

Part 1 – Preliminary

1. Title

These regulations may be cited as the Vice-Chancellor regulations.

2. Authorising Provision

These regulations are made by the Vice-Chancellor pursuant to Part 5 of the Act and section 17 of the University Statute.

3. Commencement

These regulations come into operation on the day they are published on the University website.

4. Definitions

The definitions in the Act, the University Statute and the following definitions apply to these regulations, unless the context requires otherwise:

Faculty means an academic organisational unit established as a Faculty by Council in accordance with regulation 16 of the Council regulations.

Institute means an Institute established by Council in accordance with regulation 17 of the Council regulations.

intellectual property rights has the meaning set out in the policies approved by the Vice-Chancellor addressing intellectual property.

staff code of conduct means a code of conduct for staff established by the Vice-Chancellor under **regulation 10**.

standards of conduct means the standards of student conduct established by the Vice-Chancellor under **regulation 13**, but does not include academic and research integrity standards which are managed under the Academic Board regulations.

student has the meaning given in the Act and includes a person who was a student at the time the relevant conduct occurred (whether or not deferred, intermitted or on leave of absence).

student code of conduct means a student code of conduct established by the Vice-Chancellor under **regulation 13**.

student misconduct means conduct by a student that is connected with enrolment (not being a breach of academic or research integrity standards established by the Academic Board regulations), which is determined under these regulations to be student misconduct and which is:

- (a) a breach of the student code of conduct, or the standards of conduct established under these regulations, or other standards of conduct established by the University;
- (b) a breach of a law, regulation, direction or instruction;
- (c) inconsistent with the professional obligations of the industry for which the student is studying;
- (d) inconsistent with the standards of conduct expected of a student during an external placement (whether or not undertaken as an assessable part of a program of study);
- (e) prejudicial to the good order, government or reputation of the University;
- (f) dishonest, unethical or lacking in integrity;
- (g) damaging to or a risk to the safety, health, wellbeing, privacy or educational outcomes of others; or
- (h) unacceptable conduct by a student for any reason.

University Appeals Committee means a committee established by Academic Board as a University Appeals Committee under the Academic Board regulations.

Part 2 – Vice-Chancellor Powers and Responsibilities

5. Responsibilities of the Vice-Chancellor

- 5.1 The Vice-Chancellor is the Chief Executive Officer and President of the University, and is accountable to Council for the leadership, management and administration of the University and providing information and reports to Council as Council may require.
- 5.2 The Vice-Chancellor has the powers, functions and duties:
 - (a) as expressly conferred by the Act, conferred by Council and by the University Statute and the Council regulations; and
 - (b) as implied or necessary and ancillary to those specified in **regulation 5.2(a)** in order to lead, manage and administer the University.
- 5.3 The Vice-Chancellor may establish an executive leadership group to assist in the effective leadership, management and administration of the University.
- 5.4 The Vice-Chancellor may by written notice delegate any or all powers to any person. Such delegation does not detract from the Vice-Chancellor's ability to exercise such delegated powers.
- 5.5 The Vice-Chancellor is the approval authority for administrative and management policies and procedures of the University.

Part 3 – Academic Administration

6. Principal Officers of a Faculty

- 6.1 The Vice-Chancellor shall determine the title and designation of each Principal Officer of each Faculty appointed by Council.
- 6.2 The Principal Officer of a Faculty is responsible to the Vice-Chancellor for the leadership, administration and management of their respective Faculty, and shall report to the Vice-Chancellor as the Vice-Chancellor determines.
- 6.3 The Vice-Chancellor shall ensure that each Faculty establishes and maintains a Faculty Board with the objects and functions to:
- (a) maintain the highest standards in teaching and learning and research within the Faculty or an Institute associated with the Faculty;
 - (b) manage the assessment and academic progress of students within the Faculty or an Institute associated with the Faculty in accordance with **Part 9** of the Deakin University Academic Board Regulations;
 - (c) advise the Academic Board of matters relating to the teaching, learning and research programs offered through the Faculty or an Institute associated with the Faculty;
 - (d) report through the Principal Officer of the Faculty to the Academic Board on any matters requested by the Academic Board;
 - (e) approve the conferral of awards in respect of students enrolled in the Faculty or an Institute associated with the Faculty;
 - (f) report through the Principal Officer of the Faculty to the Vice-Chancellor upon any matter requested by the Vice-Chancellor;
 - (g) contribute to the University's continuous quality improvement processes.

