

LA TROBE UNIVERSITY

**EXPLANATORY MEMORANDUM FOR THE ACADEMIC PROGRESS
STATUTE 2009**

Council is invited to make the attached **Academic Progress Statute 2009** (the new Statute).

The new Statute is intended to replace Statute 19 – Academic Progress of Students and Regulation 19.1 – Academic Progress of Students – Bachelor Degrees, Masters Degrees by Coursework, Certificate and Diploma Courses, Coursework Components of Professional Doctorates and Masters Degrees by Research.

Academic progress of coursework students

Under the new Statute, the initial responsibility for reviewing academic progress of students falls to the Faculty Boards of the Faculties.¹ Under section 6(1), each Faculty Board will review the academic progress of coursework students studying in the relevant Faculty after the completion of examinations in a progression period. Section 6 applies to all students studying in a Faculty except for those undertaking a higher degree by research or the research component of a higher degree by coursework and research (section 5).

Under section 6(2), if it is found that a student is *at risk* of not making satisfactory academic progress, the Faculty Board is required to take action under the “Academic Progress Monitoring and Intervention Policy” (or APMIP). Taking action under the APMIP takes the academic progress matter out of the purview of the new Statute, and allows steps to be taken to attempt to rectify the problem on an informal basis, and hopefully before the student concerned actually starts to fail the progression requirements of his or her course.

Under section 6(3), if it is found that a student *is not* making satisfactory academic progress, the Faculty Board must either take action under the APMIP or the procedure set out in the remainder of section 6(3). The choice of whether to use the APMIP or the procedure set out in section 6(3) is at the discretion of the Faculty Board, and would depend on what appeared to the Board to be the most appropriate or efficacious course of action in the circumstances.

In short, section 6(3) allows a Faculty Board to give the student a warning, make continued enrolment or re-enrolment subject to specified conditions, require the student to show cause (a “show cause” notice) or to inform the student that he or she may not remain enrolled or re-enrol.

If a student is given a show cause notice, the student must make a written application under section 8 for permission to remain enrolled or to re-enrol. This application is considered by an academic progress officer, who is a member of the academic staff of the University at the level of D or E or higher.

¹ “Faculty” and “Faculty Board” are defined in the **Interpretation Statute 2009** to have the same meanings respectively as they have in the **Faculties Statute 2009**.

Under section 9, a student may appeal a decision of a Faculty Board under section 6 that the student may remain enrolled or re-enrol subject to conditions or that the student may not remain enrolled or re-enrol. An appeal under section 9 lies with the University Appeals Committee (or UAC).

Note that the powers of, and appeals from the decisions of, academic progress officers are dealt with sections 14 and 16 of the new Statute (see below).

Academic progress of research students at the higher degree level

Under section 11, the Higher Degree Committee (Research) (or HDC(R)) is responsible for monitoring the academic progress of students undertaking higher degrees by research or the research component of a higher degree by coursework and research.

If the HDC(R) considers that a student is not making satisfactory academic progress, the HDC(R) may direct the student to demonstrate why his or her candidature should not be terminated (section 11(1)). In doing so, the HDC(R) may invite the student to make this demonstration by way of written submission or submission delivered in person at a meeting, or both (section 11(2)). The HDC(R) may then decide to terminate the student's candidature or make it subject to specified conditions (section 11(4)).

A student may appeal a decision of the HDC(R) to the UAC (section 12).

Academic progress officers

Section 13 provides for the appointment of academic progress officers. Section 14 provides for the power of academic progress officers to consider applications for permission to remain enrolled or to re-enrol. An academic progress officer has the power to allow the student to remain enrolled, or to re-enrol, with or without conditions and to refuse permission (section 14(3)(a)).

In addition to this, an academic progress officer has the power to recommend to a student that he or she transfer his or her enrolment to a different course (section 14(3)(b)). This is to allow for situations where a student may be better suited to another field of study. A recommendation under section 14(3)(b) may be subject to specified conditions and, if accepted by the student, allows him or her to transfer his or her enrolment to the recommended course (section 15(1)). If the student rejects the recommendation, the academic progress officer is required to treat the matter in accordance with section 14(3)(a) (section 15(2)).

A student may appeal a decision of an academic progress officer to the UAC (section 16).

Section 18 gives the UAC power to hear and determine applications for review under section 9, 12 or 16.



LA TROBE UNIVERSITY

ACADEMIC PROGRESS STATUTE 2009

The Council of La Trobe University makes this Statute under section 30 of the *La Trobe University Act 1964*.

PART 1—PRELIMINARY

1. Name and commencement

- (1) This Statute is the **Academic Progress Statute 2009**.
- (2) This Statute comes into full force and effect on 1 July 2009.

2. Purpose

The main purpose of this Statute is to provide for the monitoring and review of academic progress of students.

