

THE AUSTRALIAN NATIONAL UNIVERSITY

Academic Progress Rule 2019

I, Professor Brian P. Schmidt, Vice-Chancellor, make the following rule.

Dated 5 December 2019

Professor Brian P. Schmidt AC FAA FRS
Vice-Chancellor

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Part 1—Preliminary

1 Name

This is the *Academic Progress Rule 2019*.

2 Commencement

This instrument commences on 1 January 2020.

3 Authority

This instrument is made under the *Vice-Chancellorship Statute 2013*, section 9.5.

4 Definitions

In this instrument:

Academic Progress Committee means the committee established under section 23 (Establishment of Academic Progress Committee etc.) or, if 2 committees are established under that section, the relevant committee.

Associate Dean, in relation to an ANU College, means a person who is appointed as an Associate Dean of the college.

[Note: For double degree programs, see section 36 (Associate Deans: double degree programs).]

award means a degree, diploma or certificate offered by the University.

committee means the Academic Progress Committee.

course means a subject of scholarly study, whether it is taught:

- (a) in a connected series of classes or demonstrations; or
- (b) by means of practical work, including, for example, the production by students of essays, theses or case studies or the attendance and participation by students in seminars or workshops; or
- (c) by clinical or professional practice; or
- (d) in another way or in a combination of ways.

coursework means the courses, and other written or oral work (if any), undertaken by a student for a coursework award program, but does not include any thesis component of the program of at least 24 units duration.

coursework award has the meaning given by the Coursework Awards Rule, section 7 (Coursework awards).

[Note: Under the Coursework Awards Rule, section 7, a 'coursework award' is a coursework degree, Diploma, Graduate Diploma or Graduate Certificate that may be conferred by the University. Coursework degree is defined in that section to cover any degree that is not a research degree to which the Research Awards Rule applies e.g. any Bachelor or Bachelor Honours degree and any Master degree (other than a Master of Philosophy).]

coursework award program means a program for a coursework award and, to remove any doubt, includes a coursework program for a double degree.

Delegated Authority, in relation to a program offered by an ANU College for a coursework award, means a person who is appointed under section 34 (Appointment of Delegated Authorities) as a Delegated Authority for the program.

[Note: For double degree programs, see section 35 (Delegated Authorities: double degree programs).]

double degree: a coursework program is a coursework program for a **double degree** if a student undertaking the program may qualify for 2 undergraduate coursework awards or 2 postgraduate coursework awards.

enrol includes re-enrol.

exclusion decision: see section 22 (Application of Division 4.1).

exercise a function includes perform the function.

fail a course: to remove any doubt, a student fails a course if the student is awarded any of the following grades for the course:

- (a) N (fail);
- (b) NCN (not completed/fail);
- (c) WN (withdrawn with failure).

function includes authority, duty and power.

medical program means a program for the *Medicinae ac Chirurgiae Doctoranda* (Doctor of Medicine and Surgery) (MChD) degree.

medical student means a student who is or has been enrolled, at any level, in a medical program.

postgraduate coursework means coursework undertaken by a student for a postgraduate coursework award program.

postgraduate coursework award means any of the following coursework awards:

- (a) a Graduate Diploma;
- (b) a Graduate Certificate;
- (c) a Master's degree (other than the Master of Philosophy);
- (d) the Juris Doctor degree;
- (e) the *Doctoranda Medicinae ac Chirurgiae* (Doctor of Medicine and Surgery) degree;
- (f) a professional doctorate (other than the Doctor of Juridical Science or Doctor of Psychology (Clinical)).

[Note: The Research Awards Rule applies to programs for the degrees of Doctor of Philosophy, Doctor of Juridical Science, Doctor of Psychology (Clinical) and Master of Philosophy.]

postgraduate coursework award program means a program for a postgraduate coursework award and, to remove any doubt, includes a program for a double degree if a student undertaking the program may qualify for 2 postgraduate coursework awards.

semester means first semester or second semester.

session means summer session, autumn session, winter session or spring session.

student means a person who is, or has been, enrolled in a coursework award program.

teaching period means a semester or session.

undergraduate coursework means coursework undertaken by a student for an undergraduate coursework award program.

undergraduate coursework award means a coursework award that is not a postgraduate coursework award.

undergraduate coursework award program means a program for an undergraduate coursework award and, to remove any doubt, includes a program for a double degree if a student undertaking the program may qualify for 2 undergraduate coursework awards.

working day means a day that is not a Saturday, a Sunday, a public holiday in the Australian Capital Territory, or a University holiday.

5 Application of instrument

This instrument applies in relation to undergraduate coursework award programs and postgraduate coursework award programs (including medical programs).

6 Equivalent courses

- (1) A reference to a course includes in this instrument a reference to an equivalent course.
- (2) For this instrument, a course of a program is ***equivalent*** to another course if it is declared, in writing, to be an equivalent course by a Delegated Authority for the program.
- (3) The Delegated Authority may make a declaration under subsection (2) if the Delegated Authority considers that the courses have a sufficient similarity of content, despite the courses having a different title or different course code.
- (4) In this section:

course code means the unique alphanumeric code used within the University to identify a particular course.

7 Joint, double or dual programs with other institutions etc.

- (1) A provision of this instrument has no effect to the extent to which it is inconsistent with an agreement between the University and another university or institution that makes provision for or in relation to joint, double or dual programs offered by them (including cotutelle), or the joint, double or dual conferral of degrees or other awards by them, for students or a particular student.
- (2) For subsection (1), a provision of this instrument is not inconsistent with a provision of an agreement mentioned in that subsection to the extent to which both provisions can operate concurrently.

8 Consistent and fair application of instrument

A Delegated Authority for a program must take reasonable steps to ensure that this instrument is applied consistently and fairly within the program.

