

**MONASH UNIVERSITY STATUTES****Statute 6.2 - Exclusion for unsatisfactory progress**

<http://www.monash.edu.au/pubs/calendar/statutes/statutes06.html>

- 1.1 This statute does not apply to a student enrolled as a candidate for a higher degree by research.
- 1.2 In this statute "excluded" means excluded from candidature for unsatisfactory progress.
- 2. Exclusion**
  - 2.1 A student must not be excluded between the first and second semester examinations in any year.
  - 2.2 A student who has been excluded may, at any time not less than one year after the year in which the unsatisfactory progress occurred, apply to the relevant faculty board for re-admission as a candidate and the faculty board, at its discretion, may, subject to any terms and conditions specified, re-admit the student.
- 3. Academic progress committees**

The faculty board of each faculty must constitute, as prescribed under this statute, one or more academic progress committees.
- 4. Exclusion appeals committees**
  - 4.1 There shall be one or more exclusion appeals committees of the university constituted as prescribed by or under this statute.
  - 4.2 An exclusion appeals committee must be chaired by a member of the Faculty of Law.
- 5. Powers of faculty boards**

Where the faculty board of a faculty is of opinion that the academic progress of a student enrolled in the faculty is unsatisfactory having regard to the student's results in or failure to undertake any examination, test, assignment, essay or other work, the faculty board may -

  - 5.1 impose terms and conditions on the student's continuing candidature; or
  - 5.2 subject to the regulations, refer the matter to an academic progress committee of the faculty for hearing.
- 6. Powers of academic progress committees**

An academic progress committee, after hearing a matter may -

  - 6.1.1 permit the student concerned to continue candidature, subject to any terms and conditions specified; or
  - 6.1.2 exclude the student from candidature for -
    - 6.1.2.1 the degree or other award concerned; or
    - 6.1.2.2 any award of the faculty.
- 7. Appeal to exclusion appeals committee**
  - 7.1 Subject to this section, a student who has been excluded under paragraph 6.1.2 may, by notice as prescribed, appeal to an exclusion appeals committee.
  - 7.2 A student who fails to appear at, or to submit evidence to, an academic progress committee hearing has no right of appeal under this section but, where the dean determines the circumstances of any particular case to be exceptional, the dean may refer the matter back to the academic progress committee for re-hearing.
  - 7.3 A student's right of appeal to an exclusion appeals committee is limited to one or both of the following grounds -
    - 7.3.1 new evidence, being evidence not reasonably available to the student at the time of the academic progress committee hearing; and
    - 7.3.2 procedural irregularity
  - 7.4 A student who appeals under this section is entitled to continue candidature until the appeal process has been finalised.
- 8. Powers of chair of exclusion appeals committee**
  - 8.1 Where a student appeals to an exclusion appeals committee, the chair of the committee must first determine whether or not there are prima facie grounds for the appeal.
  - 8.2 Where the chair determines there are no prima facie grounds, the appeal is dismissed.
  - 8.3 Where the chair determines there are prima facie grounds on the ground of -
    - 8.3.1 new evidence only, the chair must refer the matter back to the academic progress committee for re-hearing; or
    - 8.3.2 procedural irregularity, whether or not of new evidence also, the appeal must be heard by the exclusion appeals committee.
- 9. Rehearing**
  - 9.1 Subject to this section, this statute applies to and in relation to a re-hearing by an academic progress committee as if it were an original hearing by the committee.
  - 9.2 For the purposes of a re-hearing under paragraph 8.3.1, the membership of the academic progress committee must be the same as for the original hearing with the addition of the chair of the exclusion appeals committee as an ordinary member.
  - 9.3 A student's right of appeal from a decision of an academic progress committee on a re-hearing is limited to grounds of procedural irregularity.
- 10. De novo hearing**
  - 10.1 Where an exclusion appeals committee allows an appeal after hearing a matter under paragraph 8.3.2, the committee must refer the matter back to the faculty for a de novo hearing.
  - 10.2 Subject to this section, this statute applies to and in relation to a de novo hearing by an academic progress committee as if the hearing were an original hearing by the committee.
  - 10.3 A de novo hearing must be conducted by an academic progress committee of the faculty -
    - 10.3.1 containing no member of the academic progress committee that made the exclusion order concerned; and
    - 10.3.2 where so directed by the exclusion appeals committee, augmented and chaired by -
      - 10.3.2.1 the chair of the exclusion appeals committee; or
      - 10.3.2.2 in the case of an academic progress committee of the Faculty of Law, the chair of an academic progress committee of another faculty.
  - 10.4 A student's right of appeal from a decision of an academic progress committee on a de novo hearing is limited to the ground of procedural irregularity.
- 11. Double degree students**
  - 11.1 In this section "double degree student" means a student enrolled in an approved course of study which leads to the award of two degrees.
  - 11.2 Where in relation to a double degree student, the faculty board of one of the faculties of enrolment is of opinion under section 5 that the academic progress of the student is unsatisfactory, that faculty board must consult with the faculty board of the other faculty of enrolment.
  - 11.3 Where the faculty board of both faculties of enrolment are of opinion under section 5 that the academic progress of the double degree student is unsatisfactory -
    - 11.3.1 the faculty board empowered to act under this statute is the faculty board of the managing faculty; and
    - 11.3.2 the academic progress committee of the managing faculty may, at the request of the student concerned, be augmented by a member of the non-managing faculty.
  - 11.4 Where a double degree student is excluded by an academic progress committee the exclusion is from both degrees enrolment.
  - 11.5 Despite subsection 11.4 and subsection 2.2, in the case of an excluded double degree student in respect of whom only one faculty board was dissatisfied with the student's academic progress, the student may at any time apply to enrol for the former degree of enrolment of the other faculty, and the faculty board of that faculty, at its discretion, may admit the student to candidature for the degree, subject to any terms and conditions specified.
- 12. Regulations**
  - 12.1 The Academic Board may make regulations for or with respect to -
    - 12.1.1 the constitution of academic progress and exclusion appeals committees;
    - 12.1.2 requirements in relation to matters to be referred to an academic progress committee;
    - 12.1.3 the procedures to be followed at any hearing under this statute;
    - 12.1.4 the form and content of any notice under this statute and any particulars to be included with the notice;
    - 12.1.5 service of any notice under this statute;
    - 12.1.6 prescribing or providing for any matter or thing necessary or expedient to be prescribed or provided for the purposes of this statute - and the Academic Board may make regulations amending or revoking any such regulations.
  - 12.2 Regulations made under this statute shall be promulgated by being exhibited on a notice board provided for the purpose at the university and after being promulgated must remain so exhibited for at least 14 days, not counting any day on which the university is on vacation."

