


FEDERATION UNIVERSITY AUSTRALIA

Federation University Australia Act 2010

Federation University Australia (Miscellaneous Amendments) Regulations 2023

In accordance with sections 53 and 54 of the Federation University Australia Statute 2021, I, Duncan Bentley, Vice-Chancellor and President of Federation University Australia, make amendments to the following Regulations as described below:



Date: 9 January 2023

Part 1 — Amendments to the Federation University Australia (Academic) Regulations 2022

1. Principal Regulations

In this Part, *principal Regulations* means the Federation University (Academic) Regulations 2022.

2. Definitions

- (1) In regulation (4) of the principal Regulations—
 - (i) delete the term “PVC and CEO TAFE” and its definition;

- (ii) insert a new definition in the correct alphabetical position as follows—

“*DVC and CE TAFE* means Deputy Vice-Chancellor and Chief Executive Federation TAFE”.

3. Objectives and functions of Academic Board

- (1) In Regulation 6(2) of the principal Regulations delete paragraph (e) and renumber the following paragraphs accordingly.
- (2) In Schedule 1 to the principal Regulations (Academic Board Charter)—
 - (a) under the heading “Functions” delete the sixth dot point;
 - (b) under the heading “Ex officio members” change the sixth dot point to ‘DVC and CE Federation TAFE’.
- (3) In Schedule 2 to the principal Regulations (Academic Board Administrative Committee Charter) under the heading “Membership” change the sixth dot point to “DVC and CE Federation TAFE”.
- (4) In Schedule 3 to the principal Regulations (Curriculum Committee Charter) under the heading “Membership” delete the seventh dot point.
- (5) In Schedule 4 to the principal Regulations (Learning and Teaching Quality Committee Charter) under the heading “Elected members” change the first dot point to “one member of the TAFE Skills and Education Delivery team”.
- (6) In Schedule 5 to the principal Regulations (Research Committee Charter) under the heading “Elected members” change the third dot point to “one member of TAFE”.

Part 2 — Amendments to the Federation University Australia (Operations) Regulations 2022

4. Principal Regulations

In this Part, *principal Regulations* means the Federation University (Operations) Regulations 2022.

5. Business Approvals

The principal Regulations are amended as follows—

- (a) Insert the words “and Course” after the word ‘Business’ in the title of Part 3;
- (b) In regulation 10 (1) of the principal Regulations delete the word “Business” and replace it with “Course”;

- (c) In regulation 10 (2) of the principal Regulations insert the word “principal” before the word “functions” and delete the word “Business” and replace it with “Course”;
 - (d) Change the title of regulation 11 of the principal Regulations to “Membership of and reporting by the TAFE Course Approval Committee”;
 - (e) In regulation 11 (1) of the principal Regulations change the membership of the TAFE Course Approval Committee to the following:
 - “(a) the Director, Wimmera, who is the Chair;
 - (b) the Director, Skills and Education Delivery, who is the Deputy Chair;
 - (c) the Director Learner Experience and Excellence; and
 - (d) the Manager, Policy and Quality Assurance Services or nominee.
- Note:**
- (1) The Chair may invite TAFE Heads of Centres, Program Managers, Curriculum Quality Leaders and teachers (as appropriate) to attend meetings for agenda item discussion purposes.
 - (2) The Executive Assistant to the Deputy Vice-Chancellor and Chief Executive, Federation TAFE may attend meetings to take notes.”
- (f) Insert regulation 11 (2) as follows: “The TAFE Course Approval Committee must report to the Academic Board on the performance of its functions.”

Part 3 — Amendments to the Federation University Australia (Students) Regulations 2022

6. Principal Regulations

In this Part, *principal Regulations* means the Federation University (Students) Regulations 2022.

7. Interpretation

In regulation 4 of the principal Regulations—

- (a) at the end of the definition of *Division* add the expression “for example, a Research Centre”;
- (b) insert (in their correct alphabetical positions) the following definitions—

“*research code* means any relevant Australian code for the conduct of research at publicly funded universities, including—

- (a) the *Australian Code for the Responsible Conduct of Research* developed jointly by the National Health and Medical Research Council and Universities Australia;
- (b) any successor documents;”

“*student misconduct* means student academic misconduct, student research misconduct or student general misconduct;”

“*Student Misconduct Officer* means—

- (a) an officer employed in an Institute, School, Federation TAFE or a Division whose responsibilities, in accordance with University legislation and procedures, include initiating, coordinating and/or conducting an investigation into alleged student misconduct (for example an Academic Integrity Officer);
- (b) a Student Integrity Officer.”

8. Assessment

- (1) In regulation 33 of the of principal Regulations -
 - (a) delete sub-regulation (2) and renumber the sub-regulations accordingly;
 - (b) in sub-regulation (3) insert the words “for special consideration” after the word “application”.
- (2) In regulation 34 of the of principal Regulations -
 - (a) in sub-regulation (3) insert the words “in accordance with applicable policies and procedures” after the word “must”;
 - (b) in sub-regulation (3)(a) insert the words “or prescribe an appropriate course of action after the word “grade”;
 - (c) delete sub-regulation (4).

9. Academic progress

Change the heading of regulation 37 of the principal Regulations from “Institutes etc to review academic progress” to “Review of academic progress”.

