

# University of Melbourne Statute

## 1 Short title

This statute may be cited as the University of Melbourne Statute.

## 2 Authorisation

This statute is made under Part 5 of the University of the Melbourne Act 2009.

## 3 Commencement

This statute, following Ministerial approval, comes into operation upon publication on the University of Melbourne website.

## 4 Interpretation

(1) Unless otherwise defined, words and terms in regulations made under this statute have the same meaning as in this statute.

(2) A note in a statute or a regulation does not form part of the statute or regulation.

*Note: Under the Interpretation of Legislation Act 1984 (Vic) words and terms in statutes or regulations made under the Act have the same meaning unless otherwise defined.*

## 5 Definitions

“**academic units**” includes, but is not limited to, faculties, graduate schools, academic departments, schools, research centres and institutes.

“**Act**” means the University of Melbourne Act 2009.

“**affiliated college**” means:

- (a) Trinity College, Ormond College, Queen's College, Newman College, University College, St Hilda's College, Whitley College, Janet Clarke Hall or St Mary's College; and
- (b) in the case of any other residential college affiliated to or connected with the University under the university statutes, that college.

“**award**” means a qualification that is conferred on completion of a University accredited course.

“**Board**” means the Academic Board established under section 10 of this statute.

“**course**” means a program of study that leads to a degree or other award.

“**external institution, organisation or body**” includes educational, commercial, cultural, sporting, research, hospital or other institution but does not include an affiliated college, an institution of the University or entity controlled by the University.

“**graduate school**” includes a graduate school established as, or within, a faculty.

“**honorary appointee**” means any person, other than a member of the academic staff, who holds an honorary or other academic appointment at the University irrespective of the date of commencement of that appointment, and who has access to University facilities for teaching, research or other scholarly activity.

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**“intellectual property”** includes:

- (a) literary, artistic, musical and dramatic works in which copyright subsists;
- (b) field and laboratory notebooks;
- (c) cinematographic and multimedia works in which copyright subsists;
- (d) performances of performing artists, sound recordings and broadcasts;
- (e) patentable and non-patentable inventions;
- (f) registered and unregistered designs, plant varieties and topographies;
- (g) circuit layouts;
- (h) registered and unregistered trademarks, service marks and commercial names and designations;
- (i) databases, computer software and related material not otherwise coming within any of the other items defined above as “intellectual property”;
- (j) scientific discoveries; and
- (k) know-how and other proprietary information associated with any of the other items defined above as “intellectual property”.

**“misconduct”** has the meaning determined in regulations.

**“natural justice”** means the rules against bias and the right to a fair hearing.

**“scholarly works”** means any article, book, musical composition, creative writing or like publication or any digital or electronic version of these works that contains material based on the creator’s scholarship, learning or research, but does not include work that is teaching material or any other work required to be disclosed under section 13(6)(b) of this statute.

**“specified agreement”** means an agreement or deed between the University and any party which relates to the ownership or use of intellectual property that may arise out of an activity, including research, which is identified in the agreement or deed.

**“staff”** means any person employed by the University.

**“statute”** means a statute made under Part 5 of the University of the Melbourne Act 2009. A reference to “this statute” is a reference to the statute in which the term occurs.

**“student”** means:

- (a) any person enrolled in accordance with the relevant policies and procedures at the University; and
- (b) for the purposes of section 12(3) of this statute, any person who has ceased to be enrolled at the University and the cessation of the enrolment is the subject matter of the appeal; or
- (c) for the purposes of section 14(3) of this statute, any person who was enrolled at the time when the person is alleged to have committed misconduct, for any award of the University.

**“teaching materials”** means all versions, digital or otherwise, of information, documents and materials created or used for the purpose of teaching and education by the University, including the permitted adaptation or incorporation of the scholarship, learning or research of the relevant member of academic staff, honorary appointee, visiting personnel or student for that purpose. Teaching materials include, but are not limited to, lecture notes that are made available to students, computer-generated presentations, course guides, overhead projector

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notes, examination scripts, examination marking guides, course databases, websites and multimedia-based courseware, but exclude scholarly works.

**“University body”** means a body of the University other than Council which is established by or under the Act or any statute or regulation and includes a faculty, a department, a school, an institute, a centre, a board or a committee. Council in this definition includes Council sub-committees.

**“visiting personnel”** means a person appointed as a member of the University community (other than a member of staff, a student or an honorary appointee) who, while not required to perform any specific work for the University, contributes to the teaching and research or general betterment of the University through voluntary activities.

