



Monash University Statute

*Made by the Monash University Council
incorporating amendments as at 4 August 2016*

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1 Short title

This statute may be cited as the Monash University Statute.

2 Commencement

This statute comes into operation on the day on which it is promulgated by being published on the University website.

Note

A statute cannot come into operation before it has been approved by the Minister. See section 32(1) of the **Monash University Act 2009**.

3 Authorising provision

This statute is made under Part 5 of the **Monash University Act 2009**.

4 Interpretation

(1) The Dictionary at the end of this statute defines expressions used in it.

(2) Expressions used in University regulations made by the Council, the Vice-Chancellor or the Academic Board under a power conferred by this statute have, unless the contrary intention appears, the same meaning as they have in this statute as amended and in force for the time being.

Note

Under section 23 of the **Interpretation of Legislation Act 1984** expressions used in this statute or 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 note at the foot of a provision of this statute does not form part of this statute.

Note

A University statute or University regulation is a subordinate instrument for the purposes of the **Interpretation of Legislation Act 1984**. Hence the provisions of that Act that apply to subordinate instruments apply to University statutes and University regulations. However, a University statute or University regulation is not a subordinate instrument for the purposes of section 32 of that Act (prescribing matters by reference to other documents): see section 33(2) of the **Monash University Act 2009**.

5 Application

(1) This statute, and any University regulations made under it, apply in relation to:

(a) all members of the University; and

- (b) all persons entering, or on, land or other property owned or occupied by the University; and
 - (c) all persons using University facilities.
- (2) Subsection (1) has effect with respect to members or persons referred to in it irrespective of where they are situated.
 - (3) Subsection (1) applies except as otherwise expressly provided.

6 Appointment of Chancellor

- (1) On appointing a person to the office of Chancellor, the Council must:
 - (a) fix the term of that appointment; and
 - (b) determine any conditions on which the office is held.
- (2) The Council must specify that term, and those conditions (if any), in the instrument of appointment of the Chancellor.

Note

Under section 24(4)(a) of the **Monash University Act 2009**, the term of the Chancellor must not exceed 5 years but he or she is eligible for reappointment.

- (3) The Chancellor is an ex officio member of any body established by or under any University statute or University regulation and may, if he or she wishes, preside at any meeting of such a body.

7 Appointment of Deputy Chancellors

- (1) On appointing a person to the office of Deputy Chancellor, the Council must:
 - (a) fix the term of that appointment; and
 - (b) determine any conditions on which the office is held.
- (2) The Council must specify that term, and those conditions (if any), in the instrument of appointment of the Deputy Chancellor.

Note

Under section 25(3)(a) of the **Monash University Act 2009**, the term of a Deputy Chancellor must not exceed 5 years but he or she is eligible for reappointment.

8 Appointment of Vice-Chancellor and President

- (1) On appointing a person to the office of Vice-Chancellor and President, the Council must:
 - (a) fix the term of that appointment; and

- (b) determine any conditions on which the office is held.
- (2) The Council must specify that term, and those conditions (if any), in the contract of employment of the Vice-Chancellor.
- (3) The Vice-Chancellor is an ex officio member of any body established by or under any University statute or University regulation and may, if he or she wishes, preside at any meeting of such a body at which the Chancellor is not present or does not wish to preside.
- (4) The Vice-Chancellor as the chief executive officer and chief academic officer of the University is responsible for, and has the supervision and management of, the academic, administrative and other operational affairs of the University.

Note

See section 26(6) of the **Monash University Act 2009** as to the role, functions, powers and duties of the Vice-Chancellor. Under section 26(7) of that Act the Vice-Chancellor may delegate any of his or her functions, powers and duties to an appropriately qualified member of staff or a committee established from such members of staff.

9 Faculties and other academic units of the University

- (1) Faculties (however designated) of the University are to be established, and schools, departments, centres, institutes (however designated) of the University may be established, for the purpose of facilitating teaching, learning and research within the University.
- (2) For the purpose of facilitating the effective operation of the faculties, they may be grouped with other faculties or divided into sub-faculties, schools, departments, centres, institutes or other units (however designated) with a person appointed to lead and manage the group or the sub-faculty, school, department, centre, institute or other unit.