3. Interpretation

- (1) In this Statute—

academic progress officer means an academic progress officer appointed under section 13;

APMIP means the University's Academic Progress Monitoring and Intervention Policy, as approved by the Academic Board and in force from time to time;

committee of examiners means a committee of examiners appointed under section 4;

head, of an academic division, includes a person who is the acting head of an academic division;

progression period means a period that corresponds to the first or second six months of a year;

senior member of the academic staff means a member of the academic staff of the University who is employed at the level of D or E or higher.

- (2) To facilitate the application of this Statute to the La Trobe University International College, a reference in this Statute to—
 - (a) a Faculty shall be taken to include a reference to the La Trobe University International College;
 - (b) a Dean of a Faculty shall be taken to include a reference to the head, or the acting head, however described, of the La Trobe University International College;
 - (c) a Faculty Board shall be taken to include a reference to—
 - (i) the equivalent body in the La Trobe University International College; or
 - (ii) if there is no equivalent body, the head, or the acting head, however described, of the La Trobe University International College;
 - (d) the head of an academic division shall be taken to include a reference to the head, or the acting head, however described, of the La Trobe University International College; and
 - (e) a committee of examiners shall be taken to include a reference to the committee of examiners, or its equivalent, however described and be it a body or an individual, of the La Trobe University International College.

4. Committees of examiners

- (1) In each Faculty, the Faculty Board may appoint a committee of examiners in respect of any academic division, or academic discipline taught, in that Faculty.
 - (2) A committee of examiners may be composed of chief examiners or examiners, or a combination of both.
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PART 2—REVIEW OF ACADEMIC PROGRESS

Division 1—Coursework

5. Application of Division 1

Nothing in this Division applies in relation to the academic progress of a student undertaking a higher degree by research or the research component of a higher degree by coursework and research.

6. Faculty Boards to review academic progress

- (1) After the completion of examinations in a progression period, the Faculty Board of each Faculty must review the academic progress of each student undertaking a course offered by that Faculty.
- (2) If, after conducting a review under subsection (1), a Faculty Board considers that a student is at risk of not making satisfactory academic progress in a particular course, the Faculty Board must, as soon as practicable, take action under the APMIP.
- (3) If, after conducting a review under subsection (1), a Faculty Board considers that a student is not making satisfactory academic progress, the Faculty Board must, as soon as practicable, take action under the APMIP or give written notice to the student advising him or her of the Faculty Board's finding that the student is not making satisfactory academic progress and notifying the student that he or she—
 - (a) may remain enrolled, or may re-enrol, in the course but that any further unsatisfactory academic progress may result in exclusion from the course;
 - (b) may remain enrolled, or may re-enrol, in the course subject to conditions specified by the Faculty Board;
 - (c) must show that there are special reasons which justify the continuing enrolment, or the re-enrolment, of the student in the course (a *show cause notice*); or
 - (d) may not remain enrolled, or may not re-enrol, in the course.
- (4) A show cause notice must include a statement—
 - (a) requiring the student to show that there are special reasons which justify the continuing enrolment, or re-enrolment, of the student in the course;
 - (b) advising the student that, if the student wishes to remain enrolled, or re-enrol, in the course, the student may apply to an

academic progress officer of the Faculty for permission to remain enrolled or re-enrol; and

- (c) explaining the requirements set out in section 8(2) for making such an application.
- (5) A written notice of a decision under subsection (3)(b) or (3)(d) must include—
- (a) reasons for the decision; and
 - (b) a statement—
 - (i) advising the student that he or she may apply to an academic progress officer of the Faculty for a review of the decision; and
 - (ii) explaining the requirements set out in section 9(2) for making such an application.

7. Recipient of show cause notice may not remain enrolled or re-enrol without permission

A student in receipt of a show cause notice may not remain enrolled, or re-enrol, in the course in respect of which the notice was given unless an academic progress officer of the relevant Faculty or the University Appeals Committee determines under this Statute that the student may be permitted to remain enrolled, or re-enrol, in the course.

8. Application for permission to remain enrolled or re-enrol

- (1) A student who has been given a show cause notice may apply to an academic progress officer of the relevant Faculty for permission to remain enrolled, or re-enrol, in the course in respect of which the notice was given.
- (2) An application for permission to remain enrolled, or to re-enrol, in a course must—
 - (a) be in writing and in the English language;
 - (b) set out the special reasons which justify the continuing enrolment, or re-enrolment, of the student in the course; and
 - (c) be lodged with the Registrar of the relevant Faculty within 10 business days of receipt of the show cause notice.
- (3) A Registrar of a Faculty in receipt of an application for permission to remain enrolled or re-enrol that complies with the requirements of

subsection (2) must, as soon as practicable, give the application to an academic progress officer of that Faculty.

