Governance, Academic and Student Affairs Statute 2013

PART 1 – PRELIMINARY

1. Objectives

The objectives of this Statute are to -

a. provide for the organisation, management and good governance of the University;
b. establish the Academic Board;
c. make provision for programs, courses of study, degrees, diplomas, certificates, and other awards;
d. make provision for other academic and student matters, including admission, exclusion, student progress, assessment, conduct, discipline reviews, hearings and appeals and honorary degrees and titles; and
e. provide for the making of regulations.

2. Authorising Provision

This Statute is made under section 28 of the Victoria University Act 2010 (Vic).

3. Commencement

This Statute comes into operation on 1 July 2013.

4. Definitions

In this Statute-

a. Academic Board means the academic board or its equivalent established by section 8;
    i. Note: Section 20 of the Act provides for the Council to establish an academic board or its equivalent.
b. Act means the Victoria University Act 2010 (Vic);
c. common seal means the University common seal referred to in section 7 of the Act;
d. intellectual property includes rights in relation to copyright, databases, designs, inventions, plant varieties, trade marks (including service marks), confidential information, trade secrets, know-how, circuit layouts and patent rights, whether or not registered, including any right to apply for registration;
e. person authorised by the University includes -
    i. an employee of the University; and
    ii. a person engaged by a contractor of the University to provide security services.
f. prescribed means prescribed by regulations;
g. regulations means regulations of the University made under Part 5 of the Act;
h. register of awards means the register established under section 27;
i. register of delegations means the register established under section 59;
j. register of policies means the register established under section 57;
k. returning officer has the meaning given to it in section 15;

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of the individual reading this document to always refer to Victoria University's Policy Library for the latest version.

l. roll of graduates means the roll of graduates established under section 29;
m. section, except in reference to the Act, means a section of this Statute;
n. statute means a statute of the University made under Part 5 of the Act;
o. student academic misconduct has the meaning given to it in section 36;
p. student general misconduct has the meaning given to it in section 37;
q. student misconduct has the meaning given to it in section 35;
r. University activities includes -
    i. attendance at or participation in University lectures, seminars, assessments and classes;
    ii. participating in internships, placements, study tours or student exchanges associated with or organised by the University;
    iii. participating in excursions, trips, functions, events, games or competitions associated with or organised by the University;
s. University facilities and services includes any building, equipment, resource, vehicle, service or amenity provided by the University, including University library resources and information technology resources.
t. University legislation means the Act, statutes and regulations.
u. University premises means premises or land -
    i. owned by the University;
    ii. occupied by the University; or
    iii. under the control of the University.

PART 2 – UNIVERSITY COUNCIL

5. Calling of Meetings

Council meetings must be called in accordance with policy established by the Council.

6. Meeting Procedure

Subject to University legislation, the Council may determine its meeting procedure.

7. Council Composition

The Council may from time to time consider its size and composition and whether a resolution should be considered under section 63(2) of the Act.

PART 3 – ACADEMIC BOARD

Division 1 – Establishment, Powers and Functions

8. Establishment of the Academic Board

For the purposes of section 20 of the Act, the Academic Board is equivalent to an academic board.

9. Functions and powers of the Academic Board

(1) The Academic Board is the principal academic and education advisory body in the University.

(2) The functions of the Academic Board are -

a. to report to, and advise, the Council on issues relating to the academic and educational activities of the University;
b. to provide academic governance oversight of -

i. the maintenance of academic standards, including mechanisms for external input in accordance with international conventions for good academic practice;
ii. policy matters relating to teaching, learning, research and knowledge exchange;
iii. the promotion of good teaching, learning, research practices and knowledge exchange;
iv. quality assurance in teaching, learning, research and knowledge exchange within the University;
v. course approvals;
vi. learning, teaching, research and knowledge exchange involving partners and third parties;

c. any other functions conferred by University legislation.

(3) The Academic Board has power to carry out its functions, including -

a. power to:
i. request reports from the Vice-Chancellor on issues relating to governance oversight of teaching, learning, research and knowledge exchange;
ii. report to the Council on any matters relating to teaching, learning and research and knowledge exchange;

b. any other powers conferred by University legislation.