Part 2—Academic progress rules: programs other than medical programs

Division 2.1—Application

9 Application of Part 2

- (1) This Part applies in relation to undergraduate coursework award programs and postgraduate coursework award programs.
- (2) However, this Part does not apply in relation to medical programs.
[Note: Part 3 (Academic progress rules: medical programs) applies in relation to medical programs.]
- (3) To remove any doubt, Part 3 (and not this Part) applies exclusively to a medical student in relation to the medical program undertaken by the student, but this Part applies in relation to any other coursework award program undertaken by the student.
- (4) Also, to remove any doubt, if a student fails a course in any undergraduate or postgraduate coursework award program to which this Part applies, nothing in this Part prevents 2 or more provisions of this Part from applying to the student in accordance with their terms in relation to the failure.

Division 2.2—Failure to maintain satisfactory academic progress

10 Failure to maintain satisfactory academic progress: undergraduate coursework

- (1) If a student fails a total of 4 (or more) courses in which the student is, or has at any time been, enrolled in any undergraduate coursework award program (or programs), the student is considered to have failed to maintain a satisfactory standard of academic progress in undergraduate coursework, and is regarded as being on probation.
- (2) If subsection (1) applies to a student, the Registrar must, as soon as practicable, tell the student, in writing, that:
 - (a) the student is considered to have failed to maintain a satisfactory standard of academic progress in undergraduate coursework, and is regarded as being on probation; and
 - (b) the student may be excluded from undergraduate coursework award programs if the student fails a total of 8 (or more) courses in which the student is, or has at any time been, enrolled in any undergraduate coursework award program (or programs).
- (3) If a student fails a total of 8 (or more) courses in which the student is, or has at any time been, enrolled in any undergraduate coursework award program (or programs), the Delegated Authority for the undergraduate coursework award program in which the student is, or was last, enrolled may exclude the student from undergraduate coursework award programs for a specified period of no longer than 5 years.
- (4) If:
 - (a) under Part 4 (Academic progress appeals and reviews), the Academic Progress Committee permits a student to continue to undertake undergraduate coursework award programs; and

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- (b) the student subsequently fails a total of 2 (or more) courses in which the student is, or has at any time been, enrolled in any undergraduate coursework award program (or programs);

the Delegated Authority for the undergraduate coursework award program in which the student is, or was last, enrolled may exclude the student from undergraduate coursework award programs for a specified period of no longer than 5 years.

- (5) If the Delegated Authority excludes the student from undergraduate coursework award programs under this section, the Registrar must, as soon as practicable, tell the student, in writing:
 - (a) that the student has been excluded from undergraduate coursework award programs; and
 - (b) the period that the student has been excluded; and
 - (c) that the student may appeal to the Academic Progress Committee against the exclusion.

[Note: Division 4.1 (Exclusion decisions) applies to an appeal.]

- (6) To remove any doubt, if a student fails the same course 2 or more times, each failure counts, for this section, as a failure of a course by the student.
- (7) This section is subject to section 11 (Restoration of good standing: undergraduate coursework).

11 Restoration of good standing: undergraduate coursework

- (1) This section applies to a student if:
 - (a) the student is regarded, under section 10(1) (Failure to maintain satisfactory academic progress: undergraduate coursework), as being on probation; and
 - (b) in the teaching periods after the teaching period in which the student last failed a course in which the student was enrolled in any undergraduate coursework award program, the student successfully completes 8 (or more) courses in any undergraduate coursework award program (or programs) without failing a course; and
 - (c) the 8 (or more) courses successfully completed are completed in consecutive teaching periods.
- (2) However, this section does not apply to the student if, under section 10(3), the student has been excluded from undergraduate coursework award programs for a period, but, under Part 4 (Academic progress appeals and reviews), the Academic Progress Committee has permitted the student to continue to undertake undergraduate coursework award programs.
- (3) In working out for subsection (1)(c) whether teaching periods are consecutive:
 - (a) teaching periods are taken to follow the following order:
 - (i) summer session;
 - (ii) first semester;
 - (iii) autumn session;
 - (iv) winter session;
 - (v) second semester;
 - (vi) spring session; and

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- (b) any teaching period in which the student is not enrolled in a course for an undergraduate coursework award program is to be disregarded.
- (4) If this section applies to the student:
 - (a) the student is no longer regarded as being on probation in relation to undergraduate coursework award programs and is taken to have been restored to good standing in relation to undergraduate coursework award programs; and
 - (b) all courses previously failed by the student in any undergraduate coursework award program (or programs) in which the student is, or has been, enrolled are to be disregarded for section 10.
 - (5) If the student subsequently fails a course (or courses) in which the student is enrolled in any undergraduate coursework award program, this section does not prevent section 10 applying to the student in relation to the course (or courses). However, to remove any doubt, section 10 does not apply again to any course that, under subsection (4)(b), is to be disregarded for that section.

12 Failure to maintain satisfactory academic progress: postgraduate coursework

- (1) If a student fails a total of 3 (or more) courses in which the student is, or has at any time been, enrolled in any postgraduate coursework award program (or programs), the student is considered to have failed to maintain a satisfactory standard of academic progress in postgraduate coursework, and is regarded as being on probation.
- (2) If subsection (1) applies to a student, the Registrar must, as soon as practicable, tell the student, in writing, that:
 - (a) the student is considered to have failed to maintain a satisfactory standard of academic progress in postgraduate coursework, and is regarded as being on probation; and
 - (b) the student may be excluded from postgraduate coursework award programs if the student fails a total of 5 (or more) courses in which the student is, or has at any time been, enrolled in any postgraduate coursework award program (or programs).
- (3) If a student fails a total of 5 (or more) courses in which the student is, or has at any time been, enrolled in any postgraduate coursework award program (or programs), the Delegated Authority for the postgraduate coursework award program in which the student is, or was last, enrolled may exclude the student from postgraduate coursework award programs for a specified period of no longer than 5 years.
- (4) If:
 - (a) under Part 4 (Academic progress appeals and reviews), the Academic Progress Committee permits a student to continue to undertake postgraduate coursework award programs; and
 - (b) the student subsequently fails a total of 2 (or more) courses in which the student is, or has at any time been, enrolled in any postgraduate coursework award program (or programs);

the Delegated Authority for the postgraduate coursework award program in which the student is, or was last, enrolled may exclude the student from postgraduate coursework award programs for a specified period of no longer than 5 years.