Note

See Part 2 of the Monash University (Vice-Chancellor) Regulations.

10 Governance of faculties

- (1) Each faculty is to be under the leadership and management of a dean who, under the direction of the Vice-Chancellor, is to have responsibility for its academic and operational affairs.
- (2) A sub-faculty may be under the leadership and management of a dean of the sub-faculty who, under the direction of the dean of the faculty, is to have responsibility for the academic and operational affairs of the sub-faculty.
- (3) A dean may be assisted by one or more deputy deans, associate deans or other members of staff.

11 Higher degrees by research

Responsibility for matters relating to higher degrees by research is to be allocated as specified in University regulations.

Note

See Part 4 of the Monash University (Vice-Chancellor) Regulations.

12 Admission to courses of study

- (1) Any requirements for admission to a course of study, and any selection decisions, are to be consistent with principles of academic merit and to have regard to considerations of equity.
- (2) A student may in any year, in accordance with University regulations, be admitted to a course of study, or enrolled in a unit of study, set out in a University handbook published for that year.

Note

See Part 3 of the Monash University (Vice-Chancellor) Regulations and Part 2 of the Monash University (Academic Board) Regulations.

- (3) The Vice-Chancellor is responsible for determining which courses and units are included in any University handbook published for any year.

13 Conferring of degrees and granting of other awards

- (1) The Council may confer a degree on, or grant any other award to, any student who has completed a course of study at the University into which he or she was admitted.

Note

See Part 4 of the Monash University (Council) Regulations.

- (2) The conferring of a degree or the granting of any other award may be evidenced by a certificate in the form approved by the Council from time to time.

14 Admission to honorary degree

- (1) The Council may confer, *honoris causa*, any degree of the University on any person, whether or not a graduate of a university, in recognition of:
 - (a) his or her distinguished contribution to some branch of learning or the arts; or
 - (b) his or her distinguished service to the public.
- (2) No fee is payable for admission to the degree.

15 Exclusion for unsatisfactory progress or inability to progress

A student may be excluded from candidature for a degree or other award for unsatisfactory academic progress or his or her inability to progress.

Note

See Part 4 of the Monash University (Academic Board) Regulations.

16 Exclusion or suspension for disciplinary reasons

A student may be excluded from the University or suspended from pursuing a course of study or unit of study as a penalty for misconduct.

Note

See Part 7 of the Monash University (Council) Regulations.

17 Exclusion or suspension for health reasons

- (1) A student may be suspended or excluded from the University or suspended from pursuing a course of study or unit of study because of his or her state of health or disability.
- (2) Action of a kind referred to in subsection (1) may only be taken if considered necessary to protect the health or safety of any person or the property of the University.

Note

See Part 6 of the Monash University (Vice-Chancellor) Regulations.

18 Revocation of degree or other award

- (1) The Council, in the circumstances specified in subsection (2), may revoke any degree conferred, or other award granted, by the University.
- (2) The circumstances are:
 - (a) for a degree (other than an honorary one) or any other award, the Council is of the opinion that the recipient:
 - (i) obtained it in error or as a result of fraudulent, dishonest or misleading conduct; or
 - (ii) was not qualified for it at the time it was conferred or granted; or
 - (iii) engaged in academic misconduct or research misconduct in relation to it; and
 - (b) for an honorary degree, the Council is of the opinion that:
 - (i) the recipient obtained it in error or as a result of fraudulent, dishonest or misleading conduct; or

- (ii) the information on which it was conferred was inaccurate, incorrect, incomplete or deficient; or
 - (iii) the recipient has engaged, whether before or after the conferral of the degree, in conduct that has brought, or may bring, the reputation of the University or of the degree into disrepute.
- (3) This section applies to a degree or other award whether conferred or granted before or after the coming into operation of this statute.

Note

See Part 8 of the Monash University (Council) Regulations.