Division 2 – Membership of the Academic Board

10. Membership of the Academic Board

(1) The Academic Board comprises -

a. one member, who shall be the Chair of the Academic Board, elected by the Academic Board from among its members;
b. one member, who shall be the Deputy Chair of the Academic Board, elected by the Academic Board from among its members;
c. a prescribed number of other members, who, in accordance with the regulations, shall be appointed, ex officio or elected.

(2) The term of office of the Chair and Deputy Chair of Academic Board is the term prescribed by the regulations.

(3) The term of office of a member of the Academic Board other than the Chair or Deputy Chair of the Academic Board is the term prescribed by the regulations.

Division 3 – Meetings and Decisions of the Academic Board

11. Meetings

(1) Notice of meetings of the Academic Board and its committees must be given in accordance with the regulations.

(2) Meetings of the Academic Board and its committees -

a. subject to paragraph (b), must be open to members of the University; and
b. must be conducted in accordance with the regulations.

(3) Minutes of meetings must be published in accordance with the regulations.

Division 4 – Review by the Council

12. Reporting

The Academic Board must report to the Council -

a. on the exercise of its powers and the performance of its functions, at the intervals, and in the manner, specified by the Council; and
b. on any issue referred to it by the Council for consideration and report.

13. Consideration by the Council

The following documents must be placed before the Council for its consideration-

a. reports by the Academic Board on the performance of its functions;
b. reports by the Academic Board on issues referred to it by the Council;
c. minutes of meetings of the Academic Board.

PART 4 – ELECTIONS

Division 1 – Conduct of University Elections

14. Application of this Statute

This Statute applies to -

a. election of members of the Academic Board; and
b. elections for membership of University bodies which are prescribed for the purposes of this section.

15. Elections to be conducted in accordance with the regulations

(1) Subject to University legislation, elections must be conducted by the returning officer.

(2) In this section, the returning officer means the person appointed by the Vice-Chancellor to be returning officer.

Division 2 – Eligibility to Vote

16. Eligibility to vote

(1) A person is eligible to vote at an election of the Academic Board or other body of the University if, at the time of voting, the person's name is recorded on the appropriate voters' roll.

(2) In this section, voters' roll means a voters' roll, established and maintained by the returning officer in accordance with the regulations.

17. Voters' Rolls

The voters' roll must -

a. contain information necessary to enable an eligible voter to cast his or her vote; and
b. be prepared in accordance with the regulations.

Division 3 – Returning Officer

18. Functions and powers of the returning officer

(1) The functions of the returning officer are-

a. to organise, supervise and conduct University elections;
b. to ensure that elections are conducted in accordance with law and good practice;
c. to declare the result of elections;

d. to make recommendations in relation to the conduct of elections; and
e. to perform the functions and to discharge the duties conferred or imposed on the returning officer by University legislation.

(2) The returning officer has power to carry out the functions and to discharge the duties conferred or imposed on the returning officer by University legislation.

PART 5 – CHANCELLOR, DEPUTY CHANCELLOR, VICE-CHANCELLOR AND DEPUTY VICE-CHANCELLOR

19. Chancellor

(1) The Council must, at or before the time it appoints a Chancellor, fix the term of office.

(2) The Chancellor holds office for the term, not exceeding five years, fixed by the Council, and may be reappointed.

(3) The Council may, by regulation, determine how the appointment of a person as Chancellor shall be conducted.

(4) A person appointed to the office of Chancellor -

a. if the office is vacant, takes office immediately upon appointment;
b. if the office is not vacant, takes office upon it becoming vacant.

20. Deputy Chancellor

(1) The Council must appoint at least one Deputy Chancellor and, at or before the time it appoints a Deputy Chancellor, fix the term of office.

(2) The Deputy Chancellor holds office for the term, not exceeding five years, fixed by the Council, and may be reappointed.

(3) Where there is more than one Deputy Chancellor, the regulations must specify the number of Deputy Chancellors.

(4) The Council may, by regulation, determine how the appointment of a person as Deputy Chancellor is to be conducted.