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- (5) If the Delegated Authority excludes the student from postgraduate coursework award programs under this section, the Registrar must, as soon as practicable, tell the student, in writing:
- (a) that the student has been excluded from postgraduate coursework award programs; and
 - (b) the period that the student has been excluded; and
 - (c) that the student may appeal to the Academic Progress Committee against the exclusion.
- [Note: Division 4.1 (Exclusion decisions) applies to an appeal.]
- (6) To remove any doubt, if a student fails the same course 2 or more times, each failure counts, for this section, as a failure of a course by the student.
- (7) This section is subject to section 13 (Restoration of good standing: postgraduate coursework).

13 Restoration of good standing: postgraduate coursework

- (1) This section applies to a student if:
- (a) the student is regarded, under section 12(1) (Failure to maintain satisfactory academic progress: postgraduate coursework), as being on probation; and
 - (b) in the teaching periods after the teaching period in which the student last failed a course in which the student was enrolled in any postgraduate coursework award program, the student successfully completes 6 (or more) courses in any postgraduate coursework award program (or programs) without failing a course; and
 - (c) the 6 (or more) courses successfully completed are completed in consecutive teaching periods.
- (2) However, this section does not apply to the student if, under section 12(3), the student has been excluded from postgraduate coursework award programs for a period, but, under Part 4 (Academic progress appeals and reviews), the Academic Progress Committee has permitted the student to continue to undertake postgraduate coursework award programs.
- (3) In working out for subsection (1)(c) whether teaching periods are consecutive:
- (a) teaching periods are taken to follow the following order:
 - (i) summer session;
 - (ii) first semester;
 - (iii) autumn session;
 - (iv) winter session;
 - (v) second semester;
 - (vi) spring session; and
 - (b) any teaching period in which the student is not enrolled in a course for a postgraduate coursework award program is to be disregarded.
- (4) If this section applies to the student:
- (a) the student is no longer regarded as being on probation in relation to postgraduate coursework award programs and is taken to have been restored to good standing in relation to postgraduate coursework award programs; and

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- (b) all courses previously failed by the student in any postgraduate coursework award program (or programs) in which the student is, or has been, enrolled are to be disregarded for section 12.
 - (5) If the student subsequently fails a course (or courses) in which the student is enrolled in any postgraduate coursework award program, this section does not prevent section 12 applying to the student in relation to the course (or courses). However, to remove any doubt, section 12 does not apply again to any course that, under subsection (4)(b), is to be disregarded for that section.

Division 2.3—Repeated failures in same course

14 Repeated failures in same course: undergraduate coursework

- (1) If a student fails a course in which the student is, or has at any time been, enrolled in any undergraduate coursework award program for a second time, the student is regarded as being on probation.
- (2) If subsection (1) applies to the student, the Registrar must, as soon as practicable, tell the student, in writing, that the student:
 - (a) is on probation for the repeated failure; or
 - (b) may be excluded from undergraduate coursework award programs if the student fails the course for a third time.
- (3) If the student fails the course for a third time, the Delegated Authority for the undergraduate coursework award program in which the student is, or was last, enrolled in the course may exclude the student from undergraduate coursework award programs for a specified period of no longer than 5 years.
- (4) If the Delegated Authority excludes the student from undergraduate coursework award programs under this section, the Registrar must, as soon as practicable, tell the student, in writing:
 - (a) that the student has been excluded from undergraduate coursework award programs; and
 - (b) the period that the student has been excluded; and
 - (c) that the student may appeal to the Academic Progress Committee against the exclusion.

[Note: Division 4.1 (Exclusion decisions) applies to an appeal.]

15 Repeated failures in same course: postgraduate coursework

- (1) If a student fails a course in which the student is, or has at any time been, enrolled in any postgraduate coursework award program for a second time, the student is regarded as being on probation.
- (2) If subsection (1) applies to the student, the Registrar must, as soon as practicable, tell the student, in writing, that the student:
 - (a) is on probation for the repeated failure; or
 - (b) may be excluded from postgraduate coursework award programs if the student fails the course for a third time.
- (3) If the student fails the course for a third time, the Delegated Authority for the postgraduate coursework award program in which the student is, or was last, enrolled in the course may

exclude the student from postgraduate coursework award programs for a specified period of no longer than 5 years.

- (4) If the Delegated Authority excludes the student from postgraduate coursework award programs under this section, the Registrar must, as soon as practicable, tell the student, in writing:
- (a) that the student has been excluded from postgraduate coursework award programs; and
 - (b) the period that the student has been excluded; and
 - (c) that the student may appeal to the Academic Progress Committee against the exclusion.

[Note: Division 4.1 (Exclusion decisions) applies to an appeal.]

Division 2.4—Failure to achieve results at required level

16 Failure to achieve results at required level: undergraduate coursework

- (1) If a student fails to achieve results in the courses for which the student has enrolled in an undergraduate coursework award program at the level required by the University for continuation in the program, the student is considered to have failed to maintain a satisfactory standard of academic progress in the program and the Delegated Authority for program may require the student to transfer to another award program.
- (2) If the Delegated Authority requires the student to transfer to another award program, the Registrar must, as soon as practicable, tell the student, in writing:
- (a) that the student is required to transfer to another award program; and
 - (b) that the student may apply for review of the decision.

[Note: Division 4.2 (Transfer decisions) applies to an application for review.]

