

Faculty Academic Progress Committees

Functions and Procedures

These functions and procedures should be read in conjunction with the document "Exclusion Appeals Committee of the Academic Board Functions and Procedures".

1. Rationale

- 1.1 The rationale for the university exclusion process is that it:
 - allows early identification and support of students who are experiencing difficulties and academic failure;
 - contributes to the maintenance of academic standards; and
 - prevents the misuse of academic resources which may occur if students with a persistent record of academic failure remain within the University.
- 1.2 In accordance with this rationale, faculties should send a warning letter to students as soon as possible after the first semester of study (including summer semester), that progress is not satisfactory, reasons why it is not satisfactory (ie. relevant unsatisfactory progress criteria), and advising the student to seek academic and course advice.

2. Functions and composition of the Academic Progress Committee

- 2.1 The Academic Progress Committee (APC) is a committee of Faculty Board. The powers and procedures of the APC are set out in Statute 6.2 – *Exclusion for Unsatisfactory Progress* (the Statute) and the regulations made pursuant to the Statute. The APC of the managing faculty will act for both faculty boards in cases of double degrees.
- 2.2 The APC chair should normally be the Associate Dean Teaching or their nominee. Faculties might wish to consider a person with some experience in pastoral care.
- 2.3 Faculty Boards must appoint members to one or more committees as required in accordance with Statute 6.2 and the regulations, each to be called an 'Academic Progress Committee' (APC).
- 2.4 The quorum for an academic progress committee hearing is two-thirds of the members of the committee including the chair.
- 2.5 The APC must consist of a maximum of six members at any hearing. Where possible, faculties should consider appropriate gender balance in the membership. The committee must consist of members of the teaching staff or Faculty Board or both, a chair, and one undergraduate student, or where appropriate, a postgraduate student, nominated by the student organisation representing such students. Each committee should include a student member except where a student, whose case is to be heard by a faculty academic progress committee elects to be heard by an academic progress committee comprised of members of the faculty only, ie. with no student member present.

Where a student member, due to unforeseen circumstances, is not present, with the agreement of the student the hearing should proceed.

Representing such students

2.5.1 Faculties should first seek nominations for student members on the APC from the Monash student organisations on each campus. The student organisations should provide within 14 days a list of potential student members. At the request of the faculties, these students will be students of the relevant faculty, gender or study mode. If the student organisations cannot provide sufficient nominations, then faculties may seek nominations directly from student clubs or organisations associated with the faculty.

- 2.6 For the purposes of re-hearing appeals on the grounds of new evidence, Section 9.2 of the Statute states that the faculty APC conducting that hearing must have the same membership. As it may not always be possible to re-form the membership, faculties are recommended to allow for more members on their committee than would actually be expected to attend a hearing. This will provide for one or more additional members to be available if required for a re-hearing due to absence of an original committee member. In the event that the original committee cannot be convened, the APC will re-hear the case in full, ie. as if it was a first hearing (refer also 6.7.2).
- 2.7 The APC may seek advice from a general or academic staff member of the university who is a non-voting participant of the APC.
- 2.8 Any staff member having a direct participation in any university discipline proceedings against the student should not participate as a member of the APC. This includes cases where a student's work has been disallowed as a result of plagiarism/cheating. Material contained on the student's file in relation to discipline proceedings is permitted to be used for APC purposes.

3. Referring students to a Faculty Academic Progress Committee

- 3.1 If the Faculty Board is of the opinion that the academic progress of a student enrolled in a university award of that faculty (other than students enrolled as candidates for a higher degree by research) 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:
- impose terms and conditions on the student's continuing candidature; or
 - refer the matter to an academic progress committee of the faculty for hearing.

It should be noted that, as per Statute 2.3 – *The Faculties* – section 13, “The faculty board may by resolution - ... delegate to any committee of the faculty board or any member of the faculty all or any of its powers, authorities and functions other than the power of delegation and the power to recommend changes in Regulations to the Academic Board or to Council.” The Faculty Board would be required to pass a formal resolution to delegate such authority and such a body would not include the student member of the APC.

- 3.2 The university-wide criteria for unsatisfactory progress is contained in section 3 of the regulations and is relevant to University (not faculty) awards:

- in the period commencing December of the previous year and including at least two semesters of candidature, passed less than fifty per cent of the student's enrolment*;
- failure of the same compulsory subject twice**; or
- failure to comply with any terms or conditions imposed by the faculty board under section 5 of the Statute or by an academic progress committee of the faculty.

