



# Statutes

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# Statute 0.1

## Interpretation

In these statutes -

1. the masculine includes the feminine and vice versa; the singular includes the plural and vice versa; expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form; words or expressions contained in these statutes shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1915-1975 (as amended) and of The Flinders University of South Australia Act 1966 (as amended) as in force at the date at which these statutes become binding upon the University.
2. a reference to a committee, which committee is not constituted by virtue of the statutes, means a committee constituted by resolution of the Council of The Flinders University of South Australia in pursuance of its powers under Section 19A of *The Flinders University of South Australia Act 1966* (as amended).

# Statute 1.1

## The Common Seal

1. The Chancellor, the Deputy Chancellors, the Vice-Chancellor, the Deputy Vice-Chancellors, and the Pro-Vice-Chancellors shall be the custodians of the University Seal.
2. In the case of certificates for degrees and diplomas, the Seal may be affixed in the presence of, and the affixing may be attested by the Chancellor, a Deputy Chancellor, the Vice-Chancellor, a Deputy Vice-Chancellor or a Pro-Vice-Chancellor alone.
3. If before the time fixed for the next ensuing meeting of the Council two of the custodians (one being the Chancellor or a Deputy Chancellor and the other being the Vice-Chancellor, a Deputy Vice-Chancellor or a Pro-Vice-Chancellor) are satisfied that:-
  - o (a) the sealing of the document is urgently required, and should not be delayed until the next Council meeting;
  - o (b) the document is not one which requires the approval of the Governor under sub-section (4) of Section 3 of The Flinders University of South Australia Act 1966 (as amended); and
  - o (c) the document is one the sealing of which the Council would be likely to approve;
  - o those two custodians may authorise the affixing of the Seal to that document. The affixing of the Seal on the document shall be attested by the signatures of the two custodians who have so authorised it and of the officer who affixed it, and every such case shall be reported to the Council at its next meeting. The following form of words shall be used on documents to which the seal is affixed in accordance with this clause:

‘The Common Seal of The Flinders University of South Australia was affixed hereto pursuant to Clause 3 of Statute 1.1 of the statutes of the University on the ..... day of ..... 20.....

Custodians of the Seal

# Statute 1.2

## University Colours and Insignia

1. The colours of the University shall be dark blue, light blue and white. The dark blue and light blue shall be colour standards BCC89 and BCC194 respectively in The British Colour Council Dictionary of Colour Standards; London, British Colour Council, 1934.
2. A copy of The British Colour Council Dictionary of Colour Standards shall be held in the University Library and a copy shall be held in the custody of the Secretary of the Council for reference to the colour standards.
3. The insignia of the University shall be a shield bearing a golden radiant sun at the base surmounted by a white open book on a blue background. The gold and blue shall be colour standards BCC52 and BCC89 respectively in The British Colour Council Dictionary of Colour Standards; London, British Colour Council, 1934. On the pages of the book shall be printed in black lines 23 to 31 on page 176 of Volume 1 of Matthew Flinders' *A Voyage to Terra Australis*. The shield shall be surmounted by a crest comprising a reproduction of Matthew Flinders' ship *Investigator* fully rigged with grey (colour standard BCC188) hull and white sails and the bow pointing to the left-hand side of the shield. Beneath the ship shall be a wreath diagonally striped in the University's colours of dark blue, light blue and white.
4. A copy of the insignia as approved by the Council shall be held in the custody of the Secretary of the Council.
5. The insignia of the University shall be used, depicted and displayed only in such manner and under such conditions as the Secretary of the Council shall approve.

# **Statute 2.1**

## **The Chancellor**

The Chancellor shall hold office for four years from the date of his or her appointment and shall be eligible for reappointment.

# Statute 2.2

## The Deputy Chancellors

1. The Council may from time to time appoint from among its members not more than two Deputy Chancellors.
2. The Deputy Chancellors shall hold office for four years from the date of their appointment and shall be eligible for reappointment.
3. At the request of the Chancellor, or in his absence, and subject to [The Flinders University of South Australia Act 1966](#), it shall be lawful for a Deputy Chancellor to do any act matter or thing which the Chancellor is ordinarily empowered to do.

