POLICY ON SEEKING A WAIVER OF FACULTY AND GENERAL RULES OR REGULATIONS FOR ADMISSION AND TRANSFER TO UNDERGRADUATE COURSES

TRIM FILE REFERENCE: F1106

FILE PATH ON SERVER: P:\acaser\tmcjglade\Waivers\Waiver POLICY FAOSUBDEAN.DOC

DOCUMENT STATUS

☐ Draft  ☐ Ready for Review  ☐ Final

DOCUMENT MODIFICATION HISTORY

<table>
<thead>
<tr>
<th>Version Number</th>
<th>Primary Author(s)</th>
<th>Description of Version</th>
<th>Date Completed</th>
</tr>
</thead>
</table>
| 0.1            | Trudi McGlade  
Deputy University Secretary |                        | 7 March 2007 |

RELATED MATERIAL (optional)

<table>
<thead>
<tr>
<th>Document Name</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DOCUMENT APPROVAL (optional)

<table>
<thead>
<tr>
<th>Approved By</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name / Position of approver</td>
<td>Signature</td>
<td>Date</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

1 INTRODUCTION........................................................................................................................................2

2 LEGISLATIVE FRAMEWORK ..................................................................................................................2

3 PROCESS..................................................................................................................................................3

4 WHEN SHOULD A WAIVER BE REQUESTED? ......................................................................................3

5 SHOULD WE CHANGE ANY OF THE RULES? ......................................................................................4

6 A SPECIFIC CASE FOR CONSIDERATION ............................................................................................4

APPENDIX A WAIVER OF RULES.............................................................................................................5
1 Introduction

This paper has been prepared in order to clarify some issues that have arisen around this policy and to ensure that those involved in the process of seeking waiver of a rule are aware of their roles.

A specific question on changing one of the University General Rules is asked at the end. A decision is needed.

2 Legislative Framework

By way of background, the legislative framework governing waiver of a rule is embodied predominantly in Statute 8, Statute 19 and the Policy on seeking a Waiver of Faculty and General Rules of Regulations for Admission and Transfer to Undergraduate Courses (available at http://www.secretariat.uwa.edu.au/home/policies/waiver_rules and reproduced in Appendix 1 below).

Statute No. 8 – the Faculties – provides:

6.(1) A faculty, subject to the Statutes and regulations and to resolutions of the Senate, and within the constraints of University policies, has power to determine the administration of courses under its governance.

And Statute No. 19 – Academic Board provides:

3. The Board, after receiving reports from a faculty or other body as appropriate—

(a) recommends to the Senate the making, amending and repealing of regulations relating to courses, scholarships, prizes and other awards and to all other academic-related matters; and

(b) approves rules specifying the course requirements, structures and policies applying to courses for degrees, diplomas and certificates.

5 The Board may delegate any of its powers and responsibilities to its Chair, to its committees or to faculties.

There has been a delegation of “waiver” powers and responsibilities to the Chair of the Board (on advice from the Pro Vice-Chancellor (Teaching and Learning) - when the policy was introduced it was considered necessary to have the input of the Pro Vice-Chancellor (Teaching and Learning) in this process in order that the Chair of the Academic Board might have expert advice on the request for a waiver1) as set out in the Policy on seeking a Waiver of Faculty and General Rules of Regulations for Admission and Transfer to Undergraduate Courses which was endorsed by Academic Council resolution 117/01 and approved by Senate resolution 129/01. In endorsing this policy Council noted that previously the University’s policy on seeking a waiver of regulations (what are now course rules were previously expressed as regulations) had not been enshrined in a formal policy, rather the University had operated on the basis of Senate Resolutions 306/64 and 49/65 as amended by Resolution 186/71 which delegated authority to the Vice-Chancellor to approve the waiving of the Matriculation (now Admission and Transfer), General and Faculty Regulations, with a requirement to report waivers for other than individual students to Senate. However, it was felt at that time that a formal policy should be set out.