Before referring a matter to an academic progress committee, the faculty board must be satisfied that a student's progress meets one or more of the above criteria. [**Enrolment* is determined by *credit point value*. **Criteria should be applied to assessment of compulsory units in the current award in which the student is enrolled, and include previous attempts at the unit in this and previous awards, whether or not the unit was compulsory in the previous awards.]

The Education Committee has indicated its acceptance that less stringent criteria may be applied. However, faculties wishing to apply more stringent conditions than these (or conditions that in some circumstances may be more stringent) need to seek the approval of the University Education Committee (which in this instance has delegated authority from the Academic Board). Approval must be achieved well in advance of the academic year in which a change is to be applied for appropriate publication.

- 3.3 Faculties are empowered to exclude either from the specific course in which the student is enrolled or, alternatively, from all courses offered by the faculty. (The Statute does not prevent the faculty providing an option whereby the student is allowed a transfer to another course offered by the faculty.)
- 3.4 The faculty may, after considering the student's response to the Notice of Referral:
- permit the student to proceed in the degree or diploma unencumbered; or
 - impose terms and conditions on the student's continuing candidature in the degree or diploma; or
 - exclude the student from candidature for the degree or other award, or for any award of the faculty.

4. Procedures

- 4.1 A single review cycle is to be held, based upon student work completed in the period December to November (semesters 3,1,2 in that order) of the academic year for which the review is conducted, including at least two semesters of enrolment.

4.1.1 In exceptional circumstances the APC may adjourn in order to obtain additional information. Where the student is enrolled in a summer unit in exceptional circumstances the APC may, at its discretion, adjourn a hearing until the official release of summer semester results. Such a decision is made at the discretion of the APC and is not an automatic right. The adjournment must be with the consent of the student. The adjourned hearing is to be re-convened with the same APC chair and membership (as far as is practicable) as the original hearing.

4.1.2 Faculties may adopt the following timelines for the exclusion review cycle for two groups of students:

Round 1 - those students who, after the December release of results, show that they have not met the Faculty's academic progress requirements; and

Round 2 – those students who have deferred exams or withheld results and who are not currently in the above (round 1) category, but who may, after the release of deferred and withheld results, have not shown progress.

4.2 Faculties will apply their academic progress rules once the results from Semester 2 are finalised. A faculty board cannot exclude a student between the first and second semester examinations in any year.

4.3 Students whose academic progress has been unsatisfactory are to be served a Notice of Referral and asked to provide information to the faculty, in writing, as to why they should not be excluded.

4.3.1 The Notice of Referral/ Notice of Hearing sent to a student should, as a minimum, contain the following:

- Brief particulars of why the student is being considered for exclusion;
- Advice that it is the student's responsibility to prepare and provide this information to the University;
- A clear statement of the consequences for the student of failing to respond to the Notice of Referral's request to provide evidence in writing and/or in person to the APC, including automatic exclusion, and notice that a student who fails to appear at, or to submit evidence to, an academic progress committee hearing has no right of appeal, although in accordance with section 7.2 of the Statute, where the dean determines the circumstances of any particular case to be exceptional, in which case the matter may be referred back to the academic progress committee for a re-hearing (Refer also 4.6.3);
- Advice that the student must provide independent supporting documentation from a registered provider or member of a profession (from a specialist doctor, psychologist, social worker, Minister of Religion, for example) as evidence of the circumstances that contributed to their unsatisfactory performance;
- Advice that normally copies of documentation will be accepted. If a student is unable to obtain a full certificate for some reason, such as the unavailability of their doctor, the student should note this in the response and provide information on when this evidence will be provided to the Faculty. Original copies of documentation may be required to be presented at the hearing or to the faculty upon request, for verification purposes;
 - In exceptional circumstances, the student may seek permission to provide documentary evidence of a sensitive nature in a sealed document, to be presented only to the APC Chair.
 - A medical certificate that states only that the student has "a medical condition" (not specified) may not be helpful to the student's case; students will need to provide comprehensive information in support of their case;
- Advice that failure to provide evidence in support of their case that was reasonably available at the time of the faculty exclusion process will not be considered sufficient grounds for an appeal against a decision to exclude.

