) If the chair is absent or unable to discharge the duties of his or her office, the deputy chair presides.
- (4) All matters requiring a decision which come before any meeting of the Committee must be decided by a unanimous or majority decision of the members present.
- (5) The person presiding at a meeting of the Committee has a vote and, in the event of the votes on any question being equal, a casting vote.
- (6) The chair or deputy chair must, as soon as possible after each meeting of the Committee:
- (a) report to the Vice-Chancellor on:
 - (i) the conduct, status and progress of any matters referred to the Committee by the Vice-Chancellor; and
 - (ii) any matter on which the Vice-Chancellor requests the Committee to report to him or her; and
 - (iii) any other matter that the Committee agrees should be reported to him or her; and
 - (b) report to the Academic Board on:
 - (i) the conduct, status and progress of any matters referred to the Committee by the Academic Board; and
 - (ii) any matter on which the Academic Board requests the Committee to report to it; and
 - (iii) any other matter that the Committee agrees should be reported to it.
- (7) Subject to this Part, the Committee may regulate its own proceedings.

20 Subcommittees

- (1) The Graduate Research Committee, by resolution, must constitute and appoint a subcommittee to be known as the steering committee and may constitute and appoint any other subcommittees as it thinks fit.

- (2) A member of the Graduate Research Committee may be appointed as a member of a subcommittee but a subcommittee may be comprised entirely of persons who are not such members.
- (3) The Graduate Research Committee, by resolution, may delegate to a person or subcommittee all or any of its functions, powers or duties other than a power or function of the Council delegated to it by the Council.

21 Monash Institute of Graduate Research

- (1) There continues to be a Monash Institute of Graduate Research.
- (2) The role of the Institute is to support the Graduate Research Committee in carrying out its functions and duties.
- (3) The Graduate Research Committee, by resolution, may assign particular responsibilities or functions to the Institute.

Part 5—Intellectual Property

22 Application

- (1) This Part applies to an international campus only to the extent that it relates to a student.
- (2) For the purpose of subregulation (1), a reference in this Part to an Act of Parliament is to be construed as a reference to the corresponding legislation, if any, in the place in which the international campus is located.

23 Intellectual property created by members of staff or affiliates

- (1) Apart from intellectual property created in whole or in part by a member of staff or an affiliate that otherwise vests in the University by law, the University owns all intellectual property created in whole or in part by a member of staff or affiliate in the course of his or her employment by, or appointment with, the University.
- (2) If a member of the academic staff or an affiliate creates a scholarly work that is owned by the University, the ownership of that work is, by force of this subregulation, assigned to that member of staff or affiliate subject to the following conditions:
 - (a) there is reserved to the University a non-exclusive, royalty-free, perpetual and irrevocable worldwide licence to reproduce, publish, perform, communicate to the public, disseminate or otherwise use, modify or adapt the work for:
 - (i) the University's teaching, education or research purposes; and
 - (ii) the purpose of making the work available by open access in accordance with the University's policies and procedures;

- (b) there is signed by the member of staff or affiliate, if requested by the University, a consent with respect to the treatment of any moral rights subsisting in the work.
- (3) For the purpose of subregulation (2), if a scholarly work is created by 2 or more members of the academic staff or affiliates, assignment by force of that subregulation is to them as tenants in common in the shares agreed in writing by them.
- (4) If the University owns a copyright work by force of subregulation (1), the member of the academic staff or affiliate who created it is granted, by force of this subregulation, a non-exclusive, royalty free, perpetual and irrevocable licence to use it for his or her teaching or research purposes.
- (5) The University may make a written policy setting out the share of any payments received by the University, as a result of the University commercialising (otherwise than as an aid or tool for instruction in a course of study or unit of study) intellectual property owned by it by force of subregulation (1), to which the member of the academic staff or affiliate who created the intellectual property is entitled.
- (6) Unless the University and the member of the academic staff or affiliate who created the intellectual property otherwise agree, that member or affiliate is entitled to the share, as determined in accordance with the policy referred to in subregulation (5), of any payments received by the University as a result of the commercialisation of that intellectual property.

