

**LA TROBE UNIVERSITY**

**ACADEMIC PROGRESS STATUTE 2010**

The Council of La Trobe University makes this Statute under Part 5 of the *La Trobe University Act 2009*.

**PART 1—PRELIMINARY**

**1. Name and commencement**

This Statute is the **Academic Progress Statute 2010**.

**2. Purpose**

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

**3. Interpretation**

In this Statute—

*academic progress officer* means an academic progress officer appointed under section 6;

*Academic Progress Policy* means the policy and procedures made by the Academic Board under section 5, as in force from time to time;

*committee of examiners* means a committee established under section 4;

*progression period* means a period specified as such from time to time by the University, whether in the Academic Progress Policy or otherwise;

*satisfactory academic progress* means academic progress which the relevant officer or body of the University determines to be satisfactory according to the criteria set out in the Academic Progress Policy;

*show cause notice* has the meaning given in section 9(1)(c);

*unsatisfactory academic progress* means academic progress which the relevant officer or body of the University determines to be unsatisfactory according to the criteria set out in the Academic Progress Policy.

**4. Committees of examiners**

- (1) Each College must establish a committee of examiners for each School of the College.
- (2) A committee of examiners may be composed of chief examiners or examiners, or any combination of both, appointed for that purpose by the College.

**5. Academic Progress Policy**

- (1) Without limiting anything in the **Academic Board Statute 2009**, the Academic Board must make a policy and procedures regarding the academic progress of students.
- (2) A policy and procedures made under subsection (1) shall be taken to be a policy and procedures established by the Academic Board under section 2(1)(a) of the **Academic Board Statute 2009**.

**Note:**

The effect of subsection (2) is that the Academic Progress Policy is subject to review by the Council under section 3 of the **Academic Board Statute 2009**.

**6. Academic progress officers**

- (1) In each College, the Pro Vice-Chancellor must appoint at least 1 member of the senior academic staff of the College as an academic progress officer for the College.
- (2) 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.
- (3) 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 (if any) and a proper consideration of the issues before him or her permits;
  - (b) may operate independently or in concert with other academic progress officers from the same College; and

- (b) subject to this Statute and the regulations (if any), may regulate his or her own procedure.

**6A. Delegation**

- (1) The Pro Vice-Chancellor of a College may, in writing, delegate any or his or her powers, duties or functions under this Statute or the regulations (if any) to any member of the College or any board, committee or other body of the College, other than this power of delegation.
  - (2) A delegation by a Pro Vice-Chancellor under subsection (1) does not prevent the exercise of the delegated power, duty or function by the Pro Vice-Chancellor.
-

## **PART 2—REVIEW OF ACADEMIC PROGRESS IN COURSEWORK**

### **7. Application of Part 2**

This Part 2 applies in relation to the academic progress of a student other than a student who is undertaking a higher degree by research.

### **8. Colleges to review academic progress**

- (1) After the completion of examinations in a progression period, each College must review the academic progress of each student undertaking a course offered by that College.
- (2) If a College considers that a student is at risk of not making satisfactory academic progress in a particular course, the College must carry out an intervention prescribed for that purpose in the Academic Progress Policy.

### **9. Unsatisfactory academic progress**

- (1) If a College assesses a student's academic progress as unsatisfactory, the College must, as soon as practicable, give written notice to the student advising him or her of that assessment and informing 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 College;
  - (c) must show that there are special reasons which justify the continuing enrolment or the re-enrolment (as the case requires) of the student in the course (a *show cause notice*); or
  - (d) may not remain enrolled, or may not re-enrol, in the course.
- (2) A written notice of a decision under subsection (1)(b) or (1)(d) must include—
  - (a) 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 14 for making such an application.
- (3) 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 will need to apply to an academic progress officer of the College for permission to remain enrolled or re-enrol;
  - (c) explaining the requirements set out in section 10 for making such an application; and
  - (d) advising the student that the matter will still be referred to an academic progress officer for determination under section 12 even if the student does not respond to the show cause notice.
- (4) A College which issues a show cause notice must ensure that a copy of the show cause notice is given to the Pro Vice-Chancellor of that College.

**10. Student's response to show cause notice**

- (1) A student who has been given a show cause notice may apply to an academic progress officer of the relevant College for permission to remain enrolled or re-enrol (as the case requires) 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;
  - (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 Pro Vice-Chancellor of the relevant College within 10 business dates of receipt of the show cause notice.
- (3) If a student is undertaking a University course at an Australian campus of the University, then his or her application under this section must be written in the English language. If a student is undertaking a University course at a location outside Australia, then his or her

application under this section may be written in the language of instruction used at that location.

**11. Pro Vice-Chancellor to refer show cause notice to academic progress officer**

- (1) A Pro Vice-Chancellor in receipt of an application for permission to remain enrolled or to re-enrol must, as soon as practicable, give the application to an academic progress officer of the Pro Vice-Chancellor's College for determination under section 12.
- (2) Even if a student does not respond to a show cause notice, the Pro Vice-Chancellor must refer the matter to an academic progress officer of the Pro Vice-Chancellor's College for determination under section 12.