If a student submits a medical certificate to the APC, and subsequent to the hearing obtains a full medical certificate without having advised the APC of any difficulties which prevented them from obtaining a full certificate for the first hearing, the full certificate will not constitute “new evidence not reasonably available to the student at the time of the academic progress committee hearing”;

- Faculty information detailing the criteria and process for unsatisfactory academic progress. The information should include names and contact telephone numbers of appropriate counselling services and student organisations on all campuses of the University where students may obtain advice on matters relating to academic progress and exclusion;
 - Information that the letter constitutes the Notice of Referral, pursuant to Section 3.2 of the regulations.
 - Information that the letter constitutes the Notice of Hearing, pursuant to Section 3.5 of the regulations.
- 4.4 The Notice of Referral must be served on the student within 14 days of the release of results in December, and not less than 10 days before the first scheduled hearing. Supporting notification should be sent via the student’s email account address. Notice of Referral letters to round 2 students (those for whom the relevant failure may not occur until the final release of results for supplementary or deferred exams, or withheld grades) will not require the student to provide a written response to the faculty until a nominated date which will be not less than seven days after the release of deferred and supplementary examination results, and will notify the student they may be referred to an academic progress committee hearing subject to their final results.
- 4.4.1 The notice is deemed to be served on a student in accordance with this section if it is served on a student personally or by express post, normal registered mail (which can be collected by any person at the address listed) or international courier to the mailing address of the student in the records of the University.
- 4.4.2 Proof of delivery, postage or despatch is required in relation to these procedures.
- 4.4.3 It is the student's responsibility to update their address details in the records of the University. The following failures are normally **not** to be exceptional circumstances for grounds for an appeal:
- failure to have paid any outstanding fees;
 - failure on students to notify University of their changed address;
 - failure to make adequate forwarding arrangements;
 - failure to keep copies and records of correspondence; and
 - failure to follow up on non-acknowledgement by the University of previous correspondence sent to the University.
- 4.5 Students wishing to discontinue or transfer to another course may seek permission from the relevant faculty up until the scheduled time of a hearing. Students should not be allowed to discontinue or transfer to another course after they have been excluded at a hearing of an APC.
- 4.6 Following receipt of responses by the University, students should be notified as soon as possible if their submissions have been successful; ie. whether they are

allowed to continue with their enrolment, and of any conditions¹ which have been placed on their enrolment, or action which the student is recommended to take. Where the Faculty determines that the matter should be referred to an APC hearing, the student will be sent confirmation of the date of hearing.

4.6.1 The confirmation of the hearing date and time should be sent as soon as possible after the student's response has been received or after the closing date for receipt of responses, whichever is the sooner.

4.6.2 The confirmation of hearing must be served on the student, in accordance with 4.4.1, within five working days prior to the date of the scheduled hearing.

4.6.3 The confirmation of hearing letter should include:

- Brief particulars of why the student is being considered for exclusion.
- The names of the members of the Faculty Academic Progress Committee.
- A request that if the student has an objection to being heard by any of the members of the committee, that they notify the faculty immediately in writing. (Note: Students do not have a power of veto over the membership of the committee. Providing the names of members of the Academic Progress Committee is intended to resolve any allegations of bias early in the process of reviewing academic progress, and assist in establishing subsequently whether a miscarriage of justice might have occurred, for example, when a student makes an allegation of procedural irregularity.)
- Advice that the student may request that the faculty committee not include a student member.
- Information that the student is entitled to be accompanied at the hearing by one person, who may provide assistance, support, or both. The name of this person should be notified to the Faculty at least two days before the hearing. This person may be:
 - a counsellor;
 - a student rights officer;
 - a staff or student member of Monash University;
 - family member; or
 - such other person as approved by the faculty.
- A student who wishes to be accompanied by a person with legal qualifications must give five working days notice to the faculty. A student is not entitled to be assisted by an external lawyer without prior approval from the faculty.
- Written advice that any information unavailable when the student was responding to the Notice of Referral should be provided to the faculty committee for the student's hearing before the APC. It is important to stress again to students that all important information and evidence must be available to the committee at the hearing, as failure to provide such information, where reasonably available at the time, is not grounds for appeal against an exclusion outcome.
- Notice that a student who fails to appear at, or to submit evidence to, an academic progress committee hearing, has no right of

¹ Conditions would normally be on the actual enrolment of the student. Faculties might, in some cases, also make strong recommendations that the student take other action (eg. seeking counselling, etc.).

appeal. However, in accordance with section 7.2 of the Statute, where the dean determines the circumstances of any particular case to be exceptional, the matter may be referred back to the academic progress committee for a re-hearing. (In accordance with Statute 3.3 – Deans, section 3, provision is made for this duty to be delegated, or in the absence of the dean, this discretion may be made by an appropriate member of the faculty acting for the dean (refer to Statute).) The deadline for applications to the dean is Monday, 13 March 2006, which is 14 days from the start of semester.