### 6 Chancellor

- (1) The term of appointment of a Chancellor must:
  - (a) commence from 1 January of the year following Council’s approval; and
  - (b) be for three years.
- (2) If a person ceases to be Chancellor during a term of appointment, Council may appoint a Chancellor until 31 December of the year of the cessation.
- (3) Council must:
  - (a) set any conditions for the appointment as Chancellor; and
  - (b) record the term and any conditions in the instrument appointing a person as Chancellor.
- (4) A person may be reappointed to the office of Chancellor.
- (5) The Chancellor by virtue of the office is a member of all University bodies but has no executive function in the management or administration of the University.

### 7 Deputy Chancellor

- (1) Council must appoint at least one Deputy Chancellor each year.
- (2) In the absence of a Deputy Chancellor, Council or the Chancellor may nominate a member of Council to act as a Deputy Chancellor.
- (3) A person may be reappointed to the office of Deputy Chancellor.

### 8 Vice-Chancellor

- (1) In accordance with the Act and regulations, Council must:
  - (a) appoint a Vice-Chancellor as chief executive officer and chief academic officer of the University;
  - (b) set the term and any conditions for appointment as Vice-Chancellor;
  - (c) set performance measures for the Vice-Chancellor; and
  - (d) monitor performance of the Vice-Chancellor against the measures.
- (2) The Vice-Chancellor by virtue of the office is a member of all University bodies.
- (3) The Vice-Chancellor has the functions, powers and duties conferred or imposed by the Act, this statute and the regulations.
- (4) The Vice-Chancellor has the power to act or decide on behalf of Council or a University body in urgent matters in accordance with the Act and any regulations.

### 9 Council

- (1) Council must meet at least four times per year in accordance with regulations.
- (2) In accordance with the Act, Council by regulation must:
  - (a) set the circumstances and manner of elections for elected Council members conducted by the University including electoral systems and procedures, voting methods, voter and candidate eligibility and dispute resolution;

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- (b) for each category of elected Council members fix the number of members; and
  - (c) provide for matters of a transitional nature consequent to altering the number fixed in (b); and
  - (d) set for elected Council members the required training and support which may be made available to other members.
- (3) Nothing in this section prevents Council setting the circumstances and manner of other elections.

### 10 Academic Board

- (1) The Academic Board is established.
- (2) Council must, in consultation with the Board, set in regulations the circumstances and manner for Board membership and appointment of the Board President.
- (3) The Academic Board is responsible to Council for quality assurance in academic activities including maintenance of high standards in teaching, learning and research.
- (4) The powers and functions of the Board are:
  - (a) setting policy and monitoring academic standards for course and subject entry, assessment and completion requirements;
  - (b) approving courses and subjects for delivery that meet the standards;
  - (c) setting policy and monitoring selection requirements for prizes, scholarships and other forms of academic recognition;
  - (d) requesting and receiving from academic units recommendations, advice and reports related to Academic Board functions;
  - (e) providing recommendations, advice and reports on its responsibilities and functions to Council;
  - (f) contributing to University reviews of academic units in relation to academic matters;
  - (g) acting as the University's final appeal body for student grievances and any other matters in accordance with the statutes or regulations; and
  - (h) developing, approving and reviewing policies and procedures related to Board functions in accordance with statutes and regulations.
- (5) In addition to (4), the Board has the power to:
  - (a) establish committees of the Board to advise it on matters related to its functions; and
  - (b) develop for Council approval a schedule of delegations of the Board's powers and functions to committees or individuals.
- (6) The Board must contribute to the achievement of:
  - (a) strategic plans approved by Council; and
  - (b) the objects of the University.
- (7) The Board must provide Council with both timely and systematic reports regarding its contribution in (4).

### 11 Affiliation

- (1) Subject to the requirements in the Act, statutes and regulations, Council must set in regulations the circumstances and manner for affiliation of the University with any external institution, organisation or body.
- (2) In accordance with the Act, Council may:
  - (a) provide for the affiliation to, or connection with, the University of any college to which the governing body of the college consents; and
  - (b) set the class or classes of residents permitted in an affiliated college.
- (3) Schedule 1 to this statute lists the colleges affiliated with the University and for each the class or classes of permitted residents.

## 12 Student conduct and academic progress

- (1) University standards for student conduct and academic progress are set in regulations, policies and procedures.
- (2) Students are bound by University statutes, regulations, policies and procedures.
- (3) Students whose conduct or academic progress is found to be below the standard may be excluded from the University or course or otherwise penalised in accordance with statutes and regulations.
- (4) For the avoidance of doubt, the principles of natural justice apply to the relevant regulations and any proceedings under section 12.