24 Intellectual property created by students

- (1) A student who participates in a collaborative research activity must:
 - (a) assign to the University (or, for a student undertaking a course of study at an international campus, to the entity operating that campus) any intellectual property that he or she creates during his or her enrolment, excluding copyright in his or her thesis; and
 - Note**
Entity is defined by section 38 of the **Interpretation of Legislation Act 1984** as including a person and an unincorporated body.
 - (b) sign, if requested by the University, a consent with respect to the treatment of any moral rights subsisting in any product of that activity.
- (2) A student must be given a reasonable opportunity to seek legal advice on any document prepared for the purpose of subregulation (1)(a).
- (3) If a higher degree by research student fails to give an assignment and consent under subregulation (1) within 14 days after being requested to do so in writing by the University, the University may prohibit the student from participating, or continuing to participate, in the collaborative research activity.

- (4) If, because of a prohibition under subregulation (3), a student is unable to continue with his or her enrolment, he or she must be given a reasonable opportunity to develop a new research project that is not a collaborative research activity.
- (5) The Graduate Research Committee may cancel a student's admission to, and enrolment in, a higher degree by research if the student fails to develop a new research project of a kind referred to in subregulation (4) within 60 days after the exercise by the University of its power under subregulation (3).
- (6) Any intellectual property created by a student otherwise than by participating in a collaborative research activity is owned by the student.
- (7) A student owns the copyright in his or her thesis.
- (8) Subregulation (7) does not affect any requirement of the Graduate Research Committee that applies to the thesis.
- (9) The University may make a written policy setting out the share of any payments received by the University, as a result of the University commercialising (otherwise than as an aid or tool for instruction in a course of study or unit of study) intellectual property assigned to it under subregulation (1), to which the student who created the intellectual property is entitled.
- (10) If the University commercialises (otherwise than as an aid or tool for instruction in a course of study or unit of study) intellectual property assigned to it under subregulation (1), the student who created it is entitled to the share, as determined in accordance with the policy referred to in subregulation (9), of any payments received by the University as a result of the commercialisation of that intellectual property.

25 Intellectual property created by visiting academics

- (1) This regulation applies to intellectual property created in whole or in part by a visiting academic in circumstances where the University:
 - (a) contributed intellectual property that was used or relied on in creating the intellectual property; or
 - (b) made a material contribution of another kind to the creation of the intellectual property.
- (2) The University is entitled to a proportionate interest in the intellectual property commensurate with its relative contribution.
- (3) If the University has a proportionate interest in a scholarly work created by a visiting academic, the ownership of that interest is, by force of this subregulation, assigned to that visiting academic subject to the following conditions:

- (a) there is reserved to the University a non-exclusive, royalty-free, perpetual and irrevocable worldwide licence to reproduce, publish, perform, communicate to the public, disseminate or otherwise use, modify or adapt the work for:
 - (i) the University's teaching, education or research purposes; and
 - (ii) the purpose of making the work available by open access in accordance with the University's policies and procedures;
- (b) there is signed by the visiting academic, if requested by the University, a consent with respect to the treatment of any moral rights subsisting in the work.

26 Moral rights

- (1) The University recognises the moral rights of a creator in accordance with the Copyright Act.
- (2) If the University publishes or causes to be published a copyright work owned by the University by force of this Part, the University must act in accordance with Part IX of the Copyright Act when attributing authorship.
- (3) The University may request that a creator sign a consent with respect to his or her moral rights subsisting in a copyright work.

27 Obligation to execute documents

- (1) If required by the University, a creator must execute any document or do anything reasonably required by the University:
 - (a) to give effect to this Part; or
 - (b) to secure and defend intellectual property protection; or
 - (c) to demonstrate or prove ownership of intellectual property to a third party; or
 - (d) for the commercialisation of intellectual property owned by the University.
- (2) Any costs incurred by a creator under subregulation (1) must be borne by the University.

