

A SHORT GUIDE TO THE ACADEMIC PROGRESS STATUTE 2010

1. Introduction

The **Academic Progress Statute 2010** came into operation on 1 March 2011, and replaced the earlier **Academic Progress Statute 2009**.

Broadly speaking, the purpose of the **Academic Progress Statute 2010** (herein *the Statute*) is to provide for the monitoring and review of the academic progress of all of the University's students,ⁱ regardless of their level of study or the nature of the courses they are undertaking. As such, the Statute will apply to undergraduates undertaking diplomas or bachelor degrees as well as postgraduate students undertaking higher degrees by research.ⁱⁱ

One of the key features of the Statute is the distinction that it draws between coursework and research students. Different systems apply for the monitoring and review of academic progress by each of these two kinds of student, and these systems are discussed in more detail below.

Another important feature of the Statute is that it provides students with the right to seek a review by the University Appeals Committee of certain decisions relating to their academic progress. This is also discussed in more detail below.

2. The academic progress of coursework students

Part 2 of the Statute deals with the academic progress of students other than those undertaking higher degrees by research.ⁱⁱⁱ

The role of the Faculty Board

In each Faculty, the Faculty Board has the primary role of monitoring the academic progress of its students. To do this, a Faculty Board conducts a review at the completion of examinations in each semester (or "progression period").^{iv} There are generally two issues that can arise at this stage:

- If a Faculty Board decides that a student is at risk of not making satisfactory academic progress in a particular course, the Faculty Board must conduct an intervention prescribed in the Academic Progress Policy.^v The Academic Progress Policy is a policy (with accompanying procedures) which the Academic Board makes under the Statute.^{vi}
- If a Faculty Board decides that a student's academic progress is unsatisfactory, the Faculty Board must give the student written notice of that finding and inform the student that they:
 - may remain enrolled (or re-enrol) but that any further findings of unsatisfactory academic progress may result in exclusion (essentially a warning);
 - may remain enrolled (or re-enrol) subject to conditions specified by the Faculty Board;
 - must show cause as to why they should be permitted to remain enrol (or re-enrol) – this is called a "show cause notice"; or
 - may not remain enrolled or re-enrol.^{vii}

The second and fourth of these optional decisions (a decision to give permission to remain enrolled (or re-enrol) subject to conditions or a decision to refuse permission to remain enrolled or re-enrol) can be appealed by the student to the University Appeals Committee. By contrast, a decision to give a “show cause notice” is not subject to a right of appeal because the student is only being asked to give reasons which would justify enrolment or re-enrolment. The actual enrolment status of the student is not affected until a decision is made after the student responds to the show cause notice (or the time frame for doing so expires without a response being made).

Once a student has received a show cause notice, the student can then apply to an Academic Progress Officer of the Faculty seeking permission to remain enrolled or re-enrol (as the case requires).^{viii} In this way, when it comes to cases involving show cause notices, the burden of the decision-making process moves from the Faculty Board to the Academic Progress Officer.

Academic Progress Officers

Academic Progress Officers are appointed by the Dean in each Faculty. The Dean must appoint at least one Academic Progress Officer for the Faculty, and appointments can only be made from among the senior academic staff of the Faculty.^{ix}

In dealing with a case involving a show cause notice, an Academic Progress Officer can determine the matter based purely on the documents provided by the Faculty Board and the student (if any), or the Academic Progress Officer may conduct an informal hearing. To do this, the Academic Progress Officer can simply invite the student to appear before the Academic Progress Officer and give the student the option of being accompanied by a person who does not hold a law degree and is not a lawyer. A person accompanying a student is not permitted to represent the student or to act as their advocate; their role is only meant to be one of providing support to the student. If the student declines the invitation to attend the hearing, the Academic Progress Officer can simply determine the matter based on the documents.

