

APPROVED RULE CHANGES

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

At its 21/3 meeting on 16 June 2021, Council approved the following amendments to the UTS Rules:

COU 21-3/69

Council resolved to:

...

- .2 approve changes to the G3 — Rules relating to Academic Board, Faculty Boards and Elections, to effect changes in the constitution of Academic Board as detailed in **Part A of Attachment 1** of Document 5.5;

...

- .4 approve the proposed changes to the UTS Student Rules and note proposed associated changes to the Coursework Assessments Procedures to support the new 'Query Mark or Grade process' as outlined in **Attachment 2** of Document 5.5;

- .5 approve the proposed amendments to the UTS Student Rules to support changes to the refunds and remission process as detailed in **Attachment 3** of Document 5.5;

- .6 approve the proposed principles and associated changes to the UTS Student Rules for Phase 2 of the reform of the student misconduct rules as detailed in **Attachments 4 and 4A** of Document 5.5;

...

Minor administrative amendments to the General Rules and Student Rules were subsequently approved on 28 June 2021 by the Deputy Director, Governance Support Unit under Delegation 3.14.2. Changes included updates to punctuation, weblinks and consequential changes to renumbering. The changes have been incorporated in the approved amendments and are detailed below (shown in yellow highlight).

THE APPROVED AMENDMENTS TO THE UTS RULES ARE PROVIDED BELOW
[new text **bold underlined**, text to be deleted in ~~**bold and strikethrough**~~]

UTS GENERAL RULES

G3 — Rules relating to Academic Board, Faculty Boards and Elections

Part 1 — Academic Board

Division 1 — Constitution of the Academic Board

[...]

1. (3) The elected members of Academic Board comprise:
 - (a) one member elected by and from the academic staff of each faculty;
 - (b) eight members elected by and from the Professoriate and Associate Professoriate (levels D and E), with no more than two from any one faculty **or unit**;
 - (c) four members elected by and from the academic staff (levels A, B, C), with no more than two from any one faculty **or unit**;
 - (d) two members elected by and from the deputy deans or associate deans, or heads of schools (or equivalent);
 - (e) one student elected by and from students from each faculty, and an alternate (see Rule G3-1(4)); **and**
 - (f) one postgraduate research student elected by and from the postgraduate research students of the University, and an alternate (see Rule G3-1(4)) **-and;**
 - (g) one Indigenous undergraduate or postgraduate student, elected by and from the UTS Indigenous student body.**
- (4) The Chair of Academic Board may, with the consent of the runner-up in the most recent election for the relevant student category, appoint that runner-up to be the alternate member for the relevant student category. In the event that the runner-up does not consent to be the alternate member, the other candidates in the election for the relevant student category will be offered the position in the order of their ranking in the election as determined in accordance with Rule G3-35. If the candidates in the election are exhausted and the vacancy remains unfilled, the Chair of Academic Board will appoint another student to act as an alternate member on the recommendation of the Dean of the relevant faculty(s) (for Rule G3-1(3)(e)) or on the recommendation of the Dean, Graduate Research School (for Rule G3-1(3)(f)) **or on the recommendation of the Pro Vice-Chancellor (Indigenous Leadership and Engagement) (for Rule G3-1(3)(g)).**

The alternate member, who is appointed for the same term of office as the elected member, has speaking and voting rights at those meetings of Academic Board which the alternate member attends in place of the elected member.

[...]

Conduct of elections

3. (1) The elections for the elected members of Academic Board are to be conducted in accordance with Part 3 of these Rules.
- (2) If, at the close of nominations in the conduct of an election, the number of vacancies for elected positions exceeds the number of candidates who are declared elected by the Returning Officer, any remaining vacancy may be appointed by the Chair of Academic Board for the period stated in the notice of election or, where the appointment is made after 1 January, for the

remaining period in the notice of election. Appointments are to be made on the recommendation of the appropriate officer, as outlined in Rule G3-3(3).