7. Schools, Departments and Centres

- 7.1 The Vice-Chancellor may establish schools, departments or centres within a Faculty.
- 7.2 The Vice-Chancellor, on the recommendation of the Principal Officer of the Faculty:
- (a) shall appoint a Principal Officer for each school; and
 - (b) may appoint a Principal Officer for each department or centre within a Faculty, with the title and designation determined by the Vice-Chancellor.

8. Institutes

- 8.1 The Vice-Chancellor may recommend to Council that an Institute be established either within or outside a Faculty.
- 8.2 The Vice-Chancellor shall determine the structure and administrative requirements of an Institute. Each Institute shall have an advisory board or equivalent body comprising University and external members with experience in areas relevant to the Institute's area of operation.

Part 4 – Intellectual Property Rights

9. Intellectual Property Rights

- 9.1 The Vice-Chancellor is responsible for the use, administration and management of all University intellectual property rights.
- 9.2 The Vice-Chancellor shall appoint a Principal Officer to manage and administer the University intellectual property rights in accordance with the policies approved by the Vice-Chancellor.

Part 5 - General Administration

10. Management of the University and Staff

- 10.1 The Vice-Chancellor may establish any administrative divisions, units or other operational areas, functions or services within the University for the good management of the University.
- 10.2 Subject to the University Enterprise Agreement, the Vice-Chancellor may:
- (a) appoint staff, including acting or interim staff or office holders during temporary absences or vacancies;
 - (b) engage contractors and consultants; and
 - (c) make honorary appointments.
- 10.3 The Vice-Chancellor shall:
- (a) establish a staff code of conduct which may be incorporated in arrangements with associates, contractors, consultants or others engaged by or working with the University;
 - (b) manage and administer the conduct of any and all staff and personnel including but not limited to academic and professional staff, executives and officers, temporary and casual staff, contractors and consultants, visitors and honorary appointees; and
 - (c) ensure that all such appointments or engagements made under this regulation require compliance with relevant standards established by the Academic Board, Vice-Chancellor, or otherwise by the University.

11. Meetings of University Bodies

- 11.1 The Vice-Chancellor is responsible for ensuring the efficient management and administration of University business.
- 11.2 Meetings of any University body and any proceedings, and decisions or actions of any person or persons acting as a member of a University body, shall be valid despite any minor procedural defects occurring, such as minor defects regarding:
- (a) notice of that meeting not having been given to or received by a member;
 - (b) quorum for a decision of that University body not having been met;
 - (c) any vacancy in the constitution or number of members of that University body;
 - (d) a member of the University body not having been validly appointed or elected; or

- (e) a person acting in the capacity of a member lacking the capacity to be a valid member of the University body,

unless that University body determines that the defects resulted in the meeting, proceeding, decision or action being invalid.

12. University Facilities and Premises

- 12.1 The Vice-Chancellor is responsible for the use, administration and management of all University facilities and University premises.
- 12.2 The Vice-Chancellor may establish and apply to staff and personnel, students (or a cohort of staff or students), visitors, entrants or others conditions of entry, access and use of University premises and University facilities, whether through the erection of signs, directions given by authorised officers, the publication of notices, policies and procedures or other means.