19 Intellectual property rights

- (1) The University may:
- (a) acquire (whether by force of any University regulation or by creation, lease, licence, applying for, receiving the assignment or grant of or otherwise), hold (whether on its own behalf or jointly with any other person or body), accept as security or otherwise deal with any intellectual property rights; or
 - (b) assign, grant, lease, licence, sell or dispose of any intellectual property rights; or
 - (c) seek any remedy in relation to, or do anything to protect, enforce, defend, maintain or register any intellectual property rights.
- (2) The University may enter into an agreement or arrangement with any person or body in relation to the creation, ownership, licensing, use or commercial exploitation of any intellectual property rights or for any other purpose contemplated by subsection (1).
- (3) The terms of an agreement or arrangement made under subsection (2) prevail over any provision of the Monash University (Vice-Chancellor) Regulations to the extent of any inconsistency.

Note

See Part 5 of the Monash University (Vice-Chancellor) Regulations.

20 Campus

The Council, by resolution, may for the purposes of the University statutes and University regulations declare to be a campus of the University any location (whether within or outside Australia) from which units of study or courses of study of the University are delivered.

21 Trespass

University regulations may provide for the removal of any person from any land or other property owned or occupied by the University for the purpose of:

- (a) protecting the health or safety of any person; or
- (b) protecting that land or other property; or
- (c) abating a nuisance; or
- (d) preventing misconduct or criminal conduct.

Note

See Part 7 of the Monash University (Vice-Chancellor) Regulations.

22 Academic and ceremonial dress

- (1) The Council, by notice published on the University website, may specify ceremonial or academic dress for specified classes of members of the University.
- (2) Members of the University must wear academic or ceremonial dress of the kind specified by the Council under subsection (1):
 - (a) when attending graduation ceremonies in an official capacity; or
 - (b) on such other occasions as are specified by the Council by notice published on the University website.

23 University library

The University must continue to maintain a university library as a resource for students and members of staff of the University.

Note

See Part 8 of the Monash University (Vice-Chancellor) Regulations.

24 University holidays

For the purpose of facilitating the organisation, management and good governance of the University certain days are to be observed as holidays by the University.

Note

See Part 9 of the Monash University (Vice-Chancellor) Regulations.

25 Fees

- (1) The Vice-Chancellor may set fees for any matter relating to the University, including application fees, enrolment or re-enrolment fees, tuition fees and student services and amenities fees.
- (2) The University may impose a monetary penalty, of an amount determined by the Vice-Chancellor, in respect of any fee not paid by the due date.
- (3) A fee that is unpaid after the due date, and any penalty imposed in respect of it, is a debt due and owing to the University by the person who is liable to pay the fee and the University may commence a proceeding to recover it in any court of competent jurisdiction.

Note

See Part 10 of the Monash University (Vice-Chancellor) Regulations.

26 Student loans

In the interest of the welfare of students, arrangements may be made for the making of loans to students.

Note

See Part 11 of the Monash University (Vice-Chancellor) Regulations.

27 Council regulations

- (1) Without limiting any other power of the Council to make regulations, the Council may make regulations for or with respect to the procedure to be followed in connection with the making of a decision to revoke a degree or other award.

Note

Under section 28 of the **Monash University Act 2009** the Council may make regulations with respect to any matter relating to the University or to any person entering, or on, land or other property of the University or using University facilities.

- (2) Regulations made under subsection (1) may provide for the appointment of a committee to investigate a matter and specify its powers.

Note

See Part 8 of the Monash University (Council) Regulations.

- (2A) Without limiting any other power of the Council to make regulations, the Council may make regulations for or with respect to the elected members of Council and the election of the elected members to the Council.

Note

See Part 2A of the Monash University (Council) Regulations.

Section 11(4A) of the **Monash University Act 2009** defines the elected members of the Council.

- (3) Regulations made by the Council:

- (a) may be of general or of specially limited application;
 - (b) may differ according to differences in time, place or circumstance;
 - (c) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person or class of person;
 - (d) may provide in a specified case or class of case for the exemption of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions, and either wholly or to such extent as is specified;
 - (e) may confer powers or impose duties in connection with the regulations on any specified person or class of person;
 - (f) may contain provisions of a transitional or savings nature arising as a result of the making of this statute.
- (4) A University regulation made by the Council must be:
- (a) in writing; and
 - (b) promulgated by being published on the University website or made public in any other manner determined by the Council.