(5) A person appointed to the office of Deputy Chancellor -

a. if the office is vacant, takes office immediately upon appointment;
b. if the office is not vacant, takes office upon it becoming vacant.

21. Vice-Chancellor

(1) The employment of the Vice-Chancellor -

a. must be under a written contract; and
b. for a term specified in the written contract.

(2) The Vice-Chancellor may be reappointed for one or more further terms.

22. Functions and powers of Vice-Chancellor

(1) The Vice-Chancellor is responsible to the Council for the management of the University, including-

a. the academic, administrative, financial and other business of the University;
b. the supervision, either directly or indirectly, of all persons in the service of the University;

c. the welfare and discipline of staff and students of the University; and
d. maintenance of good order at the University.

(2) In carrying out the responsibilities referred to in sub-section (1), the Vice-Chancellor may implement such administrative arrangements as he or she thinks appropriate to establish and maintain an efficient management structure for the University.

(3) The Vice-Chancellor has the functions, powers and duties conferred or imposed upon him or her by University legislation or by Council.

(4) Subject to University legislation and any resolution of the Council, the Vice-Chancellor may-

a. within the limits and for the purposes expressed in the budget of the University (or outside those limits for other purposes, in an emergency) commit the funds of the University;
b. sign an agreement for and on behalf of the University within the limits and for purposes expressed in his or her delegation from the Council (or outside those limits for other purposes, in an emergency);
c. exercise a power of the Council (other than the powers set out in section 18(2) of the Act) which:
    i. is of a routine or minor nature; or
    ii. in the opinion of the Vice-Chancellor, is required for the good management of the University, or which by reason of an emergency requires immediate action;
d. require a member of the University (not being a member of the Council) to comply with such directions as he or she considers necessary or conducive to promoting the interests of the University,

(5) The Vice-Chancellor must report to the Council at its next meeting if he or she -

a. commits the funds of the University outside the limits expressed in the budget of the University or for other purposes, under subsection (4)(a);
b. signs an agreement for and on behalf of the University outside the limits expressed in his or her delegation or for other purposes, under subsection (4)(b); or
c. exercises a power of the Council under subsection (4)(c)(ii).

23. Acting Vice-Chancellor

(1) In this section, temporary absence means an absence for a period of not more than three months.

(2) If there is to be a temporary absence of the Vice-Chancellor, the Chancellor, after consultation with the Vice-Chancellor and prior to the temporary absence, may appoint a person to be Acting Vice-Chancellor during the temporary absence.

(3) The Acting Vice-Chancellor holds office for the period of the temporary absence, and may be reappointed.

(4) Where the Vice-Chancellor is to be absent for a period of more than three months, the Council shall appoint an Acting Vice-Chancellor for a term fixed by the Council, and may be reappointed.

(5) The Acting Vice-Chancellor has the powers, duties and functions of the Vice-Chancellor.

24. Deputy Vice-Chancellor

(1) A deputy vice-chancellor may be appointed by the Council under section 27(2) of the Act on the recommendation of the Vice-Chancellor and may be reappointed.

(2) The term of office of a deputy vice-chancellor is the period specified by the Vice-Chancellor in the recommendation made under subsection (1).

(3) A deputy vice-chancellor holds office for the term or terms, on the conditions and with the title or designation

determined by the Vice-Chancellor, unless he or she sooner resigns, retires or otherwise ceases to hold office.

(4) The Vice-Chancellor may change the title or designation of a deputy vice-chancellor.

(5) A deputy Vice-Chancellor has the powers, duties and functions conferred on a deputy Vice-Chancellor by the Vice-Chancellor or by University legislation.

PART 6 – DEGREES, DIPLOMAS, CERTIFICATES AND OTHER AWARDS

Division 1 - Awards offered by the University

25. Award on completion of requirements

(1) A student who completes the requirements for a degree, diploma, certificate, or other award is entitled to an award.

(2) A person's entitlement to an award is subject to-

a. compliance with procedural requirements for the conferring of the award; and
b. any right of the University to withhold the granting of an award by reason of unpaid fees or fines or other liability to the University.

26. Degrees, diplomas, certificates and other awards offered by the University

The Council or Vice-Chancellor may determine the degrees, diplomas, certificates, and other awards that are offered by the University after considering advice from the Academic Board.