When determining a case involving a show cause notice, an Academic Progress Officer may decide that the student:

- may remain enrolled (or re-enrol);
- may remain enrolled (or re-enrol) subject to conditions specified by the Academic Progress Officer;
- may withdraw from the course in question; or
- may not remain enrolled or re-enrol in the course.^x

Another option open to an Academic Progress Officer at this stage is to recommend to the student that they transfer their enrolment to a different course.^{xi} If the student decides to accept this recommendation, then they may transfer their enrolment and the academic progress matter is effectively closed.^{xii} On the other hand, if the student decides to reject this recommendation, the Academic Progress Officer is then required to apply one of the 4 options referred to in the preceding paragraph.^{xiii}

Some decisions of an Academic Progress Officer may be reviewed by the University Appeals Committee; namely a decision that a student may remain enrolled (or re-enrol) subject to conditions or a decision that a student may not remain enrolled or re-enrol in the course.^{xiv}

If a student is subject to a reviewable decision of a Faculty Board or an Academic Progress Officer, the University is required to maintain the enrolment of the student:

- until such as the period within which an appeal may be made to the University Appeals Committee expires (the time period allowed is no more than 10 business days of receiving written notice of the decision^{xv}); or
- if an appeal is brought within time and in accordance with the requirements for making an appeal,^{xvi} until such time as the University Appeals Committee upholds the decision (of course, if the decision is overturned the University will not have any grounds for not maintaining the enrolment of the student).^{xvii}

3. The academic progress of research students

Part 3 of the Statute deals with the academic progress of students undertaking higher degrees by research.^{xviii}

Under Part 3, the Higher Degrees Committee (Research) (*the HDC(R)*) retains its central role in monitoring and reviewing the academic progress of research students.

The process itself is significantly more straightforward than that which applies to coursework students:

- Should the HDC(R) take the view that a research student is not making satisfactory academic progress in accordance with the particular requirements of the student's degree, the HDC(R) can direct the student to demonstrate to the HDC(R)'s satisfaction why their candidature should not be terminated.^{xix}
- In making a direction of this kind, the HDC(R) may invite the research student to justify their continued enrolment by written submission or in person (or both).^{xx} Note that a student is always free to decline an invitation to make a submission, either in writing or in person. However, if this happens then the HDC(R) will have no choice but to make a decision based on its own material.
- If a student elects to appear before the HDC(R) to make their submission, then the HDC(R) can allow the student to be accompanied by a person who does not hold a law degree and is not a lawyer. As is the case with coursework students appearing before an Academic Progress Officer, a person accompanying a research student before the HDC(R) is not permitted to represent the student or to act as their advocate; their role is only meant to be one of providing support to the student.^{xxi}
- After considering the evidence placed before it, whether it comes from the research student or as a result of monitoring and reviewing the academic progress of the student or both, the HDC(R) can decide to do one of two things: it may terminate the student's enrolment or impose conditions under which their enrolment may continue.^{xxii}

The HDC(R) must give the student written notice of its decision as soon as practicable,^{xxiii} and the student may apply to the University Appeals Committee for a review of the HDC(R)'s decision.^{xxiv} The requirements for making an application for review are set out in section 18(2), and they include a requirement that the application must be made within 10 business days of receipt of the notice of the decision.^{xxv}

4. Other matters

The Statute may be viewed online at <http://www.latrobe.edu.au/legalservices/legislation/index.html>. Legal Services maintains this website and ensures that up-to-date versions of all University Statutes and regulations are posted on it. As always, you should contact Legal Services for advice if you have any questions about the Statute or its application to a particular academic progress case.

Legal Services, May 2011.

ⁱ See section 2 of the Statute.

ⁱⁱ Note that the Statute does not apply to students undertaking ELICOS or Foundations Studies programs at La Trobe Melbourne, as they are not longer students of the University.

ⁱⁱⁱ Section 7.

^{iv} Section 8(1).

^v Section 8(2).

^{vi} Section 5.

^{vii} Section 9.

^{viii} Section 10.

^{ix} Section 6. At the time of writing, a person is a member of the senior academic staff if they are academic staff employed at Level C or higher.

^x Section 12(3)(a).

^{xi} Section 12(3)(b).

^{xii} Section 13(1).

^{xiii} Section 13(2).

^{xiv} Applications for review are made under section 14 of the Statute. This also applies in respect of reviewable decisions made by the Faculty Board under section 9.

^{xv} Section 14(2)(c).

^{xvi} Section 14(2) contains these requirements.

^{xvii} Section 15.

^{xviii} Section 16.

^{xix} Section 17(1).

^{xx} Section 17(2).

^{xxi} Section 17(3).

^{xxii} Section 17(4).

^{xxiii} Section 17(6).

^{xxiv} Section 18.

^{xxv} Section 18(2)(c).