**12. Academic progress officers to consider cases involving show cause notices**

- (1) An academic progress officer must consider each case involving a show cause notice given or referred to him or her by the Pro Vice-Chancellor of the College to which the academic progress officer belongs.
- (2) In considering a case under this section, an academic progress officer may—
  - (a) invite the student to whom the case relates to appear before him or her; 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 a case under this section, 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;
    - (iii) be permitted to withdraw from the course; or
    - (iv) not be permitted to remain enrolled, or to re-enrol, in the course; or
  - (b) subject to section 13, 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) if the decision is a decision under subsection (3)(a)(ii) or (iv), 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 14 for making such an application for review.

### **13. Recommendation to transfer enrolment**

- (1) If an academic progress officer makes a recommendation to a student under section 12(3)(b) that the student transfer his or her enrolment to a different course and the student decides to accept the recommendation, then, subject to any specified conditions attaching to the recommendation and the agreement of the admissions officer for the course, the student may transfer his or her enrolment to that course.
- (2) If an academic progress officer makes a recommendation to a student under section 12(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 12(3)(a).

### **14. Application for review by University Appeals Committee**

- (1) A student to whom a decision of a College under section 9(1)(b) or (d), or a decision of an academic progress officer under section 12(3)(a)(ii) or (iv), relates may apply to the University Appeals Committee for a review of that decision any of the following grounds—

- (a) the decision of the College or academic progress officer (as the case requires) is unfair or unjust;
  - (b) the College or academic progress officer (as the case requires) failed to take account of a relevant consideration or took account of an irrelevant consideration;
  - (c) the College or academic progress officer (as the case requires) did not act in accordance with the requirements of this Statute or the regulations (if any) when making his or her decision.
- (2) An application under this section for review must—
- (a) be in writing;
  - (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 10 business days of receipt of the written notice of the decision in respect of which the review is sought.
- (3) If a student is undertaking a University course at an Australian campus of the University, then his or her application for review must be written in the English language. If a student is undertaking a University course at a location outside Australia, then his or her application for review may be written in the language of instruction used at that location.

## 15. Maintenance of enrolment

- (1) The University must maintain the enrolment of a student to whom a decision of a College under section 9(1)(d) or a decision of an academic progress officer under section 12(3)(a)(iv) relates—
- (a) until such time as the period within which an application for review of the decision by the University Appeals Committee must be made expires without a valid application for review being made by the student; or
  - (b) if the student makes a valid application for review of the decision by the University Appeals Committee, until such time as the University Appeals Committee upholds that decision.
- (2) In subsections (1), **valid application** means an application for review by the University Appeals Committee which meets all of the requirements set out in section 14 for making such an application.



- (3) Despite subsection (2), a student may not continue to attend classes, tutorials or other forms of contact for the relevant course without the permission of the relevant College.
  - (4) A College must not unreasonably withhold permission under subsection (3).
-

**PART 3—REVIEW OF ACADEMIC PROGRESS IN RESEARCH**

**16. Application of Part 3**

This Part 3 applies only in relation to the academic progress of a student undertaking a higher degree by research.

**17. Board of Graduate Research to review academic progress**

- (1) If the Board of Graduate 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 Board of Graduate 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 (or both) at a meeting with the Board of Graduate Research.
- (3) If a candidate elects to make a submission to the Board of Graduate Research in person, regardless of whether the submission is also supported by a written submission, the Board of Graduate Research may allow the candidate to be accompanied, but not represented, at the relevant meeting of the Board of Graduate Research by any person who does not hold a law degree and is not a lawyer.
- (4) After considering the evidence placed before it, the Board of Graduate 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 Board of Graduate 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 (if any) and a proper consideration of

- the matter permits; and
- (e) subject to this Statute and the regulations (if any), may determine its own procedure.
- (6) As soon as practicable, the Board of Graduate 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 18 for making such an application for review.

**18. Application for review by University Appeals Committee**

- (1) A student to whom a decision of the Board of Graduate Research under section 17 relates may apply to the University Appeals Committee for a review of that decision on any of the following grounds—
- (a) the decision of the Board of Graduate Research is unfair or unjust;
  - (b) the Board of Graduate Research failed to take account of a relevant consideration or took account of an irrelevant consideration;
  - (c) the Board of Graduate 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;
  - (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 10 business days of receipt of the written notice of the decision in respect of which the review is sought.

- (3) If a student is undertaking a University course at an Australian campus of the University, then his or her application for review must be written in the English language. If a student is undertaking a University course at a location outside Australia, then his or her application for review may be written in the language of instruction used at that location.
-

**PART 4—GENERAL**

**19. Reporting of certain decisions to the Board of Graduate Research**

- (1) An academic progress officer must report to the Board of Graduate Research about any decision 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.

**20. 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 14 or 18 and any regulations made under those sections.
- (2) The University Appeals Committee must report to the Board of Graduate 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.

**21. 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 (1)—

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

*Old Statute* means the **Academic Progress Statute 2009** as in force immediately before the commencement day;

*proceeding* means a proceeding before a Faculty Board, the Higher Degrees Committee (Research) or an academic progress officer.

**22. 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 32(2) of the Act, the regulations are taken to have been promulgated in accordance with subsection (2) of this section at the start of the first day on which they are displayed on an official notice board of the University.

### **23. Revocation**

**The Academic Progress Statute 2009 is revoked.**



---

#### **LEGISLATIVE HISTORY**

This Statute was approved by the Council on 11 October 2010 and by the Minister on 1 March 2011. LS Ref 10/00967.

This Statute was amended by the **Future Ready (Amendments) Statute 2015** on 8 April 2015. LS Ref Leg/11040