27. Register of awards

(1) The University must maintain a register of degrees, diplomas, certificates and other awards offered by it.

(2) The register may be kept electronically.

Division 2 - Conferral or Granting of Awards

28. Conferring of awards

(1) The Council may confer degrees and grant diplomas, certificates, and other awards.

(2) The University may issue a testamur for a degree, diploma, certificate, or other award conferred by the Council.

(3) The regulations may make provision about the form and content of a testamur.

29. Roll of graduates

(1) The University must maintain a roll of persons who have a testamur issued to them or have completed the requirements to have a testamur issued to them.

(2) The roll may be kept electronically.

Division 3 - Revocation of awards

30. Power to revoke degree or other award

(1) The Council may revoke a degree, diploma, certificate, or other award if, having complied with the procedure referred to in section 31, it is satisfied that it was obtained-

a. fraudulently, improperly or by material misrepresentation;
b. as a result of transgression of ethical research practice; or
c. as a result of administrative error.

(2) If a degree, diploma, certificate or other award has been revoked, the roll of graduates must be amended to record that fact.

(3) In this section, material misrepresentation includes a representation relating to a person who subsequently receives a degree, diploma, certificate, or other award where-

a. the representation is untrue; and
b. if the truth had been known-
    i. the person would not have been allowed to enter the course leading to the award; or
    ii. the award would not have been granted.

31. Investigation procedure

The Council must not revoke an award unless an investigation has been conducted in accordance with the regulations.

PART 7 - TITLES AND HONORARY AWARDS

Division 1 - Titles

32. University may confer titles on people associated with it

The University may in accordance with the regulations confer a title on a person who is associated with the University in a substantial way, including a person who is not employed or appointed to an established or recurrent position.

Division 2 - Honorary Degrees

33. University may award honorary degrees

The Council may in accordance with the regulations confer an honorary degree on a person who-

a. has achieved eminence in an academic field; or
b. has provided distinguished service to the University or the community.

PART 8 - ADMISSION, CONDUCT AND EXCLUSION

Division 1 - Admission

34. Admission as a student

(1) The University must conduct admission of students in accordance with University legislation and the policies of the University.

(2) Subject to any agreement or arrangement with a government agency or other body empowered to administer university admissions, the University may decide, in its discretion, whether to accept an application for admission as a student.

(3) Upon enrolment, a student is bound by the University’s statutes, regulations and policies.

Division 2 - Student Misconduct

35. Student misconduct

A person commits student misconduct if the person commits student academic misconduct or student general

misconduct.

36. Student academic misconduct

A person commits student academic misconduct if he or she while a student engages in conduct that is prescribed to be student academic misconduct.

37. Student general misconduct

A person commits student general misconduct if he or she while a student engages in conduct that is prescribed to be student general misconduct.

Division 3 - Academic Progress

38. Academic progress review

(1) The University may, in accordance with the regulations, review whether a student has maintained satisfactory academic progress.

(2) The University may, in accordance with the regulations, exclude a student who has failed to maintain satisfactory academic progress.

Division 4 - Suspension, Exclusion and Penalties

39. Sanctions for student misconduct

A person who is found to have committed student misconduct is liable to the sanction determined under the regulations.

40. Suspension and exclusion

(1) Unless the regulations provide otherwise, subject to subsection (2)-

a. if the sanction imposed for student misconduct is suspension from the University for a period – the person is immediately suspended from the University for that period;
b. if the sanction imposed for student misconduct is exclusion from the University – the person is excluded from the University immediately upon imposition of that sanction;
c. if the sanction imposed for student misconduct is suspension or exclusion, suspended for a period or until the happening of an event – the suspension or exclusion takes effect at the end of that period or on the happening of that event.

(2) The University may, to enable consideration of an application for review or appeal, stay a sanction.

(3) If a sanction is stayed under subsection (2), the sanction takes effect on completion of the review or appeal unless otherwise determined by the person or body determining the review or appeal.