28 Obligation of confidentiality

- (1) If an agreement entered into under section 19(2) of the Monash University Statute contains obligations regarding confidential information (including intellectual property), each member of staff and student to whom the confidential information is disclosed must:
 - (a) observe the obligations of confidence; and

- (b) on request by the University, sign a confidentiality agreement.
- (2) Subregulation (3) applies if:
 - (a) a creator or other person bound by this Part creates, receives or has access to intellectual property owned by the University; and
 - (b) the intellectual property is not available in the public domain.
- (3) The creator or other person must not disclose the intellectual property without the prior approval of the University.

29 Notification

- (1) A creator who has created intellectual property that has the potential to be commercialised must, as soon as possible after its creation, give notice of the creation to the person designated by the Vice-Chancellor to receive such notices.
- (2) A notice under subregulation (1) must set out:
 - (a) full details of the intellectual property created, including its technical or commercial significance; and
 - (b) the names of all known creators.
- (3) After receiving a notice under subregulation (1) or otherwise becoming aware of intellectual property that has the potential to be commercialised, the University must determine whether to protect or commercialise the intellectual property.
- (4) After notice has been given under subregulation (1) of the creation of intellectual property, a creator must not disclose the creation without the prior approval of the person to whom the notice was given.

30 Prohibition on certain action by creator etc.

A creator or other person bound by this Part must not, to the extent that to do so is in any manner inconsistent with the University's rights under this Part or at law:

- (a) apply for any form of protection in relation to intellectual property owned by the University; or
- (b) attempt to commercialise any such intellectual property; or
- (c) do any other act or thing in relation to such intellectual property.

31 Transitional provisions

- (1) Any intellectual property created by a member of staff before the commencement of this Part continues to be governed:
 - (a) by any terms relating to such property that are contained in his or her contract of employment as in force before that commencement; and
 - (b) by the provisions of the University statutes and University regulations as in force before that commencement.
- (2) Any intellectual property created, before the commencement of this Part, by a student who was enrolled before that commencement is governed by the provisions of the University statutes and University regulations as in force before that commencement.

Part 6—Trespass

32 Authority to withdraw permission to be on University property

- (1) Each security officer is authorised, for any purpose set out in subregulation (2):
 - (a) to withdraw the permission of any person to be on any land or other property owned or occupied by the University (**University property**); and
 - (b) to request a police officer to remove from any University property a person whose permission to be there has been withdrawn.
- (2) The purposes are:
 - (a) protecting the health or safety of any person; or
 - (b) protecting University property; or
 - (c) abating a nuisance; or
 - (d) preventing misconduct or criminal conduct.
- (3) On withdrawing the permission of a person to be on any University property, the security officer must also direct the person to leave that property immediately.
- (4) A direction under subregulation (3) may be accompanied by an oral or written warning that, if the direction is not complied with:
 - (a) any police officer may be requested to remove the person; and

- (b) the person may be proceeded against for trespass.

33 Security manager must report withdrawal of permission

- (1) The security manager of the University must report any exercise of a power under regulation 43 to the Vice-Chancellor, or his or her delegate, within 24 hours after that exercise.
- (2) The Vice-Chancellor, or his or her delegate, on receiving a report under subregulation (1) may direct:
 - (a) that the permission of the person to be on the University property be reinstated, with or without conditions; and
 - (b) that the person be notified of that reinstatement and of its terms in the manner specified by the Vice-Chancellor or his or her delegate.

Part 7—The University Library

34 Powers of the university librarian

The university librarian, by notice published on the University website or in any other manner determined by him or her, may:

- (a) specify the persons or classes of person who are entitled to use the university library; or
- (b) specify the circumstances in which he or she may prohibit a person from using, wholly or partly, the university library and the period (including an unlimited period) for which a person may be so prohibited; or
- (c) establish terms of use for the university library.

