

## RULE CHANGES APPROVED BY COUNCIL

Pursuant to the UTS By-law (Part 4, division 3, clause 44), the following rule changes have been made by UTS Council.

At its meeting 12/4 on 15 August 2012, Council resolved to approve amendments to the Rules as follows:

COU/12-4/69

- .2 approve the proposed Rule change (G3, Part 1, Section 2) to vary the terms of office of Academic Board elected staff members as detailed in Attachment 1;
- .3 approve the amendment to Rule 10.5 Maximum time to complete course requirements, Rule 10.8 Appeals and Rule 10.10 Coursework Students' Exclusions Review Committee, as detailed in Part A of Attachment 2;
- .4 approve the following editing and other updates to the Student and Related Rules:
  - (1) Rule 5.6 Withdrawal of offer of admission and cancellation of admission or enrolment, as detailed in Attachment 3, Part A;
  - (2) Rule 10.4 Failure to maintain minimum rate of progress, as detailed in Attachment 3, Part B;
  - (3) Rule 10.8 Appeals, as detailed in Attachment 3, Part C;
  - (4) Rule 17.1 Constitution, as detailed in Attachment 3, Part D; and
  - (5) Rule 17.4.2 Terms of Reference, as detailed in Attachment 3, Part D

**Attachments 1 – 3 detail the approved amendments.**

**GENERAL RULES OF THE UNIVERSITY, G3, PART 1, SECTION 2**

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Term of office of elected member of Board

2. The term of office of an elected member of the Board is one year for student members and two years for all other members.

**2A. In the case where elected members' terms of office are required to be staggered to promote continuity of the Board (where the term of office of elected staff members is two years), the process outlined in Rule 2B will be applied.**

**2.B In respect of Rule 2A, one-half of the elected staff members from each faculty, (or in the instance one-half is not a whole number, the number immediately greater than one-half will be used) shall be determined by lot (drawn by the Registrar or nominee) and declared to hold office for three years. The remaining undrawn elected staff members will hold office for the standard two years.**

EXTRACT FROM THE STUDENT RULES

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SECTION 10 — ACADEMIC PROGRESSION

**10.5 Maximum time to complete course requirements**

10.5.1 Students are required to complete course requirements within an approved maximum time limit from the time of first enrolment.

10.5.2 Except where otherwise provided, the maximum time to complete a course shall not be greater than fifty (50) per cent in excess of normal completion time laid down for that course.

**10.5.3 A Faculty Board may determine specific requirements for maximum time for students enrolled in particular coursework award courses consistent with Faculty Board approved time limits for credit recognition. Information on these requirements must be published by the faculty in official course information and handbooks.**

10.5.34 The calculation of the time taken by a student is a calculation of elapsed time. Periods of approved leave of absence ~~or periods of exclusion/discontinuation or suspension~~ from the course are **not** counted as elapsed time **and will be in addition to the specified completion time.**

10.5.45 Where credit recognition has been granted, the maximum time in which the student is required to complete the course requirements may be reduced by the relevant Responsible Academic Officer.

**10.5.6 The Registrar (or nominee) will issue notification at the end of any half year of study, if a student is approaching the maximum time to complete a course, that the student must consult with the relevant Responsible Academic Officer for approval of a study plan to enable completion of the course within an agreed specified time period.**

**10.5.7 Failure to meet any or all of the requirements as set out in the study plan approved by the Responsible Academic Officer will be taken into account in any subsequent appeal against exclusion submitted in accordance with Rule 10.8.**

10.5.58 In exceptional circumstances, the relevant Responsible Academic Officer may approve an extension of the maximum time to complete course requirements for a particular student. Before the Responsible Academic Officer grants any such approval, the Responsible Academic Officer must be satisfied of the academic currency of the subjects completed by the student during the initial periods of enrolment in the course which will, if the extension is granted, be outside the normal maximum time period.