## 13 Intellectual Property

- (1) The University owns intellectual property created by staff in the course of, or incidental to, employment with the University, except copyright in scholarly works.
- (2) The University owns intellectual property created by any student, honorary appointee or visiting personnel:
  - (a) whilst engaged in an activity which is the subject of a specified agreement; or
  - (b) if that intellectual property constitutes teaching material, except as provided for in section 13(4).
- (3) Copyright in scholarly works created by staff is owned by the creator or creators.
- (4) Copyright in scholarly works created by any student, honorary appointee or visiting personnel is owned by the creator or creators.
- (5) The University is deemed to have been granted by the creator or creators of scholarly works a non-exclusive, royalty-free, worldwide and irrevocable licence to use the copyright in scholarly works for educational, teaching and research purposes.
- (6) Staff, students, honorary appointees or visiting personnel of the University who are involved in or contribute to the creation of intellectual property must disclose such intellectual property to the University where:
  - (a) the University has a contractual obligation to disclose such intellectual property to a third party in a specified agreement or any other third party agreement;
  - (b) ownership or use of such intellectual property is prescribed in a specified agreement; or
  - (c) an invention, discovery or technology has the potential to be developed or exploited for commercial application.
- (7) The University may require staff, students, honorary appointees or visiting personnel to confirm the assignment of relevant intellectual property interests to the University under this statute in writing.
- (8) The Vice-Chancellor may sign, execute any document or do any action required to be executed, signed or actioned by a creator of intellectual property if the creator fails to sign, execute or act as required.
- (9) For the avoidance of doubt the Vice-Chancellor may exercise the power of attorney under (8) even if the University benefits.
- (10) All intellectual property created by staff, students, honorary appointees or visiting personnel of the University prior to commencement of this statute, continues to be intellectual property governed under the former statute and regulations.

## 14 Awards

- (1) Council may confer an award:
  - (a) on a student who has completed the award according to requirements set by Academic Board; or
  - (b) to another person admitted to an honorary degree in accordance with the regulations.
- (2) Conferral of an award may be evidenced by a testamur in the form approved by Council.

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- (3) Council may revoke an award conferred under (1)(a) where Council is of the opinion the recipient obtained the award:
  - (a) in error;
  - (b) as the result of fraud; or
  - (c) as the result of student misconduct.
- (4) Council may revoke an award under (1)(b) where Council is of the opinion the recipient, degree or University are brought into disrepute.
- (5) In order for Council to revoke an award in accordance with:
  - (a) section (3)(a) or (b), Council must:
    - (i) based on any prima facie evidence warranting a revocation, establish a committee with at least three members to investigate the facts;
    - (ii) be satisfied the committee provided the recipient with an opportunity to be heard;
    - (iii) receive a recommendation from the committee to revoke the award; or
  - (b) section (3)(c), a recommendation must be made to Council from a student misconduct proceeding held in accordance with regulations.
- (6) A decision to revoke an award is not subject to University appeal.
- (7) Council may revoke an award under this statute even if the conferral occurred before the commencement of this statute.

### 15 Academic titles

In accordance with regulations, policies and procedures, the University may confer a title on people associated with it.

### 16 Regulations

- (1) Regulations are made by Council resolution and application of the common seal.
- (2) Regulations are made in accordance with:
  - (a) the Act; and
  - (b) this or any other statute.
- (3) Regulations are published on the University website.
- (4) Regulations may:
  - (a) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person or class of person;
  - (b) confer powers or impose duties in connection with the regulations on any specified person or class of person; or
  - (c) contain provisions of a transitional or savings nature arising as a result of the making of this statute.

### 17 Revocation and Transition

- (1) The following statutes are revoked:
  - (a) Statute 1.1 - Preliminary
  - (b) Statute 1.2 - Acting Officers, Offices, Nominees
  - (c) Statute 1.3 - Meetings
  - (d) Statute 1.4 - Publication of Statutes and Regulations
  - (e) Statute 1.5 - Seal of the University
  - (f) Statute 1.6 - External Appeals
  - (g) Statute 1.7 - University Governance
  - (h) Statute 2.2 - Council Meetings
  - (i) Statute 2.3 - The Chancellor and Deputy-Chancellors
  - (j) Statute 2.4 - The Vice-Chancellor
  - (k) Statute 2.5 - Senior Executive Staff
  - (l) Statute 3.1 - Alumni Council