35 Terms of use

- (1) A student, member of staff or other person who uses the university library must be taken to have agreed to be bound by the terms of use established under regulation 45(c).
- (2) Terms of use may provide for the following:
 - (a) the extent to which, and the conditions on which, library materials may be used by any class of person;
 - (b) without limiting paragraph (a), whether, and if so the period for which and conditions on which, library materials may be borrowed or accessed by any class of person;
 - (c) the fees payable for the late return of any borrowed library materials;

- (d) the amount payable if library materials are lost or otherwise not returned and the date or time by which that amount must be paid;
- (e) the amount payable if library materials are damaged, whether while being used in the library or while borrowed from the library, and the date or time by which that amount must be paid;
- (f) the amount payable if on-line library materials are used contrary to any applicable licence condition, and the date or time by which that amount must be paid;
- (g) rules of conduct to be complied with by any person using the university library or any part of it;
- (h) sanctions that may be imposed on any person who contravenes a term of use, which may include the imposition of a fine and the withdrawal of entitlement to use the university library or any part of it or to use all or any specified library materials or any specified class of library materials;
- (i) the inspection and search, by a member of staff of the University or a person engaged by the University to perform security duties, of any bag, basket or other receptacle, or of any document, in the possession of a person who is about to leave the university library that the staff member or person engaged by the University reasonably believes could contain, or may be, library materials.

Part 8—University holidays

36 University holidays

The following days are to be observed in Australia as holidays in the University:

- (a) Australia Day;
- (b) Good Friday, the Saturday before Easter Sunday, Easter Monday and Easter Tuesday;
- (c) ANZAC Day;
- (d) the days from and including Christmas Day to and including New Year's Day or, if New Year's Day is a Saturday or Sunday, the Monday following New Year's Day, but excluding each Saturday and Sunday which falls in that period and which is not Christmas Day, Boxing Day or New Year's Day;
- (e) such other day, or substitute day, as the Vice-Chancellor declares by notice published on the University website or in any other manner determined by him or her.

Part 9—Fees

37 Payment of fees

- (1) The person liable to pay a fee is:
 - (a) for an application fee, the applicant; and
 - (b) for an enrolment or re-enrolment fee, the person seeking to enrol or re-enrol with the University; and
 - (c) for a tuition fee, the person to whom the tuition is being or will be provided; and
 - (d) for a student services and amenities fee, the person enrolled, or seeking to enrol, with the University; and
 - (e) for a fee for goods or services, the person to whom those goods or services are being or will be provided.
- (2) A fee payable by a person is payable:
 - (a) for an application fee or an enrolment or re-enrolment fee, by the date notified in writing by the University to the person as the due date; and
 - (b) for any other fee, by the date the person enrolls or re-enrolls at the University or the date notified in writing by the University to the person as the due date, whichever occurs last.
- (3) If a fee remains unpaid after the due date the person liable to pay it may not obtain a transcript or other document relating to his or her academic record or have a degree conferred on, or other award granted to, him or her, unless the Vice-Chancellor otherwise directs.
- (4) The Vice-Chancellor, in circumstances he or she regards as exceptional:
 - (a) may waive, defer or mitigate payment of a fee; and
 - (b) in relation to a deferred or mitigated fee, may determine any condition regarding payment, including the due date.
- (5) The Vice-Chancellor must notify in writing the person liable to pay the fee of a due date determined under subregulation (4)(b).
- (6) To avoid doubt, the Vice-Chancellor may determine under subregulation (4) that payment of a fee may be made by instalments.
- (7) If a person defaults in paying an instalment by the date it must be paid, that date is to be taken to be the due date of the fee for the purpose of this regulation.

- (8) A waived fee is to be regarded as having been paid for the purpose of this regulation.
- (9) Unless the Vice-Chancellor acts under subregulation (4) within 30 working days after the due date, any enrolment or re-enrolment of a person who is liable to pay but does not pay a fee by the due date is, by force of this subregulation, invalidated at the end of that period of 30 working days.

Part 10—Student loans

38 Students' Loan Fund

The University may establish a fund out of which loans up to an amount determined by the Vice-Chancellor may be granted to students.