~~10.5.6 In respect of specific courses, the maximum time to complete a particular course may be reduced by resolution of the relevant Faculty Board (subject to approval by Academic Board) and where such a reduction in maximum time has been approved, the Faculty must include this information in all course prospectus~~

~~and publicity material and must advise students enrolling in such a course for the first time of the approved maximum time to complete.~~

10.5.79 Where a student has failed to complete the requirements of a course within the maximum time the relevant Responsible Academic Officer may determine that the student be excluded permanently from that course.

10.5.810 Written notification of any such exclusion will be sent to relevant students by the Registrar.

10.5.911 A student may appeal against permanent exclusion from the course in accordance with procedures outlined in Rule 10.8.

## 10.8 Appeals

10.8.1 A student may appeal to the Registrar in respect of decisions of a Responsible Academic Officer under Rules 10.4.1, ~~10.5.7~~ 10.5.9 and 10.6.4.

## 10.10 Coursework Students' Exclusions Review Committee

### 10.10.2 Terms of reference

- (1) The Coursework Students' Exclusions Review Committee shall review Deans' decisions to dismiss coursework student appeals:
  - (a) against exclusion for failure to maintain the required minimum rate of progress pursuant to Rule 10.4.1;
  - (b) against exclusion from the course for failure to complete the course requirements within the approved maximum time limit pursuant to Rule 10.5.9 ~~10.5.7~~;
  - (c) against permanent discontinuation from a course resulting from inability to complete course requirements pursuant to Rule 10.6.5.
- (2) If the Committee finds a procedural irregularity, as provided in Rule 10.9.4, the appeal is to be referred back to the relevant Responsible Academic Officer to be handled in accordance with these Rules.

**EXTRACT FROM THE STUDENT RULES**

[Addition of text in **bold underlined**, deletion of text in **bold strikethrough**]

**5.6 Withdrawal of offer of admission and cancellation of admission or enrolment**

5.6.1 The University reserves the right to withdraw an offer of admission and cancel the student's admission or enrolment in cases where:

- (1) an applicant for admission to a course has not provided true and complete information, including:
  - (a) failure to disclose full details of all previous academic information and study as required on the application form; or
  - (b) failure to disclose full details as proof of identity and citizenship status as required on the application form;and where the provision of untrue or incomplete information results in:
  - (c) contravention of any legislative provisions; or
  - (d) the advantage of the applicant and/or inequitable treatment of other applicants; or
  - (e) an incorrect assessment of the application in relation to meeting admission requirements or standards.
- (2) an applicant, who has been granted approval of deferral of commencement in a course, enrolls in any other undergraduate or graduate courses (including diplomas, advanced diplomas and associate degrees at post secondary level) at any tertiary institution during the period of approved deferral;
- (3) a student, who has been re-admitted to a course with conditions relating to his or her future conduct at the University set by the Vice-Chancellor (or delegate), fails to satisfy those conditions; or
- (4) the University is not satisfied that the student meets the Genuine Temporary Entrant and/or Genuine Student requirements set by the Department of Immigration and Citizenship.

**5.6.2 Written notification of any such withdrawal will be sent to relevant students by the Registrar.**

~~5.6.23~~ An applicant or student whose offer was withdrawn, or whose admission or enrolment was cancelled under Rule 5.6.1 shall be excluded from applying for admission to the University for a period of one (1) academic year and may not apply for or enrol in any subjects or courses of study at the University during the period of exclusion.

~~5.6.34~~ An applicant or student may reapply for further study at the end of the period of exclusion in accordance with standard application procedures and must as part of any future application show cause by providing a statement and additional documentation to demonstrate why they should be considered for admission to a course at the University.

**5.6.45 Appeal** [Note: No changes are proposed to the text of this Rule].

**EXTRACT FROM THE STUDENT RULES**

[Addition of text in **bold underlined**, deletion of text in **bold strikethrough**]

**10.4 Failure to maintain minimum rate of progress**

10.4.1 A student who fails to achieve the required minimum rate of progress in a course as specified in Rule 10.3.1 or as specified by a Faculty in accordance with Rule 10.2.3 shall be excluded from further study at the University by the relevant Responsible Academic Officer for a period of at least one (1) academic year and may not apply for or enrol in any subjects or courses of study at the University that are conducted during the period of exclusion.