Note

A University regulation comes into operation on the day on which it is promulgated or the later day specified in it. See section 32(2) of the **Monash University Act 2009**.

- (5) The Council may revoke or amend any University regulation made by it or by the Vice-Chancellor or the Academic Board.
- (6) Subsection (5) does not take away from the power of:
- (a) the Vice-Chancellor to revoke or amend any University regulation made by him or her; or
 - (b) the Academic Board to revoke or amend any University regulation made by it.

Note

See section 31(4) and (5) of the **Monash University Act 2009**.

28 Vice-Chancellor regulations

- (1) The Vice-Chancellor may make regulations for or with respect to prescribing or providing for any of the following matters or things for the purposes of this statute:
- (a) the establishment of faculties and their division into sub-faculties, departments, schools, centres, institutes or units of any other kind (however designated);

- (b) the establishment of departments, schools, centres or institutes of the University as separate entities from any faculty;
- (c) the membership and governance of faculties or academic units including the functions, duties and responsibilities of deans and heads of academic units;
- (d) the courses of study into which students may be admitted, and the units of study in which students may be enrolled, in any year;
- (e) additional requirements for admission to a course of study provided that the resourcing of that course is consistent with the projected demand for it and with students being able to achieve the expected learning outcomes of that course;
- (f) establishing quotas for admission to a course of study or enrolment in a unit of study;
- (g) restrictions on admission to a course of study or enrolment in a unit of study in specified circumstances;
- (h) the refusal of admission to, and cancellation of enrolment in, a course of study or unit of study in specified circumstances;
- (i) deferment of study;
- (j) establishing arrangements for the administration of higher degrees by research, including responsibilities for decision-making, advising the Academic Board and providing administrative support;
- (k) intellectual property including:
 - (i) its ownership, protection, enforcement, defence, licensing, assignment and use; and
 - (ii) the relinquishment by the University of the ownership of, or other rights to, it; and
 - (iii) developing intellectual property or securing its protection; and
 - (iv) the commercial exploitation of intellectual property; and
 - (v) the apportionment of income generated by intellectual property; and
 - (vi) the obligations and rights of creators and other persons or bodies;
- (l) the suspension or exclusion of a student from the University or the suspension of a student from pursuing a course of study or unit of study on account of his or her state of health or disability, the establishment of any committee or panel for this purpose and the procedures to be followed at any meeting of, or hearing by, any such committee or panel;

- (m) the disestablishment of any course of study and the requirements to be complied with in connection with the disestablishment, including the period for which it is to continue to be taught;
 - (n) the days to be observed as holidays in the University;
 - (o) the entitlement of any person or class of person to use, the terms on which any person or class of person may use, and the prohibition of any person or class of person from using, the university library;
 - (p) the entitlement of any person or class of person to use, the terms on which any person or class of person may use, and the prohibition of any person or class of person from using university ICT facilities;
 - (q) the withdrawal of the permission of any person to be on any land or other property of the University;
 - (r) fees;
 - (s) student loans, including the imposition of sanctions on a student who fails to repay a loan by the due date.
- (2) Regulations made by the Vice-Chancellor:
- (a) may be of general or of specially limited application;
 - (b) may differ according to differences in time, place or circumstance;
 - (c) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person or class of person;
 - (d) may provide in a specified case or class of case for the exemption of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions, and either wholly or to such extent as is specified;
 - (e) may confer powers or impose duties in connection with the regulations on any specified person or class of person;
 - (f) may contain provisions of a transitional or savings nature arising as a result of the making of this statute.
- (3) A University regulation made by the Vice-Chancellor must be:
- (a) in writing; and
 - (b) signed by the Vice-Chancellor; and
 - (c) promulgated by being published on the University website or made public in any other manner determined by the Council.

Note 1

A University regulation comes into operation on the day on which it is promulgated or the later day specified in it. See section 32(2) of the **Monash University Act 2009**.