39 Loan terms

- (1) A loan:
 - (a) may be granted for a period of not more than 3 years; and
 - (b) is subject to the terms and conditions determined by the University; and
 - (c) if for more than an amount determined by the Vice-Chancellor for the purposes of this paragraph but subject to subregulation (5), must be supported by a guarantee in a form, and signed by a guarantor, approved by the University.
- (2) The student must sign a loan agreement in a form approved by the University.
- (3) A loan is repayable on whichever of the following dates occurs first:
 - (a) the repayment date specified in the loan agreement;
 - (b) the date the borrower ceases to be a student.

Note

Regulation 52 sets out sanctions that may be imposed for failure to repay a loan by the date specified in this subregulation.

- (4) For the purposes of subregulation (3)(b), a student:
 - (a) who completes his or her course of study and is not admitted to a course of study or enrolled in a unit of study in the following semester, ceases to be a student on:
 - (i) the last day of the semester in which the course of study was completed; or

- (ii) if the student has a deferred or supplementary assessment, the day on which the results of that assessment are published; or
 - (b) whose studies are for any reason discontinued before completion (whether on account of action taken by the student or the University), ceases to be a student on the date of discontinuation as determined by the University.
- (5) The University need not require a guarantee on a loan, not exceeding an amount determined by the Vice-Chancellor for the purposes of this subregulation, granted to:
 - (a) an international student if the loan is repayable within 12 months or immediately before graduation, whichever first occurs; or
 - (b) a non-international student if the University is satisfied that the student is in dire financial need and that exceptional circumstances prevent the provision of an acceptable guarantee.

40 Interest

- (1) A loan has an initial interest free period of 12 months.
- (2) Subject to this regulation, the University may impose interest on a loan after the initial interest free period.
- (3) The rate of interest payable on a loan:
 - (a) is 2% below the 10-year Australian government bond yield rate (***the long term bond rate***) but cannot exceed 13.75% per year or be less than 0.00% per year; and
 - (b) is set on an annual basis but may be revised in the course of a year during which there is a substantial movement in interest rates.
- (4) A revised rate of interest only applies to loans taken out after the revision.
- (5) The University may, on the written application of the student, permit the student to pay interest at such a reduced rate and for such a period as it determines.
- (6) The University may charge a penalty rate of interest of 5% above the long term bond rate on any amount outstanding after the date on which the loan is repayable under regulation 50(3).
- (7) Interest payable on a loan is calculated on the daily balance owing and charged monthly until the loan is repaid.

41 Sanction for failure to repay by repayment date

A student who fails to repay a loan, including interest, by the date on which it was repayable under regulation 50(3) must not be permitted to obtain a transcript of academic record, re-enrol or graduate, unless the Vice-Chancellor otherwise directs.

Part 11—Fines

42 Payment of fines

- (1) If a fine imposed by the University on a student remains unpaid after the date by which it was due to be paid, the student may not obtain a transcript or other document relating to his or her academic record or have a degree conferred on, or other award granted to, him or her, unless the Vice-Chancellor otherwise directs.

Note

Under section 61 of the **Monash University Act 2009** a fine is a civil debt recoverable summarily by the University in any court of competent jurisdiction.

- (2) The Vice-Chancellor, in circumstances he or she regards as exceptional:
- (a) may waive, defer or mitigate payment of a fine; and
 - (b) in relation to a deferred or mitigated fine, may determine any condition regarding payment, including the due date.
- (3) The Vice-Chancellor must notify in writing the person liable to pay the fine of a due date determined under subregulation (2)(b).
- (4) To avoid doubt, the Vice-Chancellor may determine under subregulation (2) that payment of a fine may be made by instalments.
- (5) If a person defaults in paying an instalment by the date it must be paid, that date is to be taken to be the due date of the fine for the purpose of this regulation.
- (6) A waived fine is to be regarded as having been paid for the purpose of this regulation.
- (7) Unless the Vice-Chancellor acts under subregulation (2) within 30 working days after the due date, any enrolment or re-enrolment of a person who is liable to pay but does not pay a fine by the due date is, by force of this subregulation, invalidated at the end of that period of 30 working days.