17 Failure to achieve results at required level: postgraduate coursework

- (1) If a fails to achieve results in the courses for which the student has enrolled in a postgraduate student coursework award program at the level required by the University for continuation in the program, the student is considered to have failed to maintain a satisfactory standard of academic progress in the program and the Delegated Authority for program may require the student to transfer to another award program.
- (2) If the Delegated Authority requires the student to transfer to another award program, the Registrar must, as soon as practicable, tell the student, in writing:
- (a) that the student is required to transfer to another award program; and
 - (b) that the student may apply for review of the decision.

[Note: Division 4.2 (Transfer decisions) applies to an application for review.]

Division 2.5—Contravention of Academic Progress Committee conditions

18 Contravention of committee conditions: undergraduate coursework

- (1) This section applies to a student if, under Part 4 (Academic progress appeals and review):
- (a) the Academic Progress Committee permits the student to continue to undertake undergraduate coursework award programs; and
 - (b) the committee imposes conditions on the permission.

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- (2) If the Delegated Authority for the undergraduate coursework award program in which the student is, or was last, enrolled is satisfied that the student has contravened a condition imposed by the committee, the Delegated Authority may exclude the student from undergraduate coursework award programs for a specified period of no longer than 5 years.
 - (3) If the Delegated Authority excludes the student from undergraduate coursework award programs under this section, the Registrar must, as soon as practicable, tell the student, in writing:
 - (a) that the student has been excluded from undergraduate coursework award programs; and
 - (b) the period that the student has been excluded; and
 - (c) the reasons for the exclusion; and
 - (d) that the student may appeal to the Academic Progress Committee against the exclusion.

[Note: Division 4.1 (Exclusion decisions) applies to an appeal.]

19 Contravention of committee conditions: postgraduate coursework

- (1) This section applies to a student if, under Part 4 (Academic progress appeals and review):
 - (a) the Academic Progress Committee permits the student to continue to undertake postgraduate coursework award programs; and
 - (b) the committee imposes conditions on the permission.
- (2) If the Delegated Authority for the postgraduate coursework award program in which the student is, or was last, enrolled is satisfied that the student has contravened a condition imposed by the committee, the Delegated Authority may exclude the student from postgraduate coursework award programs for a specified period of no longer than 5 years.
- (3) If the Delegated Authority excludes the student from postgraduate coursework award programs under this section, the Registrar must, as soon as practicable, tell the student, in writing:
 - (a) that the student has been excluded from postgraduate coursework award programs; and
 - (b) the period that the student has been excluded; and
 - (c) the reasons for the exclusion; and
 - (d) that the student may appeal to the Academic Progress Committee against the exclusion.

[Note: Division 4.1 (Exclusion decisions) applies to an appeal.]

Part 3—Academic progress rules: medical programs

20 Application of Part 3

- (1) This Part applies in relation to medical programs.
- (2) However, this Part does not apply to a medical student in relation to any other undergraduate or postgraduate coursework award program (a *non-medical program*) undertaken by the student.
- (3) To remove any doubt, Part 2 (and not this Part) applies to a medical student in relation to a non-medical program undertaken by the student, but this Part applies exclusively in relation to the medical program undertaken by the student.

21 Academic progress required for medical programs

- (1) If a medical student fails 1 or more courses in the student's medical program in any year of enrolment in the program, the student is considered to have failed to maintain a satisfactory standard of academic progress in the student's medical program, and is regarded as on probation for the remainder of the program.
- (2) If a medical student is regarded as being on probation, the student must be notified by the Registrar, in writing, as soon as practicable after the relevant failure happens.
- (3) On notification of being on probation, the medical student must meet with the Delegated Authority and the Delegated Authority may direct the student, in writing, to undertake remediation activities.
- (4) If a medical student to whom subsection (1) applies fails, for a second or subsequent time, any course in the student's medical program in any year of enrolment in the program, the Delegated Authority may exclude the student from medical programs for a specified period of no longer than 5 years.
- (5) Subsection (6) applies to a medical student if:
 - (a) the student is directed under subsection (3) to undertake remediation activities; or
 - (b) under Part 4 (Academic progress appeals and review):
 - (i) the Academic Progress Committee permits the student to continue to undertake medical programs; and
 - (ii) the committee imposes conditions on the permission.
- (6) If this subsection applies to a medical student and the Delegated authority is satisfied that the student has contravened the direction to undertake remediation activities or a condition imposed by the Academic Progress Committee, the Delegated Authority may exclude the student from medical programs for a specified period of no longer than 5 years.
- (7) If a medical student fails any course in the final year of the student's medical program, the student is considered to have failed to maintain a satisfactory standard of academic progress in the student's medical program and the Delegated Authority may exclude the student from medical programs for a specified period of no longer than 5 years.
- (8) If a medical student fails a second or later year ANU Medical School professional practice course, the student is considered to have failed to maintain a satisfactory standard of

academic progress in the student's medical program and the Delegated Authority may exclude the student from medical programs for a specified period of no longer than 5 years.

- (9) To remove any doubt, subsections (7) and (8) are additional to, and are not limited by, subsections (1) and (4).
- (10) If the Delegated Authority excludes a medical student from medical programs under this section, the Registrar must, as soon as practicable, tell the student, in writing:
- (a) that the student has been excluded from medical programs; and
 - (b) the period that the student has been excluded; and
 - (c) for an exclusion under subsection (6)—the reasons for the exclusion; and
 - (d) that the student may appeal to the Academic Progress Committee against the exclusion.

[Note: Division 4.1 (Exclusion decisions) applies to an appeal.]

- (11) In this section:

remediation activities may include, for example, undertaking a targeted academic revision program or satisfying a specific requirement from the ANU Medical School Professional Behaviours Committee.

Part 4—Academic progress appeals and reviews

Division 4.1—Exclusion decisions

22 Application of Division 4.1

This Division applies in relation to a decision under this instrument to exclude a student from undergraduate coursework award programs, postgraduate coursework award programs or medical programs (an *exclusion decision*).

