

## **Overview of the University's Statutes and Regulations**

The University has the following Statutes and Regulations:

- Academic Board Statute 2009
  - Academic Board Regulations 2009
- Academic Misconduct Statute 2009
- Academic Progress Statute 2010
- Council Statute 2009
- Degrees, Diplomas and Other Awards Statute 2009
- Faculties Statute 2010
- Fees Statute 2009
- General Misconduct Statute 2009
- Intellectual Property Statute 2009
- Interpretation Statute 2009
  - Interpretation Regulations 2009
- Library Statute 2009
- Ombudsman Statute 2009
- University Appeals Committee Statute 2009
  - University Appeals Committee Regulations 2009
- University Grounds Statute 2009
- University Membership Statute 2009
- University Officers Statute 2009
  - University Officers Regulations 2009
- Use of Computer Facilities Statute 2009

### **What deals with what?**

The following is a grouping of the Statutes and Regulations around some key areas of subject matter to give an idea of which Statutes and Regulations deal with which issues.

#### **1. The corporate structure of the University**

- Academic Board Statute 2009;
  - i. Academic Board Regulations 2009;
- Council Statute 2009 (note that the La Trobe University Act 2009 also deals quite extensively with the Council);
- Faculties Statute 2010;
- Library Statute 2009;
- Ombudsman Statute 2009;
- University Appeals Committee Statute 2009;

- i. University Appeals Committee Regulations 2009;
- University Membership Statute 2009
- University Officers Statute 2009;
  - i. University Officers Regulations 2009.

## **2. Students, academic issues and discipline at the University**

- Academic Misconduct Statute 2009;
- Academic Progress Statute 2010;
- Degrees, Diplomas and Other Awards Statute 2009;
- Fees Statute 2009;
- General Misconduct Statute 2009;
- Intellectual Property Statute 2009;
- Library Statute 2009;
- Ombudsman Statute 2009;
- University Appeals Committee Statute 2009;
  - i. University Appeals Committee Regulations 2009;
- University Membership Statute 2009;
- Use of Computer Facilities Statute 2009.

## **3. Staff-related issues**

- Intellectual Property Statute 2009;
- University Officers Statute 2009;
  - i. University Officers Regulations 2009;
- Ombudsman Statute 2009;
- University Membership Statute 2009;
- Use of Computer Facilities Statute 2009.

The University's Statutes and Regulations can be viewed on line at:

<http://www.latrobe.edu.au/legalservices/legislation/index.html>

This website is maintained by Legal Services and is updated whenever amendments or new Statutes or Regulations come into effect. For further information contact Edwin Stone, Senior Solicitor, on extension 1388.

## **Summary of the Statutes and Regulations**

### *Academic Board Statute 2009 and Academic Board Regulations 2009*

The Academic Board Statute 2009 deals with the functions, powers and duties of the Academic Board. These include establishing, reviewing and monitoring the implementation of academic policies and procedures; overseeing and reviewing admission to courses, academic progress, examinations, assessment and academic misconduct; and prescribing the requirements for the degrees, diplomas and other awards conferred or granted by the University.

The Academic Board Regulations 2009 deals with the composition and membership of the Academic Board, including procedures for electing

members to the Academic Board from the various Faculties as well as from among the students of the University.

*Academic Misconduct Statute 2009*

The Academic Misconduct Statute 2009 defines and prohibits academic misconduct by students. It also sets out procedures for the reporting of suspected academic misconduct, the handling of academic misconduct cases by academic misconduct officers and the right of students to appeal to the University Appeals Committee for the review of the decisions of academic misconduct officers.

*Academic Progress Statute 2010*

The Academic Progress Statute 2010 deals with the monitoring and review of academic progress by students. It enables Faculty Boards to appoint committees of examiners, and it requires the Academic Board to establish a policy and procedures regarding the academic progress of students. The Academic Progress Statute 2009 then goes on to establish procedures for the monitoring and review of academic progress by coursework or research students, and sets out rules for the handling of academic progress cases including the right of students affected by academic progress decisions to appeal to the University Appeals Committee for review of those decisions.

*Council Statute 2009*

Much of the legal framework relating to the powers, functions, composition, membership and procedure of the Council is contained in the *La Trobe University Act 2009* (particularly Division 2 of Part 2 and the Schedule to that Act). To the extent that there is any overlap or inconsistency between the provisions of the Council Statute 2009 and the Act, the Act prevails.

For the most part, the Council Statute 2009 is confined to setting out the rules that govern how elections for elected members of Council are to be conducted (section 11(1)(d) of the Act states that there must be at least 3 elected members of Council). These include eligibility to stand as a candidate in any particular category of elected member (there are 5 categories – professorial, non-professorial academic, general staff, undergraduate and postgraduate student), eligibility to vote, how polls are conducted and how votes are counted.

