

RULE CHANGES APPROVED BY COUNCIL

Pursuant to the UTS By-law (Part 4, division 3, clause 44), the following rule changes have been made by UTS Council.

At its 13/7 meeting on 27 November 2013, Council resolved [COU/13-7/121] that autonomous sanctions related amendments be made to the Student and Student Related Rules. The updates authorise the University to undertake a range of actions in relation to students from sanctioned countries and organisations to ensure compliance with the relevant sanctions legislation and conformity with governance requirements.

Additionally, it was resolved that changes be made to the student misconduct sections of the Student and Student Related Rules to improve work processes by eliminating the need to send hard copy documents to students and correct drafting errors around notification of decisions in relation to alleged misconduct during a centrally conducted examination.

Attachment 1 details the approved amendments

ATTACHMENT 1

UTS Student and Related Rules

[new text **bold underlined**, text to be deleted in ~~**bold and strikethrough**~~]

The proposed amended Student and Related Rules are as follows with deletions shown in ~~**strikethrough**~~ and additions **underlined**.

Autonomous sanctions related amendments

2.5 Study management

2.5.2 All students must comply with any requirements for enrolment or study at the University **including but not limited to obligations and/or restrictions specified that may apply under in** relevant legislation (refer Schedule 2) ~~**and, in particular, international. International**~~ students must **also** comply with legislative requirements relating but not limited to:

- (1) any requirements relating to attendance or study mode; and
- (2) any conditions for enrolment and progress through an award course; and
- (3) any conditions relating to student load; and
- (4) any conditions relating to leave of absence.

5.6 Withdrawal of offer of admission and cancellation of admission or enrolment

5.6.1 The University reserves the right to withdraw an offer of admission and cancel the student's admission or enrolment in cases where:

[...]

(4) the University is not satisfied that the student meets the Genuine Temporary Entrant and/or Genuine Student requirements set by the Department of Immigration and Citizenship; **or**
(5) the University considers in its absolute discretion that the student's admission or continued enrolment in a subject or course would be in breach of State or Commonwealth legislation.

5.7 Requirements for admission

5.7.1 To be eligible for admission to a course an applicant:

- (1) must satisfy the general requirements for admission to that course as detailed in the Admissions Policy; and
- (2) must satisfy the language requirements if applicable for that course as detailed in the Admissions Policy; and
- (3) must satisfy the University that he or she meets the Genuine Temporary Entry and/or Genuine Student requirements set by the Department of Immigration and Citizenship;
- (4) **must comply with State and Commonwealth legislative requirements; and**
- (5) may also be required to satisfy other specific requirements for the particular course.

Schedule 2 — Relevant Legislation

- Migration Act 1958 (Cwlth)
Student requirements — Rule 2.5.2
- Education Services for Overseas Students Act 2000 (ESOS) (Cwlth)
Student requirements — Rule 2.5.2
Student requirements — Rule 2.2.4 Tax File Number (TFN)
- Commission for Children and Young People Act 1998 (NSW)
Legislative requirements — Rule 3.3
- Higher Education Support Act 2003 (Cwlth)
Schedule 1 — Definitions: census date
Student requirements — Rule 2.2.3 Commonwealth Higher Education Student Support Number (CHESSN)
- Privacy Act 1988 (Cwlth)
Student requirements — Rule 2.2.3 Commonwealth Higher Education Student Support Number (CHESSN)
Student requirements — Rule 2.2.4 Tax File Number (TFN)
- Privacy and Personal Information Act 1998 (NSW)
- Health Records and Information Privacy Act 2002 (NSW)
- Disability Discrimination Act 1992 (Cwlth)
Special conditions for examinations and assessment — Sections 8 and 9
- **Autonomous Sanctions Act 2011 (Cwlth) and Autonomous Sanctions Regulations 2011 (Cwlth)**
- **Charter of the United Nations Act 1945 (Cwlth) and its Regulations**

NOTE: Rule 16.10 is reproduced in its entirety below for the purposes of context. No amendments are proposed to Rule 16.10.3 or 16.10.5.

Part C — Allegations of misconduct handled at the faculty level

16.10 Allegations referred to the Responsible Academic Officer

16.10.1 Where the Responsible Academic Officer receives an allegation of misconduct involving plagiarism, the Responsible Academic Officer may, in accordance with the Guidelines for Handling Student ~~Misconduct~~ **Misconduct** Involving Plagiarism (refer [Schedule 6](#)), obtain further details of the allegation of misconduct and make such other enquiries as he or she believes necessary.

16.10.2 If after considering all the information, the Responsible Academic Officer is of the view that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Responsible Academic Officer may determine not to take further action in relation to the allegation in which case the Responsible Academic Officer **will retain records in support of the decision** ~~must notify the Registrar and provide sufficient information on the allegation to be retained by the Registrar~~ on a confidential file.