23 Establishment of Academic Progress Committee etc.

- (1) There is to be an Academic Progress Committee for the University. The committee is to hear and decide appeals, and conduct reviews, of exclusion decisions under this instrument in relation to both undergraduate and postgraduate coursework award programs (including medical programs).
- (2) However, the Registrar may, in writing, direct that there are to be 2 Academic Progress Committees for the University. If the Registrar gives that direction, one of the committees is to hear and decide appeals, and conduct reviews, of exclusion decisions under this instrument in relation to undergraduate coursework award programs and the other is to hear and decide appeals, and conduct reviews, of exclusion decisions under this instrument in relation to postgraduate coursework award programs (including medical programs).
- (3) The Academic Progress Committee is to consist of the following members:
 - (a) the Registrar;
 - (b) a staff member of the University appointed, in writing, by the College Dean of each ANU College;
 - (c) a member of staff of the University appointed, in writing, by the Dean of the ANU Medical School.
- (4) However, if there are 2 Academic Progress Committees:
 - (a) the committee hearing and deciding appeals, and conducting reviews, of exclusion decisions in relation to undergraduate coursework award programs is to consist of the following members:
 - (i) the Registrar;
 - (ii) a member of staff of the University appointed, in writing, by the College Dean of each ANU College; and
 - (b) the committee hearing and deciding appeals, and conducting reviews, of exclusion decisions in relation to postgraduate coursework award programs (including medical programs) is to consist of the following members:
 - (i) the Registrar;
 - (ii) a member of staff of the University appointed, in writing, by the College Dean of each ANU College;
 - (iii) a member of staff of the University appointed, in writing, by the Dean of the ANU Medical School.
- (5) The Registrar is the chair of the Academic Progress Committee or, if there are 2 Academic Progress Committees, each of the committees.

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- (6) If a member of the Academic Progress Committee ceases to be a member of staff of the University, the person ceases to be a member of the committee.
 - (7) If a member of the Academic Progress Committee is aware, or becomes aware, that the member has a material interest that could conflict, or reasonably be seen to conflict, with the proper exercise of the member's functions in relation to an appeal or review under this instrument, the member must immediately disclose the nature of the interest to the committee.
 - (8) If a member of the Academic Progress Committee makes a disclosure under subsection (7), the member must not exercise, or continue to exercise, any of the member's functions as a member of the committee in relation to the relevant appeal or review unless the committee agrees to the member continuing to be a member of the committee for that appeal or review.
 - (9) The Registrar may appoint a person (other than a member of the Academic Progress Committee) to assist the committee.
 - (10) The quorum for a meeting of the Academic Progress Committee (including a hearing) is the Registrar and 4 other members.
 - (11) However, if the Registrar makes a disclosure under subsection (7) for an appeal or review and the committee does not agree to the Registrar continuing to be a member of the committee for that appeal or review, the quorum for the review or appeal is 4 members other than the Registrar.
 - (12) A question arising at a committee meeting (including a hearing) is to be decided by a majority of the members present and voting. The members present each have a single vote on each question to be decided by the committee. If the votes on a question are equal, the question is decided in the negative.

24 Exclusion decision: appeal to Academic Progress Committee

- (1) This section applies if a student is excluded under this instrument from undergraduate coursework award programs, postgraduate coursework award programs or medical programs.
- (2) The student may appeal to the Academic Progress Committee against the decision to exclude the student.
- (3) The appeal must:
 - (a) be in writing; and
 - (b) set out reasons why the student should be permitted to continue to undertake undergraduate or postgraduate coursework award programs or medical programs, as the case requires; and
 - (c) include, or be accompanied by, any evidence in support of the reasons; and
 - (d) be given to the Registrar within 20 working days after the day the student is given written notice of the student's exclusion.
- (4) If the student appeals to the Academic Progress Committee under this section, the student is entitled to be continue to be enrolled in any coursework award program in which the student was enrolled until the appeal is finally decided.

25 Exclusion appeal: hearing and decision

- (1) This section applies if a student is excluded under this instrument from undergraduate coursework award programs, postgraduate coursework award programs, or medical programs, for a specified period (the *exclusion decision*), and the student appeals to the Academic Progress Committee against the exclusion decision.
- (2) The committee may decide the appeal solely on the basis of the student's academic record, the length of the program in which the student was enrolled, and the notice of appeal and any material accompanying it. However, the committee may make the inquiries, and have regard to anything else, that the committee considers appropriate.
- (3) If the appeal is not against exclusion from medical programs, the committee may take account of any non-award enrolment completed by the student.
- (4) However, success in passing a course as part of a non-award enrolment, even if credit is later granted in connection with an award program being undertaken by the student, is not to be regarded as conclusive evidence of the ability of the student to meet the remaining academic requirements of an award program.
- (5) The committee may:
 - (a) confirm the exclusion decision; or
 - (b) confirm the decision to exclude the student from undergraduate or postgraduate coursework award programs or from medical programs, as the case requires, but reduce the period of the exclusion; or
 - (c) set aside the exclusion decision and permit the student to continue to undertake undergraduate or postgraduate coursework award programs or medical programs, as the case requires; or
 - (d) set aside the exclusion decision if satisfied that the decision was, or has become, inappropriate or incorrect because, for example, the student's result for coursework has been amended on review or appeal.
- (6) If the committee permits the student to undertake undergraduate or postgraduate coursework award programs or medical programs, the committee may impose conditions on the permission.
- (7) Without limiting subsection (6), the conditions that may be imposed under that subsection include all or any of the following:
 - (a) requiring the student to transfer to another award program;
 - (b) requiring the student to vary student's load to take account of the impact of external pressures on the student's academic studies;
 - (c) requiring the student to take leave of absence from the student's award program for a specified period;
 - (d) requiring the student to undertake specified clinical or professional practice;
 - (e) requiring the student to consult with specified academic or professional staff for advice and support.
- (8) If the committee imposes conditions on the student's permission to undertake undergraduate or postgraduate coursework award programs or medical programs, it is the student's responsibility to comply with the conditions if the student wishes to continue to undertake undergraduate or postgraduate coursework award programs or medical programs, as the case requires.