*Degrees, Diplomas and Other Awards Statute 2009*

The Degrees, Diplomas and Other Awards Statute 2009 provides that the Academic Board may after examination confer a degree on, or grant a diploma or other award to, a student of the University. It also provides for admission to honorary degrees and the conferring of degrees or the granting of other awards in absentia or posthumously. The Statute also deals with the procedure for the revocation of degrees or other awards.

Note that this Statute does not specify the various degrees or other awards offered by the University. The power to determine what degrees or other awards are offered by the University (as well as the various course

requirements) now rests with the Academic Board under the Academic Board Statute 2009.

*Faculties Statute 2010*

The Faculties Statute 2010 specifies the faculties of the University and provides for their composition and membership, and their powers, functions and duties. It also provides that each Faculty shall have a Dean and a Faculty Board constituted by the Academic Board. The Statute also sets out the procedure, powers, functions and duties of the Faculty Boards.

*Fees Statute 2009*

The Fees Statute 2009 provides that the Council may prescribe and impose fees for services provided by the University, including fees for enrolment, examinations, the conferral of degrees and the granting of diplomas and other awards, the provision of lectures and classes and the use of University facilities.

*General Misconduct Statute 2009*

The General Misconduct Statute 2009 defines and prohibits general misconduct by students. It also sets out procedures for the reporting of suspected general misconduct, the handling of general misconduct cases by general misconduct officers and the right of students to appeal to the University Appeals Committee for the review of the decisions of general misconduct officers.

*Intellectual Property Statute 2009*

The Intellectual Property Statute 2009 deals with the ownership, assignment and protection of intellectual property created by staff and students.

*Interpretation Statute 2009 and Interpretation Regulations 2009*

The purpose of the Interpretation Statute 2009 is to set out some rules for the interpretation of all of the Statutes and Regulations. One of the ways it does this is to define a number of terms used across the Statutes and Regulations. The Interpretation Regulations 2009 are very brief, and simply prescribe levels of employment for the purposes of the definitions of “senior member of the academic staff” and “senior member of the general staff”

*Library Statute 2009*

The Library Statute 2009 establishes the University Library and the Library Committee. It also deals with student conduct within the Library and provides for the imposition of fines for overdue loans and replacement costs for lost items.

*Ombudsman Statute 2009*

The Ombudsman Statute 2009 establishes the office of University Ombudsman and sets out the functions, procedures and even physical location of that office. The functions of the Ombudsman include conducting mediations and investigations.

*University Appeals Committee Statute 2009 and University Appeals Committee Regulations 2009*

The University Appeals Committee Statute 2009 establishes the University Appeals Committee and provides for its jurisdiction, functions and powers. In general terms, the Committee is empowered to hear appeals in respect of various decisions made by University decision-makers under other Statutes. The most important sources of the Committee's jurisdiction at present are the Academic Misconduct Statute 2011, the Academic Progress Statute 2009 and the General Misconduct Statute 2009.

The University Appeals Committee Regulations 2009 deal with the constitution of the Committee.

*University Grounds Statute 2009*

The University Grounds Statute 2009 deals with such matters as littering, the control of dogs and other animals on campus, the erection of unauthorised structures and the declaration of alcohol-free zones and events. The Statute also empowers authorised officers to issue penalty notices on individuals who contravene the Statute.

*University Membership Statute 2009*

The University Membership Statute 2009 simply provides that graduates of certain institutions which have since become a part of the University are to be regarded as members of the University for the purposes of the Act. Among other things, this means that those graduates can be regarded as alumni of the University.

*University Officers Statute 2009 and University Officers Regulations 2009*

The University Officers Statute 2009 provides for the election of the Chancellor and Deputy Chancellor. It also deals with certain rights and privileges attaching to the position of Vice-Chancellor (including that the Vice-Chancellor is a member *ex officio* of each Faculty and the Academic Board, and that the Vice-Chancellor may preside at any meeting of a Faculty or the Academic Board). The Statute also empowers the Vice-Chancellor to appoint Deputy Vice-Chancellors and acting Deputy Vice-Chancellors. Finally, the Statute provides that the University may execute deeds without using the Common Seal and that officers of the University referred to in the Statute may delegate their powers, duties and functions.

The University Officers Regulations 2009 are mainly concerned with prescribing the rules for the conduct of elections of the Chancellor and the Deputy Chancellor.

*Use of Computer Facilities Statute 2009*

The Use of Computer Facilities Statute 2009 sets out detailed rules regarding who may use the University's computer facilities and how those facilities are to be used. It also empowers the Chief Information Officer to enforce the Statute.