- Advice that students who make a written submission but do not attend their academic progress committee hearing will have their case heard solely on the written submission.
- See also 4.14 and 4.15 re double degree students.

- 4.7 Hearings are normally held at the campus of the student's enrolment.
- 4.8 The proceedings of the hearing will be conducted in the English language. If the committee decides that due to exceptional circumstances it is necessary to seek advice, the committee may adjourn proceedings and seek advice and support for the student in order to allow them to be heard.
- 4.9 In order to avoid unnecessary delay in the exclusion process, faculties may use teleconference facilities to hold APC hearings as an alternative for students who cannot be present at the scheduled time and/or place of the hearing, in order to allow them an opportunity to present their case. In these instances faculties should advise students that they are entitled to be assisted by a person who may attend the hearing, as outlined in 4.6.3 above, during the conference call (refer also 6.3).
- 4.10 Any written material that the committee might use in its deliberations will be made available to the student at this point, either through inclusion with the notification of the date of hearing, or by a statement that it can be collected from the faculty office within two days prior to the hearing. At the student's request, the faculty will provide this material to the student by other means.
- 4.11 The decision of the committee must be communicated to the student at the conclusion of the hearing, unless there are compelling reasons not to do so. If a hearing is adjourned, the decision will be communicated to the student at the conclusion of the adjourned hearing. (See also Item 5 – Notice of Decision to Exclude.)
- 4.12 The decision and reasons for the decision will be recorded at the hearing by the APC for record-keeping purposes (it is recommended that faculties use the *proforma* provided). Records will identify:
- a summary of the student's case, eg. health, family, personal, financial, etc. ;
 - a list of material/evidence on which the decision is based eg. medical certificates, reports, statutory declarations, verbal advice; and
 - the reasons for the decision.
- Students may request that faculties provide information about the reasons for a decision. Any such application must be made to the faculty within three days from the date on the letter advising the outcome of the hearing.

- 4.13 Faculties are encouraged to make use of conditional enrolments as a way of providing a strong warning to a student in danger of exclusion, and to give them support and direction in rehabilitating their academic progress. International students who are placed on conditional enrolments by faculties must be enrolled in a minimum 18 credit point enrolment in a semester. If a student does not meet these conditions, this is not sufficient criteria to exclude the student but may provide reason to refer the matter to the APC.

Double Degree Students

- 4.14 It is the responsibility of the managing faculty to manage the candidatures of double degree students and this responsibility be extended to the conduct of academic progress reviews for double degree students, irrespective of which faculty the students' failures are derived from.
- 4.15 The academic progress committee of the managing faculty should co-opt a member from the non-managing faculty and seek the advice of the non-managing faculty on its willingness to accept the student's transfer to the non-managing faculty if the student makes that application.

5. Notice of Decision to Exclude

- 5.1 The notice of the decision to exclude must be served to the student, in accordance with 4.4.1, within seven days of the date of the hearing. If a hearing is adjourned, the decision will be communicated to the student within seven days of the adjourned hearing.
- 5.2 The notice of exclusion should contain, but need not be limited to, the following information (the *proforma* provided can be used as a guide):
- advice that the student is entitled to appeal against the decision of the faculty to exclude on one or both of the grounds of (a) new evidence, being evidence not reasonably available to the student at the time of the APC hearing, and (b) procedural irregularity;
 - reminder that a student who fails to appear at, and submit evidence to, an academic progress committee hearing has no right of appeal (including advice to the student that 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 a re-hearing. An application to the dean must be received by Monday, 13 March 2006, within 14 calendar days from the commencement of Semester 1. Only one application can be made to the dean and the dean's decision is final.);
 - notice that any appeal must be lodged in the form and manner specified in the regulations (with proforma attached) and accompanied by the particulars required by the notice of appeal, and must be received by the Secretary to the Exclusion Appeals Committee (EAC) within 14 calendar days from the date of the letter notifying the student of exclusion;
 - notice that where a student has been excluded from candidature for a degree or diploma pursuant to the Statute, the student may at any time not less than one year after the year in which the unsatisfactory progress occurred, apply to the faculty for readmission as a candidate; and that the faculty may, at its discretion and subject to any terms and conditions specified, re-admit the student after one academic year has elapsed since the academic year for which the student was excluded;

- a statement of the implications on visas for international students who are excluded by their faculty;
- a statement of what the faculty considers to be appropriate academic rehabilitation considered for readmittance, or guidance on how to obtain such information; and
- information about how the student may seek re-admission after one academic year has elapsed.