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- (9) The committee must endeavour to make a decision on the appeal within 20 working days after the day the appeal is made to the committee.
 - (10) If the committee is unable to make a decision on the appeal within the 20-day period mentioned in subsection (9), the Registrar must tell the student and give the student a date by which the appeal will be decided.
 - (11) Within 14 working days after the day the committee makes a decision on the appeal, the Registrar must:
 - (a) by written notice given to the student, tell the student about the decision made on the appeal; and
 - (b) give the student a statement of reasons for the decision.
 - (12) Subject to the outcome of any appeal made to the Deputy Vice-Chancellor under section 26 (Exclusion appeal decision: procedural appeal to Deputy Vice-Chancellor), the decision of the committee is final.

26 Exclusion appeal decision: procedural appeal to Deputy Vice-Chancellor

- (1) This section applies if:
 - (a) a student appealed to the Academic Progress Committee against a decision under this instrument to exclude the student from undergraduate or postgraduate coursework award programs or from medical programs; and
 - (b) the student is dissatisfied with the decision made by the committee on the appeal because procedures that were required to be observed by this instrument in connection with the appeal were not observed.
- (2) The student may appeal to the Deputy Vice-Chancellor against the Academic Progress Committee's decision, but only on the ground that procedures that were required to be observed by this instrument in connection with the appeal were not observed.
- (3) The appeal must:
 - (a) be in writing; and
 - (b) state clearly the procedures required by this instrument that were not observed in connection with the appeal; and
 - (c) include, or be accompanied by, any evidence in support of the appeal; and
 - (d) be given to the Registrar within 20 working days after the day the student is given written notice of, and a statement of reasons for, the Academic Progress Committee's decision.

27 Exclusion appeal decision: procedural appeal: hearing and decision

- (1) This section applies if a student appeals to the Deputy Vice-Chancellor under section 26 (Exclusion decision: procedural appeal to Deputy Vice-Chancellor) against a decision of the Academic Progress Committee.
- (2) The Deputy Vice-Chancellor may decide the appeal solely on the basis of the notice of appeal and any material accompanying it. However, the Deputy Vice-Chancellor may make the inquiries, and have regard to anything else, that the Deputy Vice-Chancellor considers appropriate.
- (3) The Deputy Vice-Chancellor must:
 - (a) confirm the Academic Progress Committee's decision; or

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- (b) set aside the committee's decision, and:
 - (i) confirm the original decision of the Delegated Authority; or
 - (ii) refer the matter back to the committee to further consider its decision, taking into account the directions (if any) of the Deputy Vice-Chancellor, and to make a new decision; or
 - (iii) dismiss or uphold the original appeal to the committee and, in doing so, take any action that the committee could have taken.
 - (4) The Deputy Vice-Chancellor must endeavour to make a decision on the appeal within 20 working days after the day the appeal is made.
 - (5) If the Deputy Vice-Chancellor is unable to make a decision on the appeal within the 20-day period mentioned in subsection (4), the Deputy Vice-Chancellor must tell the student and give the student a date by which the appeal will be decided.
 - (6) Within 7 working days after the day the Deputy Vice-Chancellor makes a decision on the appeal, the Deputy Vice-Chancellor must:
 - (a) by written notice given to the student, tell the student about the decision made on the appeal; and
 - (b) give the student a statement of reasons for the decision.
 - (7) The Deputy Vice-Chancellor's decision is final.

28 Review of exclusion decisions

- (1) This section applies if a student is excluded under this instrument from undergraduate or postgraduate coursework award programs, or from medical programs, for a specified period, but the student does not appeal to the Academic Progress Committee against the exclusion.
- (2) The Registrar must refer the decision to exclude the student to the committee for review.
- (3) The committee may conduct the review solely on the basis of the student's academic record and the length of the program in which the student was enrolled. However, the committee may make the inquiries, and have regard to anything else, that the committee considers appropriate.
- (4) The committee may:
 - (a) confirm the decision to exclude the student; or
 - (b) confirm the decision to exclude the student, but reduce the period of the exclusion; or
 - (c) set aside the decision to exclude the student if satisfied that the decision was, or has become, inappropriate or incorrect because, for example, the student's result for coursework has been amended on review or appeal.
- (5) The committee must endeavour make a decision on the review within 20 working days after the day the decision to exclude the student is referred to the committee.
- (6) Within 14 working days after the day the committee makes a decision on the review, the Registrar must tell the student that the decision to exclude the student has been reviewed by the committee and about the decision made on the review.

Division 4.2—Transfer decisions

29 Transfer decision: application for review by Associate Dean

- (1) This section applies if, under Division 2.4 (Failure to achieve results at required level), a student is required to transfer to another award program.
- (2) The student may apply to the Associate Dean for review of the decision.
- (3) The application must:
 - (a) be in writing; and
 - (b) set out the student's reasons for making the application; and
 - (c) include, or be accompanied by, any evidence in support of the reasons; and
 - (d) be given to the Registrar within 20 working days after the day the student is given written notice of the decision.
- (4) If the student applies under this section for review of the decision, the student is entitled to be continue to be enrolled in any coursework award program in which the student was enrolled until the review is finally decided.

30 Transfer decision: review by Associate Dean

- (1) This section applies if a student applies under section 29 (Transfer decision: application for review by Associate Dean) for review of a decision to require the student to transfer to another award program.
- (2) The Associate Dean must review the decision.
- (3) The Associate Dean may conduct the review solely on the basis of the student's academic record, the length of the program in which the student was enrolled, and the application for review and any material accompanying it. However, the Associate Dean may make the inquiries, and have regard to anything else, that the Associate Dean considers appropriate.
- (4) The Associate Dean may:
 - (a) confirm the decision; or
 - (b) set aside the decision if satisfied that the decision was, or has become, inappropriate or incorrect because, for example, the student's result for coursework has been amended on review or appeal.
- (5) The Associate Dean must endeavour to make a decision on the review within 20 working days after the day the application for review is made.
- (6) If the Associate Dean is unable to make a decision on the review within the 20-day period mentioned in subsection (5), the Registrar must tell the student and give the student a date by which the review will be decided.
- (7) Within 14 working days after the day the Associate Dean makes a decision on the review, the Registrar must:
 - (a) by written notice given to the student, tell the student about the decision made on the review; and
 - (b) give the student a statement of reasons for the decision.