9. Application for review

- (1) A student to whom a decision of a Faculty Board under section 6(3)(b) or (d) relates may apply to the University Appeals Committee for a review of that decision on either or both of the following grounds—
 - (a) the decision of the Faculty Board is unfair or unjust;
 - (b) the Faculty Board did not act in accordance with the requirements of this Statute or the regulations when making its decision.
- (2) An application under this section for review must—
 - (a) be in writing and in the English language;
 - (b) specify the grounds on which the review is sought and provide particulars in support of those grounds; and
 - (c) be lodged with the University Appeals Committee within 20 business days of receipt of the written notice of the decision in respect of which the review is sought.

Division 2—Research

10. Application of Division 2

This Division applies only in relation to the academic progress of a student undertaking a higher degree by research or the research component of a higher degree by coursework and research.

11. Academic progress

- (1) If the Higher Degrees Committee (Research) considers that a candidate for a higher degree to which this Division applies is not making satisfactory academic progress in accordance with the requirements for the degree, the Higher Degrees Committee (Research) may, by written notice, direct the candidate to demonstrate to the satisfaction of the Committee why his or her candidature should not be terminated.
- (2) A direction under subsection (1) may invite the candidate to make the demonstration by written submission or by submission in person at a meeting with the Higher Degrees Committee (Research), or both.
- (3) If a candidate elects to make a submission to the Higher Degrees Committee (Research) in person, regardless of whether the submission

is also supported by a written submission, the Higher Degrees Committee (Research) may allow the candidate to be accompanied, but not represented, at the relevant meeting of the Higher Degrees Committee (Research) by any person who does not hold a law degree and is not a lawyer.

- (4) After considering the submissions of a candidate, the Higher Degrees Committee (Research) may—
 - (a) terminate the candidate's enrolment for the degree; or
 - (b) specify conditions under which the candidate's enrolment for the degree may continue.

- (5) In conducting any proceedings under this section, the Higher Degrees Committee (Research)—
 - (a) is bound by the rules of natural justice;
 - (b) is not bound by the rules of evidence or practices or procedures applicable to courts of record;
 - (c) may inform itself on any matter as it sees fit;
 - (d) must act with as little formality and technicality, and determine each matter with as much speed, as the requirements of this Statute, the regulations and a proper consideration of the matter permits; and
 - (e) subject to this Statute and the regulations, may determine its own procedure.

- (6) As soon as practicable, the Higher Degrees Committee (Research) must give written notice of a decision under this section to the relevant student.

- (7) A written notice of a decision under this section must include—
 - (a) the reasons for the decision; and
 - (b) a statement—
 - (i) advising the student that he or she may apply to the University Appeals Committee for a review of the decision; and
 - (ii) explaining the requirements set out in section 12(2) for making such an application for review.

12. Application for review

- (1) A student to whom a decision of the Higher Degrees Committee (Research) under section 11 relates may apply to the University Appeals Committee for a review of that decision on either or both of the following grounds—
 - (a) the decision of the Higher Degrees Committee (Research) is unfair or unjust;
 - (b) the Higher Degrees Committee (Research) did not act in accordance with the requirements of this Statute or the regulations when making its decision.

- (2) An application under this section for review must—
 - (a) be in writing and in the English language;
 - (b) specify the grounds on which the review is sought and provide particulars in support of those grounds; and
 - (c) be lodged with the University Appeals Committee within 20 business days of receipt of the written notice of the decision in respect of which the review is sought.

PART 3—ACADEMIC PROGRESS OFFICERS

13. Academic progress officers

- (1) In each Faculty, the Dean must appoint at least 1 member of the senior academic staff working in each academic division of the Faculty as an academic progress officer for that Faculty.
- (2) In subsection (1), *Faculty* does not include the La Trobe University International College.
- (3) In relation to the La Trobe University International College, the head, or acting head, however described, of the La Trobe University International College must appoint the prescribed number of senior members of the academic staff working at the La Trobe University International College as academic progress officers for the La Trobe University International College.
- (4) In carrying out his or her functions under this Statute, an academic progress officer—
 - (a) is bound by the rules of natural justice;
 - (b) is not bound by the rules of evidence or practices or procedures applicable to courts of record; and
 - (c) may inform him or herself on any matter as he or she sees fit.
- (5) An academic progress officer—
 - (a) must carry out his or her functions with as little formality and technicality, and determine each matter with as much speed, as the requirements of this Statute, the regulations and a proper consideration of the issues before him or her permits; and
 - (b) subject to this Statute and the regulations, may regulate his or her own procedure.