10. Student misconduct

- (1) In the title to Division 2 of the principal Regulations, insert the words “and research” after the word “Academic”.
 - (2) In regulation 46 of the principal Regulations—
 - (a) substitute the word “student” for the word “person” wherever it appears;
 - (b) delete sub-regulation (4).
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- (3) In regulation 47 of the principal Regulations, insert a new sub-regulation (3) as follows:
- “(3) The examination supervisor must make a report in writing of any action taken under sub-regulation (1) or (2).”
- (4) In regulation 48 of the principal Regulations, insert a new sub-regulation (3) as follows:
- “(3) The staff member or security officer must make a report in writing of any action taken under sub-regulation (1) or (2).”
- (5) In regulation 49 of the principal Regulations, insert a new sub-regulation (2) as follows—
- “(2) If a student behaves in a disruptive, disorderly, offensive, unsafe or threatening manner while on University premises, or while using University facilities and services or while engaging in University activities the student may be summarily excluded from University premises as provided for in regulation 53.”
- (6) In regulation 50 of the principal Regulations –
- (a) insert the number “(1)” at the commencement of the regulation;
- (b) in sub-regulation (1)—
- (i) substitute the words “Student Misconduct Officer” for “University”;
- (ii) insert the expression “, coordinate and/or” after the word “initiate”;
- (iii) for the expression “and procedures” substitute the expression “, procedures, research codes and codes of conduct”;
- (e) insert a new sub-regulation (2) and Note as follows -
- “(2) Following that investigation, the University may, in accordance with applicable University policies, procedures, research codes and codes of conduct—
- (a) impose one or more of the sanctions prescribed in regulation 52(1);
- (b) in the case of a decision by the Student Misconduct Committee, take action under regulation 52(2); or
- (c) take no further action.
- Note:** the University’s powers and functions may be delegated in accordance with section 18 or 26 of the Act: refer regulation 5.”
- (7) At the end of regulation 51(1) of the principal Regulations insert the expression “to deal with alleged student misconduct in accordance with University legislation and procedures.”
- (8) In regulation 52(1) of the principal Regulations—
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- (a) for the introductory words substitute—

“If the University decides that a student has committed student misconduct, the University, in accordance with applicable policies and procedures, may do one or more of the following—”
 - (b) in paragraph (a) insert the expression “/or” after the word “and”;
 - (c) in paragraph (b) delete the expression “direct” and insert the expression “recommend”;
 - (d) at the end of the sub-regulation insert the following Note:

“**Note:** See sub-regulation (2) in relation to a decision by the Student Misconduct Committee.”
- (9) For regulation 52(2) of the principal Regulations substitute—
- “(2) If the Student Misconduct Committee decides that a student has committed student misconduct, it may, in accordance with applicable policies and procedures —
- (a) impose a sanction referred to in sub-regulation (1);
 - (b) exclude the student; and/or
 - (c) prevent the student from re-enrolling, receiving results, graduating or receiving an award.”
- (10) In regulation 52(3) of the principal Regulations delete the words “the proposed decision and given reasonable opportunity to make a submission” and insert the expression “that a decision under sub-regulation (2) might be made and the student is given reasonable opportunity to make a relevant submission”.
- (11) In regulation 52(4) of the principal Regulations:
- (a) delete the word “University” and insert the expression “Student Misconduct Officer or Student Misconduct Committee (as relevant)”;
 - (b) delete the expression “of the decision before it takes effect” and insert the expression “of a sanction or decision made under this regulation before it takes effect”.

11. Emergency intervention and serious incidents

For regulation 54(1)(a) of the principal Regulations substitute—

- “(a) exclude the student from the University premises indefinitely or for a specific period as determined by the Vice-Chancellor or a Deputy Vice-Chancellor;”

12. Appeals

- (1) Regulation 59 of the principal Regulations is amended as follows—
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- (a) in sub-regulation (1) delete the expression “for review” and insert the expression “to appeal”;
 - (b) in sub-regulation (2)—
 - (i) in sub-paragraph (a)(i) after the word “was” insert the expression “available to the decision-maker at the time the decision was made but was”;
 - (ii) in sub-paragraph (ii)—
 - A. after the word “decision” insert the expression “was made”; and
 - B. at the end of the sub-paragraph insert the expression “by the applicant before the decision was made”;
 - (c) in sub-regulations (4), (6) and (7) after the word “Officer” (wherever appearing) insert the expression “, in conjunction with the Chair,”.
- (2) For regulation 60(1) substitute—
- “(1) A hearing by the Student Appeals Committee must be held in accordance with University policies and procedures.”

13. Student Misconduct Committee Charter

In Schedule 2 to the Principal Regulations (Student Misconduct Committee Charter)—

- (a) For the ‘Purpose’ substitute—

“The Student Misconduct Committee is responsible for hearing and determining complaints of alleged student misconduct in accordance with University policies, procedures and codes of conduct.”
- (b) Under the heading ‘Functions’ delete the second dot point;
- (c) Under the heading “Executive Officer of the Student Misconduct Committee”—
 - (i) in the first dot point, for the word “applications” substitute the expression “complaints of alleged student misconduct made”;
 - (ii) delete the second dot point and substitute—
 - “in conjunction with the Chair, to decide whether a complaint of alleged student misconduct contains sufficient relevant material and—
 - if the complaint does not contain sufficient relevant material, to either:
 - refer the complaint for further information or review; or

- dismiss the complaint
 - if the application contains sufficient relevant material, to fix a hearing date and notify the parties accordingly.”
- (iii) delete the third dot point.

14. Student Appeals Committee Charter

In Schedule 3 to the Principal Regulations (Student Appeals Committee Charter)—

- (a) Under the heading ‘Functions’, delete the expression “for review” and substitute the expression “to appeal appealable decisions”;
- (b) In the second dot point under the heading ‘Executive Officer of the Student Appeals Committee’ insert the expression “, in conjunction with the Chair,” after the words “to decide”.