---

1 Minutes of the meeting of Academic Council held on 3 October 2001 – item 9.
3 Process

Under the Policy on seeking a Waiver of Faculty and General Rules of Regulations for Admission and Transfer to Undergraduate Courses the faculty administrative officer prepares a request for waiver of rules (in the case of an undergraduate student) which must be endorsed by the relevant dean. The request is sent to the Pro Vice-Chancellor (Teaching and Learning) for recommendation to the Chair of the Academic Board. The request is either approved or denied and is passed to the Deputy University Secretary for transmission back to the faculty.

The underlying principle behind this process is to ensure consistency in the waiving of rules across the University. Consistency in how students are treated and in the avenues open to them as they progress through their courses at the University is seen as an essential element of the student experience.

Centralisation of the process provides for an overview of the rules that may be causing problems. Also it provides for the Deputy University Secretary to prompt to faculties to consider proposing changes to those rules that are the subject of waiver requests.

The process has been designed to be as administratively simple as possible. Only those required to be involved are involved.

This is normal text in the body of the report.

4 When should a waiver be requested?

Some rules provide faculties with discretion and so no waiver is required. This is usually in the case where a faculty policy sits under the rules as for example in the case of rule 1.2.1.7 which permits faculties to permit a student to overload. Or where substitution of units in a course is permitted – Rule 1.2.1.14A provides that “a faculty may permit or require a student to substitute for units up to a maximum value of 12 points in a course, another unit or other units of equivalent value”.

Other faculty and University General Rules do require a waiver request where it is proposed not to apply the rule.

Some University General Rules appear quite inflexible – for example rule 1.2.1.33 which sets out the time limits within which a course must be completed. There is discretion in clause (2) of that rule for the faculty to permit an additional year in exceptional circumstances. Any further time must be the subject of a waiver request.

The Dickson Report recommended that time limits be set for all courses. The time limits set out in this rule were introduced following extensive consultation with the faculties. Prior to the introduction of this rule the length of time to complete a course differed across the faculties with some being more lenient than others. In a bid to standardise and provide consistency for students, University-wide limits were introduced.

In recent times there have been a small number of requests for a waiver of this rule so that a student may have more than an additional year to complete the course.
5 Should we change any of the rules?

This is a question that must be asked whenever a waiver request is considered. Faculties are asked to monitor their rules (and the University General Rules) and consider which cause problems leading to a request for a waiver and then seek to change these as appropriate. This will ensure that differences do not arise between faculties in how rules are viewed and how students are treated.

Faculties can, if they do not agree with a University General or Faculty rule, recommend that it be amended and consideration can be given to this in the appropriate forum.

With Faculty Rules the appropriate forum would be Faculty Board for recommendation to Academic Council. However, it might be a good idea to bring an idea to change a faculty rule to the FAO/Subdeans’ Group in the first instance to see if there is general agreement with the change and with the notion of the concept becoming included in the University General Rules (whether or not this step needs to be taken will depend on the nature of the rule and the change and advice can be sought from either the Deputy University Secretary or the Senior Legislative Officer).

With University General Rules the appropriate forum is the Faculty Administrative Officers/Sub-Deans’ Group. The Deputy University Secretary, who convenes this Group, is always happy to include on the agenda items for discussion. Recommendations from this Group would then be submitted to Academic Council for approval.

6 A specific case for consideration

It has been suggested that there is inconsistent application of rule 1.2.1.24(3) across the faculties. This rule sets out that a student must submit an application for a deferred examination no later than three University working days after the date for which the relevant initial examination was scheduled. Some faculties do not accept applications submitted after the three-day period, while others are more lenient. To the best of the Deputy University Secretary’s knowledge no request for waiver of this rule has been received by the Chair of the Academic Board in recent years.