- (3) For positions under ~~Rule G3-1(3)(a) and Rule G3-1(3)(e-f)~~, appointments are to be made:

~~Rule G3-1(3)(a) and Rule G3-1(3)(e-g)~~, appointments are to be made:

~~(a) on the recommendation of the Dean of the relevant faculty; or~~

~~(b) in the case of a vacancy for a postgraduate student, on the recommendation of the Dean, Graduate Research School; or~~

~~for positions under Rule G3-1(3)(b-d):~~

~~(c) the Dean of each faculty will be requested to provide a recommendation for appointment. In the event the number of recommendations exceed the number of vacant positions, the position will be determined by lot (drawn by the University Secretary or nominee).~~ (a) Rule G3-1(3)(a), appointments are to be made on the recommendation of the Dean of the relevant faculty;

(b) Rule G3-1(3)(b-d), appointments are to be made on the recommendation of the Dean of each faculty. In the event the number of recommendations exceed the number of vacant positions, the position will be determined by lot (drawn by the University Secretary or nominee);

(c) Rule G3-1(3)(e), appointments are to be made on the recommendation of the Dean of the relevant faculty(s);

(d) Rule G3-1(3)(f), appointments are to be made on the recommendation of the Dean, Graduate Research School;

(e) Rule G3-1(3)(g), appointments are to be made on the recommendation of the Pro Vice-Chancellor (Indigenous Leadership and Engagement).

Casual vacancy in office of elected member of Academic Board

4. [...]

- (2) In the event that a casual vacancy in the office of an elected member of Academic Board occurs then (a) or (b) applies:

(a) if the remainder of the term of office of the elected member is less than 12 months, the Chair of Academic Board may, as soon as practicable after the vacancy occurs, with the consent of the runner-up in the most recent election for that office, appoint that runner-up to hold that office for the remainder of the term of office. In the event that the runner-up does not consent to fill the vacancy, the other candidates in the most recent election for that office will be offered the vacant position in the order of their ranking in the election as determined in accordance with Rule G3-35. If the candidates in the election are exhausted and the vacancy remains unfilled, the Chair of Academic Board may appoint a person qualified to hold that office under Rule G3-1(3) for the remainder of the term of office. ~~For positions under Rule G3-1(3)(a) and Rule G3-1(3)(e-f) appointments by the Chair of Academic Board are to be~~

made on the recommendation of the appropriate officer, as outlined in Rule G3-3(3).

~~(i) on the recommendation of the Dean of the relevant faculty(s); or~~

~~(ii) in the case of a vacancy for a postgraduate student, on the recommendation of the Dean, Graduate Research School; or~~

~~for positions under Rule G3-1(3)(b-d):~~

~~(iii) the Dean of each faculty will be requested to provide a recommendation for appointment. In the event the number of recommendations exceeds the number of vacant positions, the position will be determined by lot (drawn by the University Secretary or nominee).~~

[...]

UTS STUDENT RULES

Section 4 — Fees, charges and other financial obligations

4.5 Refund of tuition fees and charges

4.5.1 Where a student withdraws from enrolment in a course or part of a course the University may retain all or a proportion of fees paid by the student as a charge for cancellation of enrolment, and may impose different cancellation charges for different categories of students.

4.5.2 The Director, Student Administration Unit **or nominee** has authority to approve a refund of fees and charges.

4.5.3 A student who wishes to request a refund of fees must apply in writing by the date specified by the Director, Student Administration Unit.

4.5.4 Decisions relating to eligibility for a refund, the amount of any refund and other related matters will be made in accordance with relevant legislation and regulations and with the University's Statement of Protocol on Refund of Fees¹ **for international students and the procedures outlined on the Refunds and Remissions webpage** as approved from time to time.

4.6 Refund of student contribution debt

4.6.1 In circumstances prescribed by law, a Commonwealth supported student may apply for a refund of a student contribution amount paid to the University or for **removal remission** of a debt to the Commonwealth Government. An application must be made **on the prescribed form following the instructions outlined on the Refunds and Remissions webpage and within** the required timeframes. ~~and a~~ decision will be made in accordance with the provisions of the relevant legislation.

¹ Change link from: ~~<https://www.uts.edu.au/current-students/managing-your-course/fees-and-payment/refunds-and-remissions#uts-statement-of-protocol-on-refund-of-fees>~~ to: **<https://www.uts.edu.au/future-students/international/essential-information/fees-information/protocol-fees-and-refund>**

The Director, Student Administration Unit or nominee has authority to approve a refund or remission of a student contribution debt in accordance with the relevant legislation.

4.6.2 A student may apply for a review of the decision made under Rule 4.6.1. An application for review must be submitted in accordance with the instructions outlined in the Reviews section of the Refunds and Remissions [webpage](#).