Part 6 – Student Management and Exclusion Powers

13. Management of Students

- 13.1 The Vice-Chancellor is responsible for establishing standards of conduct required of students by the University, other than academic and research integrity standards, which are the responsibility of the Academic Board. Standards of conduct may be incorporated into a Student code of conduct or any other document, and are intended to:
 - (a) promote the highest standards of conduct by students;
 - (b) promote the good order and management of the University; and
 - (c) protect the safety, well-being and welfare of staff, students and visitors.
- 13.2 The Vice-Chancellor regulates standards of conduct pursuant to the University Statute, the University regulations, including these regulations, and the University policies and procedures.
- 13.3 The Vice-Chancellor may impose conditions, restrictions or directions upon students, and may exclude a student from the University in accordance with this **Part** and **Part 7**.
- 13.4 The Vice-Chancellor and staff may give reasonable and lawful directions to students.

14. Decision Making Principles

- 14.1 Decision makers under this **Part** and **Part 7** will take account of the following principles and legal requirements:
 - (a) actions shall be fair and just, and comply with natural justice;
 - (b) the rights and interests of all University members, visitors and the University's partners and stakeholders are to be respected, as well as those of individual students;
 - (c) investigations will be impartial, timely and transparent;
 - (d) decision-making will be carried out in accordance with appropriate levels of responsibility within the University;

- (e) outcomes imposed for student misconduct shall be appropriate and proportionate;
 - (f) there shall be no unlawful discrimination; and
 - (g) confidentiality and privacy will be respected as far as possible, given legal requirements and obligations such as the requirement to investigate conduct matters, accord natural justice, report matters to the police or other regulatory bodies, and keep records.
- 14.2 The Vice-Chancellor may make policies and procedures to facilitate support and assistance to students with an impairment or disability, or who are subject to another form of relevant disadvantage, including for the purposes of this regulation.
- 14.3 Students with an impairment or disability or who are subject to another form of relevant disadvantage may seek assistance, support or accommodation from the University in respect of any hearing or decision making process under this regulation in accordance with any relevant policies and procedures. If a student requests such assistance, the Vice-Chancellor must take the request into account and may:
- (a) proceed in accordance with the relevant part of the regulation;
 - (b) suspend any actions under the regulation until satisfied that reasonable assistance, support or accommodation has been offered to the student; or
 - (c) determine at any time that any actions under the regulation should not proceed, and either suspend or terminate the proceedings.

15. Emergency and Exceptional Powers

- 15.1 In accordance with these regulations, the Vice-Chancellor may make a direction to a student, including to:
- (a) direct a student to leave;
 - (b) prohibit a student from entering;
 - (c) prohibit a student from accessing or using; or
 - (d) impose conditions on a student who seeks to access or use,
- the University premises or any specified part of the University premises, or any University facility.
- 15.2 The Vice-Chancellor may make a direction under **regulation 15.1** immediately and for a period of up to fourteen days:
- (a) where the Vice-Chancellor reasonably believes that a direction is necessary in order to preserve the peace or to protect University staff, students or property, including where there is a reasonable apprehension of imminent and serious risk arising from a student's conduct; or
 - (b) if the student has failed to comply with a reasonable and lawful direction made by the University.

- 15.3 Before the expiry of fourteen days referred to in **regulation 15.2**, the Vice-Chancellor shall decide whether to:
- (a) lift the direction and take no further action;
 - (b) impose conditions on the student's access or use of the University premises or any specified part of the University premises, or any University facility; or
 - (c) extend the direction for another period of up to 14 days.
- 15.4 A decision made under **regulation 15.3** must be confirmed in writing and notified to the student as soon as practicable.
- 15.5 Student conduct that results in a decision being made under **regulation 15.3(b)** or **15.3(c)** must be referred to a student misconduct committee in accordance with **Part 7** of these regulations.
- 15.6 Directions and notices under this regulation shall be made or confirmed in writing as soon as possible, provided to the student, and also reported to the Vice-Chancellor or nominee.