14. Academic progress officers to consider applications for permission to remain enrolled or enrol

- (1) An academic progress officer must consider each application for permission to remain enrolled, or to re-enrol, given to him or her by the Registrar of the Faculty to which the academic progress officer belongs.
- (2) In considering an application for permission to remain enrolled, or to re-enrol, an academic progress officer may—
 - (a) invite the student who made the application to appear before it;

and

- (b) allow the student to be accompanied, but not represented, by any person who does not hold a law degree and is not a lawyer.
- (3) After considering an application for permission to remain enrolled, or to re-enrol, in a course, an academic progress officer may decide—
- (a) that the student—
 - (i) be permitted to remain enrolled, or to re-enrol, in the course;
 - (ii) be permitted to remain enrolled, or to re-enrol, in the course subject to any conditions specified by the academic progress officer; or
 - (iii) not be permitted to remain enrolled, or to re-enrol, in the course; or
 - (b) subject to section 15, to recommend to the student that he or she transfer his or her enrolment to a different course nominated by the academic progress officer.
- (4) If an academic progress officer makes a decision under subsection (3)(a)(ii) to permit re-enrolment in a course subject to specified conditions, the conditions specified may include a condition that the student meets one or more specified requirements before he or she can re-enrol in the course.
- (5) As soon as practicable, an academic progress officer must give written notice of a decision under this section to the relevant student.
- (6) A written notice of a decision under subsection (3)(a) must include—
- (a) the reasons for the decision; and
 - (b) a statement—
 - (i) advising the student that he or she may apply to the University Appeals Committee for a review of the decision; and
 - (ii) explaining the requirements set out in section 16(2) for making such an application for review.

15. Recommendation to transfer enrolment

- (1) If an academic progress officer makes a recommendation to a student under section 11(3)(b) that the student transfer his or her enrolment to

a different course, and the student decides to accept the recommendation, the student may, subject to any specified conditions attaching to the recommendation, transfer his or her enrolment to the different course.

- (2) If an academic progress officer makes a recommendation to a student under section 14(3)(b) that the student transfer his or her enrolment to a different course, and the student decides to reject the recommendation, the academic progress officer must deal with the matter under section 14(3)(a).

16. Application for review

- (1) A student to whom a decision of an academic progress officer under section 14(3)(a)(ii) or (iii) relates may apply to the University Appeals Committee for a review of that decision on either or both of the following grounds—
- (a) the decision of the academic progress officer is unfair or unjust;
 - (b) the academic progress officer did not act in accordance with the requirements of this Statute or the regulations when making his or her decision.
- (2) An application under this section for review must—
- (a) be in writing and in the English language;
 - (b) specify the grounds on which the review is sought and provide particulars in support of those grounds; and
 - (c) be lodged with the University Appeals Committee within 20 business days of receipt of the written notice of the decision in respect of which the review is sought.

17. Reporting of certain decisions to Higher Degrees Committee (Research)

- (1) Subject to subsection (2), an academic progress officer must report to the Higher Degrees Committee (Research) about any decisions he or she makes in respect of a student who is a candidate for a masters degree or a doctoral degree by coursework and research.
- (2) Subsection (1) does not apply if the student applies to the University Appeals Committee for a review of the decision.
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PART 4—THE UNIVERSITY APPEALS COMMITTEE

18. Power to conduct review

- (1) The University Appeals Committee must hear and determine any application for review lodged in accordance with the requirements of section 9, 12 or section 16 and any regulations made under those sections.
 - (2) The University Appeals Committee must report to the Higher Degrees Committee (Research) about any decisions it makes under this Statute in respect of a student who is a candidate for a Masters Degree or a Doctoral Degree by coursework and research.
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PART 5—GENERAL

19. Transitional

(1) Despite the coming into full force and effect of this Statute, the Old Statute continues to apply to a proceeding under the Old Statute which, immediately before the commencement day, had been commenced but not completed.

(2) In subsection (3)—

commencement day means the day on which this Statute comes into full force and effect;

Old Statute means Statute 19 – Academic Progress of Students, and any regulations made under that Statute, as in force immediately before the commencement day;

proceeding means a proceeding before an Academic Progress Committee or the Academic Progress Review Committee.

20. Regulations

(1) The Academic Board may make regulations—

- (a) for or with respect to or providing for any other matter or thing required to be regulated for the purposes of this Statute; and
- (b) amending or revoking any regulations made under this Statute.

(2) The Academic Board must ensure that regulations made under this Statute are promulgated by having the regulations displayed on an official notice board of the University for a period of at least 14 days.

(3) For the purposes of determining when regulations made under this Statute come into full force and effect within the meaning of section 30(4) of the Act, the regulations are taken to have been promulgated in accordance with sub-section (2) at the start of the first day on which they are displayed on an official notice board of the University.

21. Revocation of earlier University legislation

The following Statute and regulations are **revoked**—

- (a) Statute 19 – Academic Progress of Students;
- (b) Regulation 19.1 – Academic Progress of Students – Bachelor Degrees, Masters Degrees by Coursework, Certificate and Diploma Courses, Coursework Components of Professional

Doctorates and Masters Degrees by Research.



Approved by the Council—

Approved by the Minister—