Section 8 — Assessment of coursework subjects

8.6 Review of ~~final subject assessment results~~ a result

8.6.1 Grounds for review

A student may ~~apply for request~~ a review of a ~~final assessment~~ result by the relevant ~~faculty Subject Coordinator Student Assessment Review Committee~~. The ~~only~~ grounds on which a student may request a review are outlined on the [current students website](#) ~~that there were procedural irregularities which had a significant negative impact on the determination of the final assessment result for a subject.~~

8.6.2 ~~Review application~~ Requesting a review of a result

(1) ~~An application for review of a final assessment result~~ A request to review a result must be in writing and, specify and substantiate the grounds for a review. ~~The request must and~~ be lodged with the ~~Director, Student Administration Unit Subject Coordinator~~ by the ~~published~~ deadline published on the [current students website](#).

(2) Where a student is dissatisfied with the determination of the Subject Coordinator, they may appeal the decision to the Responsible Academic Officer within the timeframe and in accordance with the process stated on the [current students website](#) ~~Requests for review of assessment results lodged with the Director, Student Administration Unit will be referred for consideration by the Student Assessment Review Committee of the relevant Faculty Board.~~

8.7 ~~Student Assessment Review Committee~~

8.7.1 ~~Composition~~

(1) ~~Each Faculty Board shall each year elect members of the academic staff of the faculty to the positions of Chair and Alternate Chair of the faculty's Student Assessment Review Committee.~~

(2) ~~Each Student Assessment Review Committee shall consist of:~~

~~(a) the Chair or Alternate Chair elected by the Faculty Board;~~

~~(b) one of the academic staff members of the faculty, not being a person involved in the teaching of the subject concerned, appointed by the Chair of the committee for a particular meeting(s) from the panel appointed under 8.7.1(3); and~~

~~(c) one student member, appointed by the Chair of the committee for a particular meeting(s) from the panel appointed under 8.7.1(3).~~

~~(3) The Faculty Board shall appoint panels of persons, nominated by the Dean, in category 8.7.1(2)(b) and (c) every year.~~

8.7.2 Conduct of meetings

~~(1) The Student Assessment Review Committee shall be convened by the Chair of the committee as required.~~

~~(2) The quorum at any meeting of a Student Assessment Review Committee shall consist of all three members appointed under Rule 8.7.1(2)(a), (b) and (c).~~

~~(3) A Student Assessment Review Committee shall determine how to handle the matters before it, consistent with any guidelines that have been approved by Academic Board.~~

8.7.3 Committee determination

~~(1) If the committee finds procedural irregularities in the determination of the final assessment result for a subject as provided for in Rule 8.6.1, the findings and the student's application are to be referred to the relevant Subject Coordinator and Responsible Academic Officer to be handled in accordance with the Rules and [Coursework Assessments Policy and Procedures](#) as approved by Academic Board from time to time.~~

~~(2) In all other cases where an application is dismissed, the Chair (or nominee) will advise the student of the reasons.~~

8.7.4 Notification

~~(1) The Responsible Academic Officer will notify the student in writing as soon as possible of all decisions and actions taken under Rule 8.7.3(1).~~

~~(2) The Chair of the Student Assessment Review Committee and the Responsible Academic Officer will provide the Faculty Board with an annual report on all matters referred to the Student Assessment Review Committee, including decisions made in relation to the findings of the committee, recommendations on any faculty procedural matters and the outcomes of those recommendations.~~

Section 16 — Student Misconduct and Appeals

Part D — Allegations of misconduct handled centrally

16.12 Allegations referred to the Director, Governance Support Unit

[...]

16.12.4 Where the alleged misconduct involves misconduct during a centrally conducted examination, the Director, Governance Support Unit will:

- (1) inquire into the alleged misconduct;
- (2) in consultation with the Subject Coordinator, consider the evidence including the student's response, if any;
- (3) decide on the appropriate course of action, as follows:
 - (a) dismiss the allegation of misconduct; or
 - (b) issue a formal warning; or
 - (c) issue a formal notice of an allegation of misconduct.
- (4) If 16.12.4(3)(c) applies:
 - (a) notify the student of the allegation in writing;
 - (b) provide the student with a copy of, or an electronic link to, the relevant Rules and Guidelines;
 - (c) draw the attention of the student to the student's right to admit the alleged misconduct;
 - (d) give the student a reasonable period, being a period of not less than five working days, to seek advice about available options; and
 - (e) ask whether the student admits or denies any or all of the allegations.
- (5) If 16.12.4(3)(c) applies and:
 - (a) the matter is classified as an approved precedent penalty, (refer [Schedule 4 \(section 2A\)](#)) and **you the student** admits, Rule 16.12.6A applies; or
 - (b) the matter is not classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and **you the student** admits, then the matter will be referred to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or
 - (c) the allegation is denied, then the Director, Governance Support Unit will refer the allegation to the University Student Conduct Committee **as specified in Rule 16.12.7**;