# **Statute 3.4**

## **Outside Studies Scheme**

1. There shall be an Outside Studies Scheme for members of the academic staff. The rules of the scheme shall be approved by the Council from time to time.



# **Statute 4.1**

## **The Council**

1. The Council shall hold such regular and special meetings as it may from time to time decide.
2. The Secretary of the Council shall convene a special meeting of the Council:
  - (1) at the request of the Chancellor or Vice-Chancellor for the consideration and dispatch of business which either may wish to submit to Council;
  - (2) upon the written requisition of four members, which requisition shall set forth the objects for which the meeting is required to be convened. The meeting shall be held within fourteen days after the receipt of the requisition.
3. All proceedings of the Council shall be minuted and permanently recorded.

# Statute 4.2

## Committees and Boards

1. If any member of any committee or board shall cease to hold the office or qualification by virtue of which he was appointed to, or otherwise holds office as, a member of the committee or board, he shall ipso facto cease to be a member of the committee or board.
2. When the place of an appointed member of a committee or board becomes vacant by reason of death, resignation or otherwise, the body or person by whom such appointment was made shall appoint another member to serve the remainder of the term of office of the person in whose place he is appointed.
3. All proceedings of any committee or board, whether created by statute or otherwise, shall be minuted and permanently recorded.
4. Each committee or board, whether created by statute or otherwise, shall determine the manner in which its proceedings shall be conducted.
5. If the body or person responsible for appointing a member of a committee or board fails to make an appointment at the due time, the member for the time being holding office shall continue to do so until a new appointment is made.
6. If a member of a committee or board is absent from the University for a period in excess of three months, the body or person responsible for appointing that member may appoint a proxy to hold office during the period of his absence.
7. The foregoing Clauses 1, 2, 3, 4, 5 and 6 shall be construed subject to any special provisions contained in the statute under or by virtue of which any committee or board is constituted.

# Statute 6.4

## Student conduct

### Preamble

1. This statute provides a basis for ensuring that the University offers a conducive environment for the pursuit of academic and scholarly activities by promoting appropriate conduct of students of the University.

### Conduct of Students

2. A student of the University is required to abide by the statutes, regulations and other lawful directions of the University.

3. A student must respect the rights and welfare of other persons who use the University, and the reasonable freedom of such other persons to pursue their studies, research, duties or activities. A student will not wilfully damage or use without authority the property of the University and will ensure that his or her conduct does not infringe the rights of other members of the University.

4. A student found to be acting in a manner which does not accord with these principles will be subject to action in accordance with this statute and policy and procedures pursuant to the statute, on the grounds of misconduct.

### Student Rights and Responsibilities

5. A student who is the subject of action under this statute will, before being required to participate in any process identified herein be entitled to:

- (a) be informed of the allegations made against him or her;
- (b) be informed of his or her rights and responsibilities in accordance with University statutes, regulations, and policies; and
- (c) be informed of support or representation which he or she is entitled to have.

### Responsibilities of the University

6. The University is required to exercise a duty of care towards its staff and students, and those who use its facilities and property, and to provide a safe, secure and suitable environment for the conduct of educational, scholarly and community activities.

7. The Council will establish processes which are consistent with the principles of natural justice for handling a matter of misconduct under this statute.

## **Processes for Resolving a Matter**

8. The University will seek to resolve a matter under this statute by discussion and mediation, unless such an approach is impracticable or inappropriate.
9. The University will establish a Board of Inquiry to resolve by way of a formal inquiry a matter which cannot be resolved by discussion. The Council will approve policy and procedures on the Board's establishment and operation.