(4) The regulations may-

a. confer on a person who has been suspended or excluded a right to-
    i. apply for review of the decision;
    ii. appeal from the decision or from a decision following a review of the decision;
b. provide for the imposition of an additional sanction (including suspension or exclusion) where-
    i. a sanction other than suspension or exclusion from the University has been determined; and
    ii. the person has failed to comply with the sanction.

(5) Unless the regulations provide otherwise, a person who has been expelled or is suspended-

a. does not have the privileges or rights of a student; and
b. unless permitted by the University or authorised by law, must not enter University premises, attend University activities or access or use University facilities and services.

41. Suspension or exclusion on health or safety grounds

The University may refuse to enrol a person as a student, or may suspend or exclude a student, if it appears that the student-

a. has a health condition or disability for which there is a demonstrable reason (based on history or other circumstances) to believe that-
    i. the person may harass or harm other persons;
    ii. the enrolment of the person, or the person's behaviour as an enrolled student, may cause emotional disturbance to other persons or to himself or herself; or
    iii. the person may disrupt the provision of the University facilities or services or University activities; or
b. is likely, taking into consideration history or other circumstances, to-
    i. harass, harm or cause emotional disturbance to other persons;
    ii. disrupt the provision of University facilities and services or University activities; or
    iii. cause health or safety risks to University staff or students.

42. Withholding of results

If a person has outstanding fees, fines or penalties under University legislation, the University may, in accordance with the regulations and until such time as the outstanding fees, fines or penalties are paid-

a. withhold the person's assessment or examination results;
b. withhold the person's testamurs;
c. withhold the person's academic transcripts;
d. exclude the person from graduation.

PART 9 - INTELLECTUAL PROPERTY

43. Ownership of intellectual property

(1) Except where otherwise determined in accordance with section 44, the University owns intellectual property which is created by-

a. a staff member-
    i. in the course of employment;
    ii. using University facilities and services; or
    iii. while on leave when using University facilities and services;
b. a student, if generation of the property has involved use of the University facilities and services beyond that which is ordinarily provided to students enrolled for the same course or program;
c. an academic visitor (including a person with an adjunct appointment), if generation of the intellectual property arises from activity conducted by or on behalf of the University or when using University facilities and services, including-
    i. research;
    ii. design;
    iii. scholarship;

iv. teaching; or
v. administration;

d. a person who is a participant requested by the University to participate in a research project where-
   i. generation of the intellectual property involves or relies on pre-existing intellectual property owned by the University (or which would have been owned by the University but for a determination under section 44);
   ii. the intellectual property forms part of intellectual property generated either individually or jointly by one or more participants in a team of staff members or students or other persons (or a combination of those); or
   iii. the intellectual property has been generated as a result of project-specific funding, whether dedicated from the University's funds or provided to the University by other persons.

(2) Without limiting the meaning of sub-section (1)(a)-

a. that provision applies to intellectual property arising from research, design or scholarship, teaching, administration and any other activity whether or not that activity takes place in University premises;
b. that provision applies to patentable inventions and innovations which arise (or may arise) from any practical application of research results to a technical or real world situation;
c. the University owns copyright in-
   i. commissioned material;
   ii. course materials;
   iii. software; and
   iv. any general materials created by the staff member in the course of his or her employment with the University.

(3) Without limiting the meaning of sub-section (1)(c), the University owns copyright in commissioned material and course materials generated by an academic visitor in the circumstances described in that sub-section.

44. Transfer, licensing and sharing of benefits

The University may-

a. licence, option, assign or transfer intellectual property;
b. remit ownership of intellectual property to the creator or author of that intellectual property in accordance with the regulations;
c. in accordance with the regulations, share the proceeds from intellectual property with its creator;
d. enter into agreements with third parties to determine the ownership and treatment of intellectual property and any benefits or proceeds arising from it.

45. Securing and protecting intellectual property

(1) In this section University intellectual property means intellectual property referred to in section 43.

(2) A creator of University intellectual property-

a. must, at the request of the University, execute any document (including a deed) and do anything else which is necessary to enable the University to exercise the rights of ownership of the intellectual property and to benefit from it;
b. must not deal with the intellectual property in a way which is inconsistent with the University's ownership of it;
c. must not assert any rights in the intellectual property which might restrict the University's ability to comply with any contractual obligations; and

d. must comply with any regulations relating to the intellectual property.