Note 2

Under section 31(4) of the **Monash University Act 2009** the Vice-Chancellor may revoke or amend any regulation made by him or her. Under section 28(5) of this statute the Council may also revoke or amend any regulation made by the Vice-Chancellor.

29 Academic Board regulations

- (1) The Academic Board may make regulations for or with respect to prescribing or providing for any of the following matters or things for the purposes of this statute:
 - (a) minimum requirements for entrance to the University;
 - (b) requirements for alternative entrance and special admission schemes;
 - (c) requirements for admission to any course of study or enrolment in any unit of study;
 - (d) the academic content of courses of study and units of study, including course requirements, and the accreditation or re-accreditation of courses;
 - (e) the granting of credit towards a course of study;
 - (f) assessment or supervision of students admitted to a course of study or enrolled in a unit of study, including the holding of examinations;
 - (g) academic integrity requirements including plagiarism and collusion;
 - (h) the determination of whether or not a candidate for a degree or other award has satisfactorily completed all the requirements for it;
 - (i) the exclusion of a student from the University or from a course of study for unsatisfactory academic progress or inability to progress, the establishment of any committee or panel for this purpose and the procedures to be followed at any meeting of, or hearing by, any such committee or panel;
 - (j) requirements for transfer from one degree or other award to another one.
- (2) Regulations made by the Academic Board:
 - (a) may be of general or of specially limited application;
 - (b) may differ according to differences in time, place or circumstance;

- (c) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person or class of person;
 - (d) may provide in a specified case or class of case for the exemption of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions, and either wholly or to such extent as is specified;
 - (e) may confer powers or impose duties in connection with the regulations on any specified person or class of person;
 - (f) may contain provisions of a transitional or savings nature arising as a result of the making of this statute.
- (3) A University regulation made by the Academic Board must be:
- (a) in writing; and
 - (b) signed by the president of the Academic Board; and
 - (c) promulgated by being published on the University website or made public in any other manner determined by the Council .

Note

A University regulation comes into operation on the day on which it is promulgated or the later day specified in it. See section 32(2) of the **Monash University Act 2009**.

- (4) Before making a regulation, the president of the Academic Board will inform the Vice-Chancellor of the terms of the proposed regulation.

Note

Under section 31(5) of the **Monash University Act 2009** the Academic Board may revoke or amend any regulation made by it. Under section 28(5) of this statute the Council may also revoke or amend any regulation made by the Academic Board.

30 Delegation

For the purposes of section 18(1)(e) of the Act, any university body is an entity to which the Council, by instrument, may delegate its powers or functions under the Act.

31 Revocation

- (1) All University statutes and University regulations in force immediately before the commencement of this statute are revoked.
- (2) Subsection (1) applies except as otherwise expressly provided

Note

Part 12 of the Monash University (Council) Regulations continues certain fund regulations in operation.

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, in relation to a faculty, means sub-faculty, school, department, centre, institute or other unit (however designated) into which the faculty is divided;

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

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

centre means a centre (however designated) 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;

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

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

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

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

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

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

intellectual property right includes a trade mark, patent, design, copyright (including an associated moral right), plant breeder's right, circuit layout right, trade secret and right arising from confidential information;

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

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

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;

misconduct has the same meaning as in Part 7 of the Monash University (Council) Regulations;

moral right has the meaning given by the Copyright Act 1968 of the Commonwealth;

president, in relation to the Academic Board, means the person appointed 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;

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

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

tuition fee means a fee set by the Vice-Chancellor and payable by a student for or in respect of tuition provided by the University to him or her, irrespective of to whom the fee is payable and includes any examination or other study-related fee but does not include an application fee;

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 for a higher degree by research;

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

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

university ICT facilities means information and communication technology facilities or services provided by the University to assist or support teaching, learning, research or administrative activities;

university library means any area, building or part of a building used for the purpose of holding library materials or for the management of those materials and includes any system provided by the University for holding library materials that are in an electronic format;

use, in relation to the university library, includes enter the library and access, borrow or otherwise make use of any library materials;

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 Statute (Amendment No. 1 of 2016)	Section 27(2A)	4 August 2016