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- (8) Subject to the outcome of any application for review made to the Deputy Vice-Chancellor under section 31 (Transfer decision: application for procedural review by Deputy Vice-Chancellor), the decision of the committee is final.

31 Transfer decision: application for procedural review by Deputy Vice-Chancellor

- (1) This section applies if:
- (a) a student applied under section 29 (Transfer decision: application for review by Associate Dean) for review of a decision to require the student to transfer to another award program; and
 - (b) the student is dissatisfied with the decision made by the Associate Dean on the review because procedures that were required to be observed by this instrument in connection with the review were not observed.
- (2) The student may apply to the Deputy Vice-Chancellor for review of the Associate Dean's decision made on the review, but only on the ground that procedures that were required to be observed by this instrument in connection with the review were not observed.
- (3) The application must:
- (a) be in writing; and
 - (b) state clearly the procedures required by this instrument that were not observed in connection with the review; and
 - (c) include, or be accompanied by, any evidence in support of the application; and
 - (d) be given to the Registrar within 20 working days after the day the student is given written notice of, and a statement of reasons for, the Associate Dean's decision.

32 Transfer decision: procedural review by Deputy Vice-Chancellor

- (1) This section applies if a student applies to the Deputy Vice-Chancellor under section 31 (Transfer decision: application for procedural review by Deputy Vice-Chancellor) for review of the decision made the Associate Dean under this Division.
- (2) The Deputy Vice-Chancellor may decide the review solely on the basis of the application for review and any material accompanying it. However, the Deputy Vice-Chancellor may make the inquiries, and have regard to anything else, that the Deputy Vice-Chancellor considers appropriate.
- (3) The Deputy Vice-Chancellor must:
- (a) confirm the Associate Dean's decision; or
 - (b) set aside the Associate Dean's decision, and:
 - (i) confirm the original decision of the Delegated Authority to require the student to transfer to another award program; or
 - (ii) refer the matter back to the Associate Dean for the Associate Dean to further consider the Associate Dean's decision, taking into account the directions (if any) of the Deputy Vice-Chancellor, and to make a new decision.
- (4) The Deputy Vice-Chancellor must endeavour to make a decision on the review within 20 working days after the day the application for review is made.
- (5) If the Deputy Vice-Chancellor is unable to make a decision on the review within the 20-day period mentioned in subsection (4), the Deputy Vice-Chancellor must tell the student and give the student a date by which the application for review will be decided.

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- (6) Within 7 working days after the day the Deputy Vice-Chancellor makes a decision on the review, the Deputy Vice-Chancellor must:
- (a) by written notice given to the student, tell the student about the decision made on the review; and
 - (b) give the student a statement of reasons for the decision.
- (7) The Deputy Vice-Chancellor's decision is final.

Part 5—Miscellaneous

33 Effect of exclusion

- (1) This section applies to a person if the person is excluded from undergraduate coursework award programs, postgraduate coursework award programs, or medical programs, under this instrument for a period.
- (2) The person ceases to be enrolled in any undergraduate or postgraduate coursework program or medical program, as the case requires, in which the student was enrolled.
- (3) The person may not enrol, or apply to enrol, in any undergraduate or postgraduate coursework award program or a medical program, as the case requires, until after the end of the exclusion period and may enrol in such a program only if the person has applied to be admitted to the program after the end of the exclusion period and been admitted to the program on that application.
- (4) To remove any doubt, the admission criteria applying to any admission application mentioned in subsection (3) are the admission criteria applying to such an admission application at the time the application is made.

34 Appointment of Delegated Authorities

The Associate Dean for an ANU College may, in writing, appoint a member of staff of the college, or another member of staff of the University, to be a Delegated Authority for a program offered by the college for an award.

35 Delegated Authorities: double degree programs

- (1) This section applies to a double degree program if a student undertaking the program may qualify for a coursework award in 2 ANU Colleges.
- (2) The Associate Dean for each college may, in writing, appoint a member of the staff of the college, or another member of the staff of the University, to be a Delegated Authority for the part of the program offered by the college.
- (3) If the Associate Deans for the colleges each make appointments under subsection (2), then, for this instrument:
 - (a) the part of the program offered by each college is taken to be a separate program offered by the college; and
 - (b) the person appointed under that subsection by the Associate Dean of a college is taken to have been appointed under section 34 (Appointment of Delegated Authorities) as a Delegated Authority for the separate program taken to be offered by that college.

36 Associate Deans: double degree programs

- (1) This section applies to a double degree program if a student undertaking the program may qualify for a coursework award in 2 ANU Colleges.
- (2) The Registrar may, in writing, nominate an Associate Dean of one of the colleges, or another member of the staff of the University, to be the Associate Dean in relation to the student for the purposes of this instrument or a provision of this instrument.

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- (3) If the Registrar nominates a person under subsection (2), the person is taken to be the Associate Dean in relation to the student for those purposes.

37 Approved forms

- (1) The Vice-Chancellor may, in writing, approve forms for this instrument.
- (2) If the Vice-Chancellor approves a form for a particular purpose, the form must be used for that purpose.
- (3) The Vice-Chancellor must ensure that approved forms are publicly available on the University's website or any other way that the Vice-Chancellor considers appropriate.

38 Delegation by Vice-Chancellor

The Vice-Chancellor may, in writing, delegate all or any of the Vice-Chancellor's functions under this instrument (other than the power to make orders) to a member of staff of the University.