## **Appeals**

10. The University will establish an Appeals Committee to consider appeals on matters identified in this statute. The Council will approve policy and procedures on the establishment and operation of the Appeals Committee.
11. An appeal will be heard to resolve a matter on the grounds that:
  - (i) proper process has not been followed in the handling of a complaint; or
  - (ii) new evidence of a substantive nature has become available after the resolution of a matter by a Board of Inquiry which could change the outcome of the matter; or
  - (iii) an outcome imposed by a Board of Inquiry is unjust, in which case the Appeals Committee will limit its investigations to a review of the outcome.

## **Penalties and Disciplinary Measures**

12. The University may impose penalties or disciplinary measures upon a student, including suspension or expulsion of the student, where the student is found to have committed an act of misconduct. The range of penalties or disciplinary measures which may be imposed on a student will be specified in Council policy and may be reviewed from time to time.
13. During a period of suspension or expulsion, a student's enrolment will be terminated and the student will not be entitled to have access to University premises or facilities, except with the written permission of the Vice-Chancellor. A student who has been expelled will only be entitled to re-enrol as a student of the University with the permission of the Council.

## **General Matters**

14. The University is entitled to pursue action on a matter through a court of law or a legally constituted external forum in addition to taking action in accordance with this statute. The University may suspend proceedings under this statute if a matter is being considered by a court of law or a legally constituted external forum, or at the discretion of the Vice-Chancellor. The Vice-Chancellor or the Vice-President (Strategic Finance and Resources) may involve the Police in a matter of student conduct if they see fit.
15. Where a matter is the subject of investigation or a resolution process under this statute and is simultaneously being dealt with through another similar process within the University, every effort will be made to avoid or minimise the duplication of proceedings.

16. A penalty imposed by the University on a student in accordance with this statute will remain effective during the subsequent consideration of the same matter if it proceeds to a further stage, unless the Vice-Chancellor decides otherwise.

17. If a staff member or a student fails to participate in a process which relates to action under this statute, or lays a malicious or vexatious complaint, or wilfully misuses or disrupts any of the processes established under this statute, these actions may be regarded as misconduct and the following actions may be taken:

(a) action may be taken against a student in accordance with the provisions contained in this statute;

(b) action may be taken against a staff member in accordance with the relevant staff provisions.

# **Statute 6.5**

## **Conduct of Examinations**

The Council may make such rules as are necessary or expedient for the conduct of examinations.

# **Statute 7.6**

## **Prizes and Scholarships**

1. The Council may establish a prize or scholarship, and may make policy and rules governing the award and operation of any prize or scholarship within the University.

# **Statute 7.8**

## **Surrender of Degrees and Diplomas**

1. The holder of any degree or diploma in the University may be permitted by the Council to surrender that qualification where the Council considers that such surrender is necessary or appropriate in order to enable the holder to be admitted to some other degree or diploma in the University.
2. The holder of a degree or diploma who desires to surrender that qualification in accordance with this statute shall apply in writing to the Council for permission to do so and shall include with the application any certificate held in respect of that qualification; but this last mentioned requirement may be waived by the Council for any reason which it considers sufficient.
3. Upon the Council granting permission to surrender the degree or diploma the surrender shall take effect and the applicant shall cease to be a holder of that qualification.



# Statute 7.12

## Academic Awards

1. For the purposes of Section 21 of the Act, the academic degrees, diplomas and other awards (“academic awards”) which the University has the power to confer are those which are established, approved, conferred or awarded in accordance with the University’s policies and procedures enacted from time to time.
2. The academic awards of the University shall be specified in a Register of Degrees, Diplomas and Other Academic Awards, which shall be the official list of such academic awards in the absence of any evidence to the contrary.
3. Any academic award conferred by the University prior to this Statute or otherwise and which appears in the Register of Degrees, Diplomas and Other Academic Awards shall be valid and deemed duly conferred under Section 21 of the Act notwithstanding any defect in the process of approval or conferral.
4. The University may admit any person honoris causa to any degree in accordance with the University’s policies and procedures enacted from time to time.
5. Any degree awarded or to which a person has been admitted honoris causa prior to this Statute shall be valid and deemed duly awarded or admitted under Section 21 of the Act notwithstanding any defect in the process of awarding or admitting.