16.10.3 Where the Responsible Academic Officer believes an alleged act of student misconduct within the faculty involves any form of misconduct other than plagiarism, the Responsible Academic Officer shall refer the allegation to the Registrar to be handled in accordance with [Rule 16.12](#). Before doing so, in cases where the allegation is made by an officer of the University, the Responsible Academic Officer shall consult with that officer.

16.10.4 The Responsible Academic Officer must, in writing and as soon as possible:

- (1) notify the student of the allegation; and
- (2) provide the student with a copy of, **or an electronic link to**, the relevant Rules and Guidelines; and
- (3) give the student a reasonable period, being a period of not less than five (5) working days notice to respond in writing and if the Responsible Academic Officer considers it necessary, attend a meeting.

16.10.5 The Responsible Academic Officer must:

- (1) deal with the matter in accordance with the Rules, and the Guidelines for Handling Student Misconduct Involving Plagiarism (refer [Schedule 6](#)), and as follows:
 - (a) impose no penalty because the Responsible Academic Officer believes no penalty is warranted; or
 - (b) impose one or more of the penalties set out in [Rule 16.3.1\(9\)](#), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer [Schedule 5](#)); or
 - (c) where the Responsible Academic Officer believes the misconduct warrants any other penalty, refer a recommendation to the Registrar to be handled in accordance with [Rule 16.12](#) below;

(2) advise the student in writing of the Responsible Academic Officer's decision and the student's right of appeal in cases where the Responsible Academic Officer has imposed a penalty.

Part D — Allegations of misconduct handled centrally

16.12 Allegations referred to the Registrar

16.12.4 Where the alleged misconduct involves misconduct during a centrally conducted examination, the Registrar will:

- (1) inquire into the alleged misconduct;
- (2) in consultation with the Subject Coordinator consider the evidence including the student's response, if any;
- (3) decide on the appropriate course of action, as follows:
 - (a) dismiss the allegation of misconduct; or
 - (b) issue a formal warning; or
 - ~~(c) where the student admits the misconduct and the nature of the misconduct is sufficiently serious to warrant consideration of a formal penalty under [Rule 16.3](#), refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in [Rule 16.12.6](#); or~~
 - ~~(d) refer the allegation to the University Student Conduct Committee;~~ **(5) advise the student in writing of the decision under (3) above.**
 - (c) issue a formal notice of an allegation of misconduct.**

~~(4) advise the student in writing of the decision under (3) (a), (b), (c) above.~~

~~(5) (4) If 3(d) (c) applies:~~

- (a) notify the student of the allegation in writing; and
- (b) provide the student with a copy of, **or an electronic link to,** the relevant Rules and Guidelines; and
- (c) draw the attention of the student to the student's right to admit the alleged misconduct; and
- (d) give the student a reasonable period, being a period of not less than five (5) working days, to seek advice about available options; and
- (e) ask whether the student admits or denies any or all of the allegations; **and**
- (f) where the student admits the misconduct and the nature of the misconduct is sufficiently serious to warrant consideration of a formal penalty under [Rule 16.3](#), refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in [Rule 16.12.6](#); or**
- (g) refer the allegation to the University Student Conduct Committee;**

(5) advise the student in writing of the decision under (3) above.

16.12.5 Where the alleged misconduct involves misconduct not covered by [Rule 16.12.4](#), the Registrar will:

- (1) inquire into the alleged misconduct;
- (2) consider the evidence;
- (3) decide on the appropriate course of action, as follows:

- (a) dismiss the allegation of misconduct; or
- (b) issue a formal warning; or
- (c) issue a formal notice of an allegation of misconduct.

(4) If 3(c) applies:

- (a) notify the student of the allegation in writing; and
- (b) provide the student with a copy of, **or an electronic link to**, the relevant Rules and Guidelines; and
- (c) draw the attention of the student to the student's right to admit the alleged misconduct; and
- (d) give the student a reasonable period, being a period of not less than five (5) working days, to seek advice about available options; and
- (e) ask whether the student admits or denies any or all of the allegations; and
- (f) where the student admits the misconduct and the nature of the misconduct is sufficiently serious to warrant consideration of a formal penalty under [Rule 16.3](#), refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in [Rule 16.12.6](#); or
- (g) refer the allegation to the University Student Conduct Committee;

(5) advise the student in writing of the decision under (3) above.

Schedule 4 — Guidelines Relating to Student Misconduct and Appeals

3. Guidelines for inquiry bodies

3.1 Before any conclusion is reached in an inquiry into alleged misconduct by a student, the student must be:

- given the precise terms of and any reasons for the allegation;
- given an outline or summary of all details intended to be given to the inquiry body;
- given access to or a copy of documentation intended to be given to the inquiry body, and;
- given an opportunity to address all the information supplied.

3.2 The inquiry body must ensure that the student has a clear understanding of the allegation, of the nature of the evidence in its support and of the process which the inquiry body intends to follow and of the student's rights with respect to that process. A copy of, **or an electronic link to**, these guidelines is to be given to the student at the time the student is formally made aware of the allegation.