39 Delegation by Registrar

The Registrar may, in writing, delegate all or any of the Registrar's functions under this instrument to a member of staff of the University.

40 Service of notices etc.

- (1) This section applies to a notice or other document that is required or permitted to be served on an individual under this instrument (whether the word 'give', 'notify', 'send', 'tell' or another word is used).
- (2) The document may be served on an individual:
- (a) by giving it to the individual; or
 - (b) by sending it by prepaid post, addressed to the individual, to an address shown in the University's records as an address of the individual (including, for example, any semester, work or permanent home address); or
 - (c) by emailing it to:
 - (i) if the individual has an email address provided by the University—that email address; or
 - (ii) in any case—an email address otherwise recorded by the University as an email address of the individual (including, for example, any personal or work email address).
- (3) A document served by post on an individual under subsection (2)(b) is taken to have been served on the day it would have been delivered in the ordinary course of post.
- (4) A document served by email on an individual under subsection (2)(c) is taken to have been served on the day it would have been received in the ordinary course of email transmission.
- (5) This section does not affect the operation of any other University legislation or any other law that authorises or requires service of a document otherwise than as provided under this section.

[Note: See e.g. *Acts Interpretation Act 1901*, section 28A (Service of documents).]

Part 6—Repeals and transitional

41 Repeals

- (1) The *Academic Progress Rule 2015* is repealed.
- (2) The *Academic Progress (ANU Medical School) Order 2015* is repealed.

42 Transitional: application of instrument to existing programs etc.

- (1) This instrument applies in relation to an undergraduate or postgraduate coursework award program (including a medical program) that commenced before the commencement of this instrument, including a program that had ended before the commencement, as if the program had commenced after the commencement of this instrument.
- (2) Without limiting subsection (1):
 - (a) if, before the commencement of this instrument, a student had failed a course in which the student was enrolled in any undergraduate or postgraduate coursework award program (including a medical program), this instrument applies in relation to the failure in the same way in which it would have applied in relation to the failure if it had happened after the commencement; and
 - (b) if, before the commencement of this instrument, a student had successfully completed a course in which the student was enrolled in any undergraduate or postgraduate coursework award program (including a medical program), this instrument applies in relation to the successful completion of the course in the same way in which it would have applied in relation to the successful completion of the course if it had happened after the commencement.
- (3) However, this instrument does not apply in relation to a failure of a course, or the successful completion of a course, if the failure or successful completion happened more than 10 years before the commencement of this instrument.
- (4) An order made under or for this instrument may make provision for or in relation to determining, for subsection (3), when a course is failed or successfully completed.

43 Transitional modifications on student application

- (1) In this section:

cut-off means:

- (a) in relation to a student who was enrolled in an undergraduate or postgraduate coursework award program (including a medical program) at the commencement of this instrument—31 March 2020; and
- (b) in relation to a student who was not enrolled in an undergraduate or postgraduate coursework award program (including a medical program) at the commencement of this instrument—not later than 6 weeks after the day (if any) that the student next becomes enrolled in an undergraduate or postgraduate coursework award program after the commencement.

previous instrument means the *Academic Progress Rule 2015*, the *Academic Progress (ANU Medical School) Order 2015*, the *Academic Progress Rules 2014*, the *ANU*

Medical School Academic Progress Order 2014, or any earlier rule or order applying in relation to academic progress.

- (2) This section applies to a student if:
- (a) the student was enrolled in an undergraduate or postgraduate coursework award program (including a medical program) that commenced before the commencement of this instrument, including a program that had ended before the commencement; and
 - (b) a provision of this instrument (the **current provision**) applies, or may apply, to the student; and
 - (c) one of the following provisions applies to the student:
 - (i) a previous instrument (or previous instruments) applied to the student and the previous instrument (or the most recent previous instrument that applied to the student) included a provision corresponding to the current provision, but the current provision is different to the corresponding provision;
 - (ii) a previous instrument (or previous instruments) applied to the student, but the previous instrument (or the most recent of the previous instruments that applied to the student) did not include a provision corresponding to the current provision;
 - (iii) none of the previous instruments applied to the student; and
 - (d) the student considers that the application of the current provision to the student is, or would be, unfair or unreasonable.
- (3) The student may, by written notice given to the Delegated Authority before the cut-off applying to the student, apply for a modification of this instrument in relation to the application of the current provision to the student.
- (4) The Delegated Authority must:
- (a) decide the application; and
 - (b) by written notice given to the student, tell the student the decision made on the application.
- (5) The Delegated Authority may grant the modification sought if satisfied that the application of the current provision to the student is unfair or unreasonable.
- (6) If the Delegated Authority refuses to grant the modification sought, the notice must include, or be accompanied by, a statement of reasons for the decision.
- (7) If the Delegated Authority refuses to grant the modification sought (the **reviewable decision**), then, subject to subsection (8), the student may apply to the Associate Dean for review of the decision.
- (8) Division 4.2 (Transfer decisions) applies in relation to the reviewable decision, with any modification prescribed by order under section 44 (Transitional orders) and any other necessary modifications, as if it were a decision to require the student to transfer to another award program.
- (9) This instrument applies to the student subject to any modification in force under this section in relation to the student.

44 Transitional orders

- (1) The Vice-Chancellor may, by legislative instrument, make orders prescribing matters of a transitional nature (including prescribing any savings or application provisions) relating to the making of this instrument.
- (2) This instrument (other than this Part) does not limit the matters that may be prescribed by orders made for the purposes of subsection (1).
- (3) Orders made for the purposes of subsection (1) have effect despite anything in this instrument (other than this Part).

45 Transitional provisions additional etc.

This Part is additional to, and does not limit:

- (a) the *Australian National University (Interpretation) Statute 2017*, section 9 (Amendment of statutes); or
 - (a) the *Acts Interpretation Act 1901*, section 7 (Effect of repeal or amendment of Act).
-