(d) the matter is classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student neither admits or denies the allegation within the specified time period, the approved precedent penalty will be imposed; or

(e) the matter is not classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student neither admits or denies the allegation within the specified time period, the Director, Governance Support Unit will refer the allegation to the University Student Conduct Committee.

16.12.5 Where the alleged misconduct involves misconduct not covered by Rule 16.12.4, the Director, Governance Support Unit will:

- (1) inquire into the alleged misconduct;
- (2) consider the evidence;
- (3) decide on the appropriate course of action, as follows:
 - (a) dismiss the allegation of misconduct; or
 - (b) issue a formal warning; or
 - (c) issue a formal notice of an allegation of misconduct.
- (4) If 16.12.5(3)(c) applies:
 - (a) notify the student of the allegation in writing;
 - (b) provide the student with a copy of, or an electronic link to, the relevant Rules and guidelines;
 - (c) draw the attention of the student to the student's right to admit the alleged misconduct;
 - (d) give the student a reasonable period, being a period of not less than five working days, to seek advice about available options; and
 - (e) ask whether the student admits or denies any or all of the allegations.
- (5) If 16.12.5(3)(c) applies and:
 - (a) the matter is classified as an approved precedent penalty, (refer [Schedule 4 \(section 2A\)](#)) and **you the students** admits, Rule 16.12.6A applies; or
 - (b) the matter is not classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and **you the student** admits, then the matter will be referred to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or

(c) the allegation is denied, then the Director, Governance Support Unit will refer the allegation to the University Student Conduct Committee as specified in Rule 16.12.7;

(d) the matter is classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student neither admits or denies the allegation within the specified time period, the approved precedent penalty will be imposed; or

(e) the matter is not classified as an approved precedent penalty (refer [Schedule 4 \(section 2A\)](#)) and the student neither admits or denies the allegation, the Director, Governance Support Unit will refer the allegation to the University Student Conduct Committee.

~~16.12.7 Where the student denies the allegation, or neither admits nor denies the allegation of misconduct by the time specified, the Director, Governance Support Unit must refer the allegation to a University Student Conduct Committee.~~

16.12.87 The Director, Governance Support Unit may, on behalf of the University, withdraw an allegation of misconduct at any stage.

[...]

16.13 University Student Conduct Committee

16.13.1 Composition

(1) A University Student Conduct Committee will comprise four members:

- (a) a person who may but need not be a member of the University staff, as the Chair of the committee; and
- (b) a member of the University staff; and
- (c) two members who are students of the University nominated by the Faculty Boards, and who:
 - (i) have attended the University for at least one year; and
 - (ii) are not full-time (continuing or fixed-term) members of the University staff.

(2) The Chair of Academic Board will from time to time approve panels of persons **in each of the above categories who can be appointed to a University Student Conduct Committee. Persons are** nominated by the Director, Governance Support Unit following consultation with the **Provost, Deputy Vice-Chancellors**, Deans and Directors, ~~in each of the above categories who can be appointed to a University Student Conduct Committee.~~

[...]

16.13.3 Role

(1) Where an alleged act of misconduct has been referred by the Director, Governance Support Unit to the University Student Conduct Committee, the committee must:

- (a) inquire into any alleged act of misconduct; and
- (b) make **a decision or** recommendations to the Vice-Chancellor or Vice-Chancellor's nominee as to whether there has been an act of misconduct and, if there has been, the penalty or penalties it considers to be appropriate in accordance with Rule 16.3.1.

[...]

16.13.4 Procedures

(1) A University Student Conduct Committee will determine its own procedures consistent with Rule 16.5.

(2) The Director, Governance Support Unit (or nominee) will present to a University Student Conduct Committee evidence on which the allegation of misconduct is based, **and** outline the University's concerns about the alleged misconduct ~~and make submissions as to the nature and extent of any appropriate penalty.~~

(3) The student may present evidence in support of his or her case and in response to any of the matters presented by the Director, Governance Support Unit (or nominee).