## Glossary of Terms

### Exclusion for Unsatisfactory Progress

Academic Rehabilitation	Criteria of what a faculty determines as satisfactory academic performance to consider a student's readmittance to enrolment after being excluded.
APC	The Academic Progress Committee is constituted of members of the Faculty Board, academic staff of the Faculty and one student member. Considers whether the student can continue study in the course or Faculty at an exclusion hearing.
De novo hearing	Where a student has appealed to the EAC and there are prima facie grounds on the ground of procedural irregularity, and the appeal is allowed, the case is referred back to the APC to hear the matter as if it were a first hearing by a new APC, made of entirely new members.
DIMIA	Department of Immigration, Multicultural Affairs and Indigenous Affairs. Federal Government authority responsible for visa determination.
Double degree student	A student enrolled in a single candidature of an approved course of study which leads to the award of two degrees.
EAC	Exclusion Appeals Committee of Academic Board is constituted from a panel established by the Academic Board. Students excluded by the faculty APC process can appeal to the EAC on the ground of new evidence and/or procedural irregularity.
ESOS Act	Education Services for Overseas Students Act. Government legislation for the provision of education to international students.
Exclusion	Where the a student is not allowed to re-enrol in the course or Faculty after failing to meet the academic requirements of the Faculty .
Law Chair	The Chair of the EAC is the member from the Faculty of Law. An appeal to the EAC is referred to the Law Chair, who must determine whether or not there are prima facie grounds for the appeal.
New evidence	Evidence that was not reasonably available to the student concerned at the time of the faculty hearing.
Notice of Referral	A faculty's request to students to provide reasons, in writing and/or before an academic progress committee, as to why they should not be excluded.
Prima facie	Sufficient evidence to establish a case.
Procedural irregularity	Failure on the part of the faculty to comply with the requirements of Statute 6.2, the Regulations made pursuant to Statute 6.2 or the <i>Faculty Academic Progress Committee Functions and Procedures</i> .
Re hearing	Where a student has appealed to the EAC and there are prima facie grounds on the ground of new evidence, the appeal is referred back to the faculty APC to be re-heard as if it were an original hearing, with the same committee membership as the original hearing. Also includes student applications to the Dean that are successful and are referred back to the APC to be re-heard.
Serving of notice	University correspondence must be served on a student personally or by express post, registered mail or international courier to the mailing address of the student in the records of the University.
Statute 6.2	Statute 6.2 – <i>Exclusion for unsatisfactory progress</i> and the Regulations, made pursuant to the statute, are the university legislation that govern the process of exclusion.
Unsatisfactory progress	Inability to meet the faculty's academic progress requirements and, consequently, the university's expectations of achievement in units of study.