16. Notifying External Agencies

- 16.1 For the avoidance of doubt, the Vice-Chancellor may report any matter, whether or not involving the conduct of a student, to a law enforcement agency, an external regulatory agency, health body or other body as is considered necessary.
- 16.2 If allegations of student misconduct made against a student are also the subject of external investigation or review, the Vice-Chancellor may consider and determine whether the investigation and hearing being proposed or conducted under these regulations is to continue or be deferred pending the outcome of the external investigation or review.
- 16.3 The Vice-Chancellor may communicate with the relevant external investigator or body, seek information or disclose the nature of the allegations of student misconduct for the purposes of these regulations.

Part 7 – Student Misconduct

17. Allegations of Student Misconduct

- 17.1 Allegations of student misconduct may be made in accordance with the University policies and procedures.
- 17.2 The Vice-Chancellor shall form a preliminary view of any allegations of student misconduct and determine that:
- (a) the allegations may be dismissed as unsubstantial or unlikely to constitute potential misconduct;
 - (b) the matter may be resolved without investigating the allegations of student misconduct;
 - (c) further information should be sought regarding the allegations; and/or
 - (d) the matter should be referred for investigation and determination by a student misconduct committee of either one person or, in more significant cases, two or more persons.

- 17.3 A student misconduct committee must investigate any allegations of student misconduct referred to it by the Vice-Chancellor, determine whether or not there has been any student misconduct and, if so, may impose outcomes as set out in **Schedule 1**.

18. Managing an Allegation of Student Misconduct

- 18.1 The Vice-Chancellor shall set policies and procedures for the management of investigations of student misconduct.
- 18.2 Policies and procedures under **regulation 18.1** may set out what matters regarding investigations or determinations of student misconduct may be disclosed to persons who may have an interest in addition to the student concerned.

Part 8 – Appeals

19. Appeals

A student may appeal a finding of misconduct or an outcome imposed to the University Appeals Committee in accordance with the Academic Board regulations and the procedures of Academic Board on the grounds for appeals set out in those regulations.

Part 9 – Miscellaneous

20. Transitional Provisions

For the avoidance of doubt, inquiries, assessments or proceedings dealing with allegations against either staff or students initiated but not completed (including any right of appeal) prior to the commencement date of these regulations shall continue to be dealt with in accordance with the University Enterprise Agreement, the University Statutes and regulations, policies and procedures (as applicable) as in force immediately prior to the commencement of these regulations.

Schedule 1 | Outcomes

1. Offer specified support activities and services.
2. Require a course of corrective action or specified training is undertaken.
3. Require the student to undertake work, activities, service and/or apologies.
4. Issue a reprimand, caution or formal warning.
5. Require the student to resubmit, or revise and resubmit, the whole or part of the assessment, examination or research.
6. Disallow or amend a mark or grade (including zero marks) for the whole or part of the assessment task, examination, final grade, unit, or research.
7. Determine that any part of the academic work or the research be attempted again.
8. Place condition/s on the student's enrolment or academic performance.
9. Impose a requirement that the student refrain from having any such specified contact with particular students, members of staff, or other members of the University community.
10. Prohibit or restrict access to or use of University premises, University facilities and services or University activities for any period and on any terms and conditions.
11. Suspend or exclude the Student for any period from a unit, the course or the University, on any terms and conditions.
12. Require the student to transfer to another course if the student wishes to remain enrolled at the University.
13. Determine that the degree can not be awarded.
14. Recommend to Council to rescind the student's award.
15. A direction to pay for repair or replacement of damaged or lost property or facilities.
16. Impose a requirement that the student undertake work, activities, service and apologies.
17. Require a retraction of a publication/s or amendment of material on the public record.
18. Require restitution of data.
19. Require a verbal, written or published apology.

History

Version	Date Approved	Approved By	Commencement Date	Amendment/s
1	15 December 2020	Vice-Chancellor	1 January 2021	New Regulation