**10.4.2 Written notification of any such exclusion will be sent to relevant students by the Registrar.**

10.4.~~23~~ A student may appeal against exclusion from study at the University for the determined period in accordance with procedures outlined in Rule 10.8.

10.4.~~34~~ A student may apply for re-admission for further study at the end of the period of exclusion and must meet requirements and comply with procedures as set out in Rule 5.11.1. Re-admission is not automatic.

**EXTRACT FROM THE STUDENT RULES**

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**10.8 Appeals**

- 10.8.1 A student may appeal to the Registrar in respect of decisions of a Responsible Academic Officer under Rules 10.4.1, 10.5.7 and 10.6.4.
- 10.8.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Registrar within four (4) weeks of the date of notification of the decision.
- 10.8.3 Late appeals which are submitted after the date provided in 10.8.2 will not be accepted unless the student is able to provide satisfactory documentary evidence of circumstances of a personal or medical nature that were beyond the student's control and that significantly affected the student's ability to submit an appeal by the due date.
- 10.8.4 In normal circumstances, the grounds on which a student may appeal against a decision of a Responsible Academic Officer in relation to exclusion or discontinuation are:
- (1) procedural irregularities which have resulted in substantial unfairness to the student;
  - (2) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the student's performance, an awareness of which might have reasonably led to a decision other than exclusion;
  - (3) the decision was based on factual errors of such magnitude as to invalidate the decision.
- 10.8.5 The Registrar shall refer the appeal to the relevant Responsible Academic Officer.
- 10.8.6 The appeal shall be considered by the appropriate Course Director in the first instance, who shall seek the advice of other relevant members of staff.
- 10.8.7 The Course Director shall submit a report to the Responsible Academic Officer, with a recommendation as to whether to uphold or dismiss the appeal.
- 10.8.8 The Responsible Academic Officer will consider the report and recommendation and the following provisions will apply:
- (1) Where the Course Director has recommended that the appeal be upheld, and the Responsible Academic Officer after considering the report and recommendation agrees with the recommendation, the Responsible Academic Officer shall uphold the appeal.
  - (2) Where the Course Director has recommended that the appeal be upheld and the Responsible Academic Officer after considering the report and recommendation disagrees with the recommendation to uphold the appeal, he or she will invite the student to respond to the recommendation, as provided for in Rule 10.8.8 (3).
  - (3) Where the Course Director has recommended that the appeal be dismissed, the Responsible Academic Officer will invite the student to respond to the recommendation to dismiss the appeal. A student will be permitted to respond in writing and may be required to attend an interview with the Responsible Academic Officer. The student's response must reach the Faculty within such time as the Registrar may specify from time to time. The Responsible Academic Officer will consider the response and make a decision to uphold or dismiss the appeal **and provide written reasons for the decision.**
- 10.8.9 In the event that the Responsible Academic Officer believes that his or her involvement in the appeal would lead to a conflict of interest, he or she will be required to consult with the Dean (or nominee)

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**17.1 Constitution**

17.1.1 Appeals Committees shall be constituted in accordance with Rules 17.2 to 17.5 below for the purposes of a student's right of appeal under the following Rules:

- Rule 5.6.~~23~~ **Withdrawal of offer and cancellation of admission and/or enrolment (of Rule 5.6 Withdrawal of offer of admission and cancellation of admission or enrolment)**;
- Rule 3.4.7 (of Rule 3.4 Professional experience requirements);
- Rule 11.21 Appeal against discontinuation of candidature (Graduate research study).

**17.4.2 Terms of reference**

An Appeals Committee (Non-disclosure) shall make determinations on appeals against withdrawal of offer and cancellation of enrolment, pursuant to Rule 5.6.~~4~~**5**