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- (m) Statute 4.1 - The Academic Board
- (n) Statute 5.1 - Academic Structures
- (o) Statute 7.1 - Academic Titles And Honorary Appointments
- (p) Statute 8.1 - Semi-autonomous Bodies
- (q) Statute 8.3 - University Services and Facilities
- (r) Statute 9.1 - Trinity College
- (s) Statute 9.2 - Ormond College
- (t) Statute 9.3 - Queen's College
- (u) Statute 9.4 - Newman College
- (v) Statute 9.5 - University College
- (w) Statute 9.6 - St. Hilda's College
- (x) Statute 9.7 - Whitley College, The Baptist College of Victoria
- (y) Statute 9.8 - Janet Clarke Hall
- (z) Statute 9.10 - St. Mary's College
- (aa) Statute 9.11 - The Graduate Union of The University of Melbourne Incorporated
- (bb) Statute 9.13 - Council of The Museum of Victoria
- (cc) Statute 9.14 - The Howard Florey Institute of Experimental Physiology and Medicine
- (dd) Statute 9.15 - Leo Cussen Institute For Continuing Legal Education
- (ee) Statute 9.16 - The Mental Health Research Institute of Victoria Incorporated
- (ff) Statute 9.17 - Murdoch Childrens Research Institute
- (gg) Statute 9.19 - St. Vincent's Institute of Medical Research
- (hh) Statute 9.21 - The Victorian College of Optometry
- (ii) Statute 9.23 - Victorian Institute of Marine Sciences
- (jj) Statute 9.25 - The Victorian Institute of Forensic Pathology
- (kk) Statute 9.28 - Melbourne Business School Limited
- (ll) Statute 9.30 - Zoological Board of Victoria
- (mm) Statute 9.32 - The Macfarlane Burnet Institute For Medical Research And Public Health Ltd
- (nn) Statute 9.35 - CSIRO
- (oo) Statute 9.38 - Melbourne College of Divinity
- (pp) Statute 9.40 - National Ageing Research Institute Incorporated
- (qq) Statute 9.41 - Australian Institute of Family Studies
- (rr) Statute 9.42 - Skin and Cancer Foundation Incorporated
- (ss) Statute 9.44 - Royal Botanic Gardens Board
- (tt) Statute 9.45 - The Bionic Ear Institute
- (uu) Statute 9.46 - Tasman Institute Limited and Tasman Asia Pacific Pty. Ltd.
- (vv) Statute 9.48 - Bureau of Meteorology
- (ww) Statute 9.49 - Australian Antarctic Division
- (xx) Statute 9.50 - Institute of Postcolonial Studies Limited
- (yy) Statute 9.51 - The Anti-Cancer Council Of Victoria
- (zz) Statute 9.52 - The Australia and New Zealand School of Government Limited
- (aaa) Statute 9.53 - The Brain Research Institute
- (bbb) Statute 9.55 - Peter MacCallum Cancer Institute
- (ccc) Statute 9.56 - The Walter and Eliza Hall Institute of Medical Research
- (ddd) Statute 9.57 - Centre for Eye Research Australia
- (eee) Statute 9.60 - Affiliated Bodies
- (fff) Statute 9.61 - Recognised Bodies
- (ggg) Statute 10.1 - Fees and Charges
- (hhh) Statute 10.2 - Non-Trust Awards
- (iii) Statute 10.3 - Trusts Governance
- (jjj) Statute 11.1 - Courses, Enrolment and Assessment

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- (kkk) Statute 11.2 - Exclusion For Health Reasons
- (lll) Statute 11.3 - Exclusion From Enrolment
- (mmm) Statute 11.4 - Unsatisfactory Progress
- (nnn) Statute 11.5 - Conferring and Other Ceremonies
- (ooo) Statute 11.6 - Revocation of Awards
- (ppp) Statute 13.1 - Student Discipline
- (qqq) Statute 14.1 - Intellectual Property
- (rrr) Statute 15.1 - Student Organisations
- (sss) Statute 17.1 - Management and Good Governance

(2) The following regulations are revoked:

- (a) Regulation 2.5.R1 - The Provost
- (b) Regulation 2.5.R2 - The Deputy Vice-Chancellors
- (c) Regulation 2.5.R3 - The Pro-Vice-Chancellors
- (d) Regulation 2.5.R4 - The Senior Vice-Principal
- (e) Regulation 2.5.R5 - The Chief Financial Officer
- (f) Regulation 2.5.R6 - The University Secretary
- (g) Regulation 3.1.R1 - Alumni Council Composition and Procedure
- (h) Regulation 4.1.R1 - Academic Board Composition and Procedures
- (i) Regulation 5.1.R1 - Names of Faculties and Graduate Schools
- (j) Regulation 5.1.R2 - The Bio21 Molecular Science and Biotechnology Institute
- (k) Regulation 5.1.R3 - The Nossal Institute for Global Health
- (l) Regulation 5.1.R5 - School of Melbourne Custom Programs
- (m) Regulation 5.1.R6 - Australia India Institute
- (n) Regulation 5.1.R7 - Interdisciplinary Research Institutes
- (o) Regulation 8.1.R1 - Melbourne Theatre Company
- (p) Regulation 8.1.R2 - International House
- (q) Regulation 8.1.R3 - The Medley Hall of Residence
- (r) Regulation 8.1.R4 - The Ian Potter Museum of Art
- (s) Regulation 8.1.R5 - Asialink
- (t) Regulation 8.1.R7 - Melbourne University Sport
- (u) Regulation 8.1.R8 - The University of Melbourne Veterinary Hospital
- (v) Regulation 8.1.R9 - Carlton Connect
- (w) Regulation 8.3.R1 - Library Rules
- (x) Regulation 8.3.R2 - Computing and Network Facilities Rules
- (y) Regulation 8.3.R3 - Traffic and Parking Rules
- (z) Regulation 8.3.R4 - Sport and Physical Recreation Rules
- (aa) Regulation 8.3.R5 - Melbourne University Archives Rules
- (bb) Regulation 9.60.R1 – Affiliated Bodies
- (cc) Regulation 9.61.R1 - Recognised Bodies
- (dd) Regulation 10.3.R1 - Transfer of Assets on the Termination of a Fund
- (ee) Regulation 11.1.R1 - Made Under Statute 11.1
- (ff) Regulation 11.1.A2 - Courses, Selection, Admission and Assessment
- (gg) Regulation 11.5.R1 - Conferring Ceremony Procedures
- (hh) Regulation 11.5.R2 - Academic Dress
- (ii) Regulation 15.1.R1 - UMSU Incorporated
- (jj) Regulation 15.1.R2 - The Melbourne University Sports Association
- (kk) Regulation 15.1.R3 - The University of Melbourne Graduate Student Association
- (ll) Regulation 17.1.R8 - Code of Conduct for Research



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## Schedule 1 Names of Affiliated Colleges (*section11*)

- **Ormond College**

Residents and non-residents enrolled at the college must comprise:

- (a) students of the University;
  - (b) persons undertaking research at the University or the college; or
  - (c) persons pursuing a course in Divinity at the College.
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- **Trinity College**
- **Queen's College**
- **Newman College**
- **Whitley College, The Baptist College of Victoria**
- **Janet Clarke Hall**

Residents and non-residents enrolled at the college must comprise:

- (a) students of the University;
  - (b) persons undertaking research at the University or the college;
  - (c) persons pursuing a course in Divinity at the College; or
  - (d) persons enrolled another tertiary institution providing the numbers are less than 15 percent of total residents.
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- **University College**
- **St Hilda's College**
- **St Mary's College**

Residents and non-residents enrolled at the college must comprise:

- (a) students of the University;
  - (b) persons undertaking research at the University or the college; or
  - (c) persons enrolled another tertiary institution providing the numbers are less than 15 percent of total residents.
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- **The Graduate Union of the University of Melbourne Incorporated**

Residents and non-residents enrolled at the college must comprise:

- (a) members of the Graduate Union of the University of Melbourne Incorporated; or
- (b) graduates or diplomates of the University or of a teaching institution recognised by the University; or
- (c) students undertaking a course of study or research at the University or the college or at a place appointed or approved for the purpose by the University or the college;
- (d) is a visiting academic to the University or to a teaching institution recognised by the University; or
- (e) a spouse or adult companion of any of the persons referred to in this group.

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### VERSION HISTORY

| Version | UoM Endorsement   | Ministerial approval | Commencement   | Note / amendment    |
|---------|---|----------------------|----------------|---------------------|
| 1       | 14 Dec 2015 by Council  | 24 June 2016         | 21 July 2016   | Revised statute     |
| 2       | 10 August 2016 by Council   | 29 January 2017      | 31 August 2017 | Am. ss 5, 13, Sch 1 |
|         | 31 January 2017 by University Secretary<br><i>(editorial changes)</i> | 28 August 2017       |                | Am. Ss 5, 13, 14    |