46. Confidential information

(1) Unless authorised by the University, a staff member, student or academic visitor must keep confidential information secret and protect it from unauthorised access.

(2) The regulations may specify requirements relating to the disclosure of confidential information.

PART 10 - UNIVERSITY PREMISES, FACILITIES AND ACTIVITIES

47. Restricted access and use

(1) A person must not, without the permission of the University-

a. enter University premises;
b. use University premises or facilities; or
c. participate in a University activity.

(2) A person who enters University premises, uses University premises or facilities or participates in a University activity must comply with-

a. University legislation;
b. University policies; and
c. any direction given by a person authorised by the University.

48. Fees, charges, conditions and requirements

(1) The University may impose or charge fees, charges, conditions or requirements on persons, whether University staff, employees, students, visitors or other persons, who are-

a. on University premises;
b. using University facilities and services; or
c. engaged in University activities.

(2) The fees, charges, conditions or requirements which may be set under sub-section (1) include-

a. those prescribed by regulations;
    i. Note – Section 29(1)(p) of the Act provides that university statutes and university regulations may be made with respect to fees charged by the University.
b. those due pursuant to contracts entered into by the University;
    i. Note – Section 6 of the Act provides that the University may do all acts and things that a body corporate may do, including entering into contracts.
c. fees and charges fixed by the University; and
    i. Note - Section 6 of the Act provides that the University may do all acts and things that a body corporate may do, including fixing fees and charges.
d. those which are necessary or convenient to be done for or in connection with the University’s objects, powers and functions.
    i. Note – Section 6 of the Act provides that the University may do all acts and things that a body corporate may do, including things necessary or convenient to be done for or in connection with its objects, powers and functions.

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of the individual reading this document to always refer to Victoria University's Policy Library for the latest version.

49. Fixing of fees and charges

(1) Without limiting section 48, University policies may fix fees and charges which are payable to the University.

Note – Section 6 of the Act provides that the University may do all acts and things that a body corporate may do, including fixing fees and charges.

(2) Fees and charges fixed under University policies must not be inconsistent with fees and charges fixed by the regulations.

50. Unpaid fees and charges

(1) If a person fails to pay a fee or charge within 60 days after it becomes payable to the University-

a. the person is, by force of this provision, fined by the amount of the fee or charge; and
b. the fine may be recovered in accordance with section 61 of the Act.

(2) If a person pays a fee or charge referred to in sub-section (1)(a), the payment operates to discharge the fine.

(3) Sub-section (2) does not affect any liability to pay costs which are payable by the person in relation to the recovery of the fine.

51. Restrictions imposed on person's presence on University premises

(1) A person must-

a. comply with requirements imposed on the person's-
    i. presence on University premises;
    ii. use of University facilities; or
    iii. engagement in University activities; and
b. if the relevant permission of the University is withdrawn-
    i. leave University premises;
    ii. not use University facilities and services; and
    iii. not engage in University activities.

(2) If a person fails to comply with subsection (1)(b), the University or a person authorised by the University may take reasonable steps to bring about the person's removal from University premises or take reasonable steps to ensure that the person cannot continue to use University facilities and services or engage in University activities.

PART 11 - MISCELLANEOUS

Division 1 - Regulations

52. Power to make regulations

Regulations may be made-

a. by the University Council, in accordance with section 53; or
b. by the Vice-Chancellor, in accordance with section 54.

53. University Council's power to make regulations

(1) The Council may make regulations for or with respect to the governance of the University and the management of its affairs.

(2) Without limiting subsection (1)-

a. the Council may make regulations-
    i. for or with respect to any subject-matter in relation to which, in accordance with sections 28 and 29 of the Act, University regulations may be made; or
    ii. necessary or convenient to give effect to this Statute;
b. regulations made by the Council may apply to-
    i. the University; or
    ii. a person who uses University facilities and services or enters on land or other property owned, occupied or managed by the University.