This rule was discussed by the Faculty Administrative Officers/Sub-Deans Group in recent years and no recommendation to change the three-day period was forthcoming, however it seems to be causing some concerns.

Should this rule be changed? Should discretion for the individual faculties be included?

Trudi McGlade
21 February 2007
Authority to approve

1.1 By Senate Resolution 129/01, the Senate has authorised the Chair of the Academic Board to consider, and if satisfied, to approve on behalf of the Senate, recommendations for the waiver of Regulations for Admission and Transfer to Undergraduate Courses submitted by the Dean of Undergraduate Studies which comply with the policy approved by the Senate from time to time.

1.2 By Academic Council Resolution 26/03, Academic Council has resolved that a waiver of rules be granted to permit faculties to waive up to two points required for degree completion for students who commenced their degree course prior to 2004 and who are affected by curriculum changes resulting from the conversion to a 6-point unit structure.

1.3 By Academic Council Resolution 101/03, Academic Council has authorised the Chair of the Academic Board to consider, and if satisfied, to approve on behalf of Academic Council, recommendations for the waiver of Faculty and General Rules submitted by the Pro Vice-Chancellor (Teaching and Learning) or the Pro Vice-Chancellor (Research and Research Training) which comply with this policy.

Grounds for requesting a waiver

2.1 The Senate may formulate and publish from time to time a policy to guide the Chair of the Board’s exercise of discretion. Senate has stated that until further notice the Chair should only consider requests for a waiver of rules on the following grounds:

(a) the Faculty intends to propose a change to the rules as soon as possible;

(b) there are strong compassionate or educational reasons for waiving the regulation/s in a particular case or cases;

(c) a student is able to demonstrate that he or she may not have been responsible for the fact that the work is not in exact accordance with the rules for the award.

2.2 Students are normally required to complete work equivalent in value (in terms of both points and level) to that required for the award.

Administrative Procedures for seeking a waiver of rules

3. Where a waiver of the rules is sought under 1.2, a faculty may waive up to two points required for degree completion for students who commenced their degree course prior to 2004 and who are affected by curriculum changes resulting from the conversion to a 6-point unit structure. The Faculty will advise the student of the outcome of the request for a waiver.

4. In the case of a waiver sought under 2, for undergraduate students, the Faculty Administrative Officer prepares a request for a waiver of rules which must be endorsed by the relevant Dean. This request must explain in detail the circumstances which give rise to the request and the rationale for its approval. Such a request may be initiated either directly by the Faculty Administrative Officer or as a result of an application by a student.
5. The Faculty Administrative Officer forwards the request in 4, with supporting documentation, to the Pro Vice-Chancellor (Teaching and Learning) who will make a recommendation to the Chair of the Board. The Faculty Administrative Officer must ensure that a copy of the request and the supporting documentation is placed on Central File number F1106 (with a copy to the Student’s file).

6. The Chair of the Board sends the request with his/her decision on file to the Deputy University Secretary for transmission to the relevant Faculty Administrative Officer who then advises the Dean and the student of the outcome.

7. In all cases where a request for a waiver has been approved, the Faculty Administrative Officer ensures that an explanatory comment is recorded on the student's academic record.

8. The Faculty Administrative Officer will record the outcome of any request for a waiver on the student’s file.

9. The Faculty Administrative Officer must ensure that all decisions made under this policy are notified to the President of the Guild of Undergraduates with the identity of individual students withheld.

10. For postgraduate research students, the process is the same except that the request is prepared by the Manager of the Graduate Research and Scholarships Office, endorsed by the Pro Vice-Chancellor (Research and Research Training) and forwarded to the Chair of the Board.

11. For postgraduate coursework students (including master's by coursework and dissertation students), the process is the same. The request is prepared by the Faculty Administrative Officer, endorsed by the Dean of the Faculty and forwarded to the Pro Vice-Chancellor (Teaching and Learning) for recommendation to the Chair of the Board.

[Waiver-Rules]
March 2005