(4) A University Student Conduct Committee may at any time ask the Director, Governance Support Unit (or nominee) or the student to present additional evidence or address specific issues.

(5) At the conclusion of hearing the evidence and or other specific issues, the Director, Governance Support Unit (or nominee) will make submissions as to whether there has been an act of misconduct and, if there has been, the penalty or penalties it considers to be appropriate in accordance with Rule 16.3.1.

~~(56)~~ In preparing its **decision or** recommendations, **athe** University Student Conduct Committee must have due regard to Rule 16.3.2.

(7) The University Student Conduct Committee can accept or not accept the Director, Governance Support (or nominee) submissions as to whether there has been an act of misconduct and, if there has been, the penalty or penalties it considers to be appropriate in accordance with Rule 16.3.1.

(a) If the University Student Conduct Committee accepts the Director, Governance Support (or nominee) submissions, the University Student Conduct Committee will advise the student of its decision; or

(b) If the University Student Conduct Committee does not accept the Director, Governance Support (or nominee) submission, the matter will be referred to the Vice-Chancellor or Vice-Chancellor's nominee.

16.13.5 Committee report

(1) A University Student Conduct Committee must prepare a written report containing its factual findings on any inquiry, its reasons and its **decision** or recommendations.

~~(2) A University Student Conduct Committee must provide its written report to the Vice-Chancellor or Vice-Chancellor's nominee and the student.~~

(2) If Rule 16.13.4 (7)(a) applies the University Student Conduct Committee must provide its written report and decision to the student; or

(3) If Rule 16.13.4 (7)(b) applies a University Student Conduct Committee must provide its written report to the Vice-Chancellor or Vice-Chancellor's nominee and the student.

Part E — Student misconduct appeals

16.15 Basis for appeals

16.15.1 A student has a right of appeal to a Student Misconduct Appeals Committee in respect of a decision of the Vice-Chancellor, the Vice-Chancellor's nominee, **the University Student Conduct Committee** or the Director, Governance Support Unit under Rules 16.12.6B(2), **16.13.4(7a)** or 16.14, or of the Responsible Academic Officer under Rule 16.11.2.

16.15.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Director, Governance Support Unit within 20 working days after notice of the decision is provided to the student.

16.15.3 The grounds on which a student may appeal against a decision of the Vice-Chancellor, the Vice-Chancellor's nominee, **the University Student Conduct Committee**, the Director, Governance Support Unit or a Responsible Academic Officer, in response to the findings or to the penalty or penalties imposed, are:

- (1) that the decision was based on a material misunderstanding of these Rules;
- (2) that the decision was based on a material mistake as to the facts;

(3) that a failure of procedural fairness occurred including failure to follow specified procedural requirements which would be likely to have had an impact on the decisions or outcomes of the proceedings;

(4) that fresh relevant evidence has become available to the student, being evidence that was not available or known to the student at the time of the decision and which would be likely to have affected the outcome of the proceedings;

(5) that the penalty or penalties imposed on the student were manifestly excessive or inappropriate.

16.16 Student Misconduct Appeals Committee

16.16.1 Composition

[...]

(2) Council will from time to time approve panels of persons, **in each of the above categories who can be appointed to a Student Misconduct Appeals Committee. Persons are** nominated by the Director, Governance Support Unit following consultation with the **Provost, Deputy Vice-Chancellors**, Deans and Directors, ~~in each of the above categories who can be appointed to a Student Misconduct Appeals Committee.~~

Schedule 4 — Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct

2A. Precedent penalties

~~In accordance with Rule 16.12.6A, where a student admits the allegation, the~~ following precedent penalties approved by the Vice-Chancellor or Vice-Chancellor's nominee will apply **in Rules 16.12.4(5)(d), 16.12.5(5)(d) and 16.12.6A.**

Additional Changes – Delegation 3.14.2 approval:

3.9.2 An item of a student's work may be retained by the University for any internal or external purpose including, but not limited to, the following:

- (1) evaluation, assessment and/or marking;
- (2) teaching case study material;
- (3) review of final assessment results (pursuant to Rules **8.6 and 8.7**);

8.87 Student misconduct

8.87.1 Student misconduct is set out in [Section 16](#) (Student misconduct and appeals).

8.87.2 Student misconduct that occurs in relation to assessment of a student's performance in a coursework subject will be dealt with in accordance with the provisions of [Section 16](#) (Student misconduct and appeals).