(3) Without limiting subsection (1) or subsection (2), the Council may make regulations which it considers will promote-

a. provision and maintenance of a teaching and learning environment of excellent quality offering higher education at an international standard;
b. provision of vocational education and training, further education and other forms of education to support and complement the provision of higher education by the University;
c. undertaking of scholarship, pure and applied research, invention, innovation, education and consultancy of international standing;
d. application of scholarship, research, invention, innovation, education and consultancy to the advancement of knowledge and to the benefit of the well-being of the Victorian, Australian and international communities;
e. equipment of the graduates of the University to excel in their chosen careers and to contribute to the life of the community;
f. enriching of cultural and community life and the promotion of critical and free enquiry, informed intellectual discourse and public debate;
g. use of the University's expertise and resources to involve Aboriginal and Torres Strait Islander people of Australia in its teaching, learning, research and advancement of knowledge activities;
h. provision of programs and services in a way that reflects the principles of equity and social justice;
i. conferral of degrees and the granting of diplomas, certificates, and other awards;
j. granting of prizes, exhibitions, scholarships, bursaries and other gifts;
k. utilisation and exploitation of the University's expertise and resources, whether commercially or otherwise;
l. development and provision of educational, cultural, professional, technical and vocational services;
m. fostering of participation in post-secondary education for persons living or working in the Western Metropolitan region of Melbourne;
n. compliance by the University with applicable law.

54. Vice-Chancellor's power to make regulations

(1) The Vice-Chancellor may make regulations for or with respect to any subject-matter in relation to which, in accordance with section 53, the Council may make regulations.

(2) For the purposes of subsection (1), a reference in 53(3) to the Council is to be read as a reference to the Vice-Chancellor.

(3) Any regulation made under sub-section (1) will be placed before Council at the first meeting held immediately after the date the regulation is made.

55. Making, amendment and promulgation of regulations

(1) Regulations are made-

a. if made by the Council, by Council resolution and application of the common seal; or

b. if made by the Vice-Chancellor, by written decision of the Vice-Chancellor and application of the common seal.

(2) Regulations may be amended or revoked by-

a. a statute;

b. a provision of the same regulations which comes into operation on a later date;

c. later regulations; or

d. in the case of Regulations made by the Vice-Chancellor, a resolution of the Council passed within 60 days after they are made.

(3) The University must promulgate Regulations in the manner which it considers appropriate, taking into consideration the need to bring the Regulations, and the fact that they have been made, to the attention of staff, employees, students and persons who use the University facilities and services or who are in University premises.

Division 2 - Policies

56. Objective

The objective of establishing policies is to facilitate the effective, efficient and equitable administration of the University, consistently with the Act, statute and regulations.

57. Register of policies

The University must maintain a register of policies.

58. Power to make and revoke policies

(1) Policies may be made by-

a. the Council; or

b. the Vice-Chancellor.

(2) The Council may revoke any policies.

(3) The Vice-Chancellor may revoke policies made by the Vice-Chancellor.

Division 3 - Delegation

59. Register of delegations

(1) The University must keep a register of delegations.

(2) The register of delegations must set out-

a. the name of the body or person making the delegation;

i. Note #1 – The Council may delegate powers or functions under section 18 of the Act;

ii. Note #2 – The Vice-Chancellor may delegate functions, powers and duties under section 26 of the Act.

b. the name of the body or person to whom the delegation is made;

c. the date of the delegation; and

d. a brief summary of the powers, functions or duties being delegated and of any conditions or limitations on the delegation.

(3) The register must be kept in a form (which may be electronic) determined by the University.

60. Delegation to the Academic Board

The Council may, subject to section 18 of the Act, delegate its powers or functions under the Act to the Academic Board.

Division 4 - Common Seal

61. Use of the common seal

(1) The common seal must not be used except as authorised by this Statute or the regulations.

(2) The common seal may be affixed-

a. as directed by the Council in accordance with section 7 of the Act;
b. as authorised by the Vice-Chancellor in accordance with section 62; or
c. as authorised by the Chancellor or Vice-Chancellor under section 63.

62. Purposes for which the common seal may be used

(1) The Vice-Chancellor may authorise the common seal to be affixed to-

a. statutes or regulations;
b. documents required by law to be sealed; or
c. other documents prescribed by the regulations or approved by the Council.