6. CONDUCT OF HEARINGS

Faculty Academic Progress Committee hearing

- 6.1 At the start of the hearing, the chair will introduce the members of the committee to the student and explain the process of the hearing to all parties. The chair will then ask the student if he or she has any justifiable objection to the hearing proceeding at that time.
- 6.2 If the student lodges an objection, the chair should:
- grant a short adjournment to make a ruling;
 - determine a ruling on the objection; and
 - if the objection is allowed, the hearing may be adjourned to a timeframe set by the chair; if the objection is denied, the hearing should proceed.
- 6.3 The student is entitled to make a written submission and/or to be heard personally. Where it is not possible for the student to be physically present, teleconference facilities may be made available.
- 6.4 The student is entitled to be accompanied at the hearing by one person, for assistance, as a support person, or both (Refer also 4.6.3). The committee shall allow a student to have a student rights officer in attendance if a student decided this at his/her hearing.
- 6.5 The student rights officer or person accompanying the student may make an application to speak to the faculty committee, with the student's consent, on the following grounds:
- to clarify or highlight a legal item of query; or
 - to provide assistance in situations of physical or emotional distress to the student.
- 6.6 The chair will invite the student to explain why he or she should not be excluded and comment on any documents presented in the written submission. The chair may invite the student rights officer or person accompanying the student to add any further comments or a closing statement prior to the committee reaching its decision.

Re-hearing

- 6.7 Where a student has appealed the decision of a Faculty APC hearing to the EAC, and the chair has determined that there are prima facie grounds (ie. sufficient evidence to establish a case) on the basis of new evidence only, the chair will refer the matter back to the Faculty APC for a re-hearing based upon both the previous hearing and the new evidence.

- 6.7.1 The committee must be made up of the same membership (as far as is practicable) as the original hearing of the student.
- 6.7.2 The faculty may convene any Law chair member of the Exclusion Appeals Committee as an ordinary member of the APC.
- 6.8 A student's right of appeal from a decision of a Faculty APC on a re-hearing is limited to grounds of procedural irregularity.
- 6.9 Where the dean determines that the reasons provided by the student for not responding to the Notice of Referral were exceptional, a student will be re-heard by an APC.

De Novo hearing

- 6.10 Where a student has appealed to the EAC, and the chair has determined that there are prima facie grounds on the ground of procedural irregularity, whether or not there is new evidence also, the appeal will be heard by the EAC. If the appeal is allowed, it will be referred back to the faculty APC for a *de novo* hearing.
- 6.11 A *de novo* hearing means that the faculty APC will hear the matter as if it were a first hearing by the committee. The committee will include no members of the APC that made the original decision to exclude the student.
- 6.12 If the EAC so directs the committee, the APC must be chaired by the chair of the EAC who referred the matter back to the faculty. (Where the matter is referred back to the Faculty of Law, the APC will be augmented and chaired by the chair of an APC of another faculty.)
- 6.13 A student may only appeal a decision of an Academic Progress Committee on a *de novo* hearing on the grounds of procedural irregularity.

7. Procedures for appealing against exclusion

Procedures for lodging an appeal against exclusion are outlined in the document "Exclusion Appeals Committee of the Academic Board Functions and Procedures".

Attachments:

Notice of Appeal Against Exclusion form
Important Information for Students

List of Proformas/Documents

Sample proformas and examples of letters to students, etc. will be available for faculties to use and adapt to their own requirements at
<http://www.uaps.monash.edu.au/progress/sample-proformas.html>

- Midyear Early Warning Letter
- Notice of Referral
- Student's Response Form
- Record of Hearing
- Notice of the Faculty APC Decision
- Notice of Appeal against Decision to Exclude

Further information is available at:

<http://www.adm.monash.edu.au/community-services/academicprogress/>

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