DICTIONARY

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

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 these regulations:

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

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

affiliate means a person who holds an adjunct, emeritus or honorary appointment at the University;

approved pathway program means a program approved by the University as a specific pathway for admission to a course of study;

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

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 these regulations;

collaborative research activity includes a research project that is:

- (a) undertaken by more than one person; or
- (b) subject to an agreement with a third party under which the University has obligations relating to intellectual property; or
- (c) based on a concept or proposal developed by a member of staff, affiliate or third party or collaboratively by the student and a member of staff, affiliate or third party other than one which the student has independently developed and the research for which the student will independently undertake; or

- (d) undertaken using University resources or resources procured by the University, other than standard resources commonly provided to students or collaboration provided by the student's supervisor in the form of standard supervisory advice and guidance at the level that would be expected;

Example

Standard resources include office space, phone, computer, internet access, basic materials and access to University owned or controlled research facilities.

Confidential Information means information of any kind which, because of its confidential character, is capable of protection by contractual or equitable means, and includes information of a valuable commercial or technical character;

Copyright Act means the Copyright Act 1968 of the Commonwealth;

copyright work means a work or a subject-matter other than a work within the meaning of the Copyright Act;

course and teaching material means any material produced in the course of, or for use in, any form of teaching by the University;

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

creator means a member of staff, student, affiliate or visiting academic who creates intellectual property, whether or not in conjunction with another person;

dean means dean of a faculty or sub-faculty appointed by the Vice-Chancellor under the Monash University (Council) 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 these regulations;

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;

faculty means a faculty of the University established under these 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 these regulations;

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

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

institute means an institute established under these regulations;

intellectual property means all intellectual and industrial property rights conferred by statute, at common law or in equity, including patents, inventions, research data, designs, copyright, trade marks, brand names, product names, domain names, rights in circuit layouts, plant breeder's rights, trade secrets and any other rights arising from confidential information, and any other rights subsisting in the results of intellectual effort in any field, whether or not registered or capable of registration;

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;

library materials means any information in the form of data, text, images or sound, including any document or electronic resources, that is in the possession of, managed, created or accessed by the university library for the use of students, members of staff and other persons for the purposes of study, research or teaching;

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;

moral rights has the meaning given by the Copyright Act;

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

scholarly work means a copyright work intended for academic publication or for public exhibition, display or performance including an article, conference paper, creative work, manuscript, book, music composition or any like publication, exhibition, display or performance but does not include course or teaching material;

school means a school established under these regulations;

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;

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 a sub-faculty of a faculty established under these 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;

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 handbook means a handbook published annually by the University specifying courses of study and units of study to or in which students may be admitted or enrolled during the year for which it is published;

university librarian means the staff member of the University responsible for the overall supervision and conduct of the university library;

university library means any physical or virtual space or system used for the purpose of:

- (a) holding, managing or providing access to library materials; or
- (b) providing any services or offering or presenting any activities or programmes under the auspices of the university librarian;

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;

university resources means:

- (a) any resource of the University including funds, assets, facilities, services, equipment, paid leave, material, intellectual property, administrative support and human resources; or
- (b) any resource provided by or obtained by the University including access to third party intellectual property;

use, in relation to the university library, includes enter, access or otherwise use the university library including access, borrow or otherwise make use of any library materials or any services, activities or programmes provided, offered or presented under the auspices of the university librarian;

visiting academic means a person other than a member of staff, student or affiliate who creates intellectual property in the course of, or as a result of, participating in any research, teaching or other activity of the University or visiting the University;

working day means a day other than:

- (a) a day that is a university holiday under Part 9; 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 (Vice-Chancellor) Amendment (No.1) Regulations	Regulations 5,7, Dictionary	28 May 2014
Monash University (Vice-Chancellor) Amendment No.1 of 2015 Regulations	Regulations 8, 13, 14, 33-41, 44	20 July 2015