(2) If the common seal is affixed by the authority of the Vice-Chancellor, the Vice-Chancellor must, as soon as practicable, report to the Council on the fixing of the common seal.

63. Authorisation by the Chancellor or Vice-Chancellor

(1) The Chancellor or Vice-Chancellor may direct that the common seal be affixed to a document if, in the opinion of the Chancellor or Vice-Chancellor, the matter is-

a. formal; or
b. of special urgency.

(2) If the common seal is affixed in accordance with a direction under this section the Chancellor or Vice-Chancellor must, as soon as practicable, report to the Council on the fixing of the common seal and the reason for it.

64. Affixing and authentication

(1) The regulations may prescribe a sealing clause to be used when the common seal is affixed to a document.

(2) Subject to the regulations, a document to which the common seal is to be affixed may be in any form.

(3) The affixing of the common seal must be authenticated by not fewer than two of the following persons-

a. the Chancellor;
b. the Vice-Chancellor;
c. a Deputy Vice-Chancellor; or
d. a person prescribed by the regulations for the purposes of this section,

and in accordance with the regulations.

65. Register of sealed documents

(1) The University must keep a register of documents to which the common seal has been affixed (which may be

electronic), in which is recorded, in respect of each document-

a. the authority for affixing the common seal;
b. a description of the document;
c. the date of authenticating of the fixing the common seal; and
d. the names and positions of the witnesses.

(2) The register must be kept available for perusal by members of the University by appointment.

66. Form and execution of deeds

(1) A document that is expressed to be executed as a deed, when signed by two or more of the persons specified in section 64(3), is to be taken to have the seal affixed.

(2) Subject to the regulations, a deed may be in any form.

Division 5 - Evidentiary Provisions

67. Certificate

(1) A certificate in writing purporting to be issued by the University is evidence of its contents if it states-

a. that a person is, or on a specified date (or during a specified period) was, a student;
b. that a fee, charge or fine is, or on a specified date was, payable by a person; or
c. any other fact, matter or circumstance extracted from University records.

(2) A certificate in writing, purporting to be issued by the University, certifying that specified information was, on a specified date, contained in the roll of graduates-

a. is admissible in evidence; and
b. is sufficient evidence of the facts certified in the certificate unless the contrary is proven.

(3) The roll of graduates-

a. is admissible in evidence; and
b. is sufficient evidence, unless the contrary is proven, that a degree, diploma, or other award was granted, conferred or revoked as set out in the roll.

PART 12 - REPEALS AND TRANSITIONAL PROVISIONS

68. Definition

In this Part–

a. student discipline proceedings means proceedings relating to the conduct (or failure to act) of a person who at the relevant time was a student, those proceedings arising from the person’s status as a student;
b. transition date means the day on which this Statute comes into operation.

69. Repeal of statutes

All statutes in force as of the transition date are repealed.

70. Revocation of regulations

All regulations in force as of the transition date are revoked.

71. Transitional provisions

(1) Until a policy is established in relation to the calling of Council meetings for the purposes of section 5, the calling of Council meetings is at the discretion of the Chancellor.

(2) The University may, but is not required to, include in the roll of graduates persons who, before the transition date-

a. have a testamur issued; or
b. have completed the requirements to have a testamur issued to them.

(3) Student discipline proceedings which commenced before the transition date must be dealt with as though this Statute and any regulations under it had not been made.

Status and Details

Status	Current
Effective Date	8th December 2014
Review Date	31st December 2029
Approval Authority	University Council
Approval Date	8th December 2014
Expiry Date	Not Applicable
Accountable Officer	Adam Shoemaker Vice-Chancellor +61 3 9919 4011
Responsible Officer	Lisa Filippin General Counsel lisa.filippin@vu.edu.au
Enquiries Contact	Lisa Filippin General Counsel lisa.filippin@vu.edu.au

This policy document may be varied, withdrawn or replaced at any time. Printed copies, or part thereof, are regarded as uncontrolled and should not be relied upon as the current version. It is the responsibility of the individual reading this document to always refer to Victoria University's Policy Library for the latest version.