

# **THE AUSTRALIAN NATIONAL UNIVERSITY**

## **Discipline Rule 2017**

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

Dated 13 September 2017

Professor Brian P. Schmidt AC FAA FRS  
Vice-Chancellor

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## Part 1—Preliminary

### 1 Name, commencement and authority

- (1) This is the *Discipline Rule 2017*.
- (2) This instrument commences on the day after it is registered.
- (3) This instrument is made under section 9.5 of the *Vice-Chancellorship Statute 2013*.

### 2 Interpretation

- (1) In this instrument:

***conduct of a sexual nature*** includes the making of a statement of a sexual nature to, or in the presence of, a person, whether the statement is made orally or in writing.

***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.

***discrimination*** includes unfair or inequitable treatment on the basis of a person's race, colour, sex, sexual preference or orientation, marital status, pregnancy or potential pregnancy, status as carer, age, disability, ethnic or national origin, breastfeeding requirements, religious, political or union affiliation, or any other attributes applied by or set out in any Commonwealth, State, Territory or University legislation that applies in relation to a University activity.

***document*** includes:

- (a) paper or other material on which there is writing; and
- (b) paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and
- (c) any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device.

***examination*** includes:

- (a) a task required to be performed or undertaken by a student for the assessment of the student's performance in a program of study or course in which the student is admitted or enrolled; and
- (b) a thesis, dissertation, minor thesis, research project, written report, assignment or essay undertaken for the assessment of the student's performance for an award offered by the University; and
- (c) a task required to be performed or undertaken by a person for the purpose of enabling the person to qualify for admission as a student in a program in the University.

***exercise*** a function includes perform the function.

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**function** includes authority, duty and power.

**harassment** includes behaviour, comments or images that are unwelcome, offensive, humiliating or intimidating to a person, and that, in the circumstances, a reasonable person should have expected would be offensive or intimidating, and also includes sexual harassment.

**inquiry** means an inquiry mentioned in Part 4.

**misconduct** has the meaning given in section 3.

**obligation** includes:

- (a) a non-monetary obligation, a monetary penalty or compensation (whether to be made or payable to the University or another person) under a statute (other than the Parking and Traffic Statute) or under any rule or order made under such a statute; and
- (b) a monetary obligation (such as a fee or charge for accommodation, board or a related service) payable to the University or to a Hall of Residence or affiliated College under a contract or agreement.

**prescribed authority** means:

- (a) in relation to a student—the relevant Dean, the Registrar or a person nominated for the purpose by the Vice-Chancellor, as the case requires; and
- (b) in relation to a resident in a hall or lodge of the University—the Head of the Hall.

**property** includes real and personal property and intellectual property including data and information.

**sexual harassment** includes:

- (a) the making of an unwelcome sexual advance, or an unwelcome request for sexual favours, to another person; or
- (b) engaging in any other unwelcome conduct of a sexual nature in circumstances in which another person reasonably feels offended, humiliated or intimidated.

**student** means a person who is or was enrolled in, or seeking enrolment in, a program or course offered by the University, or who is or was given permission by the University to audit a course offered by the University.

**victimisation** includes any unfavourable treatment, including adverse changes to a person's work or study environment, denial of access to resources, work opportunities or training, or ostracism of a person as a consequence of the person's involvement in a grievance under any grievance procedures applicable in the University.

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

- (2) A reference in this instrument to a **Dean**, in relation to a student, is a reference to the Dean of the ANU College responsible for the program in which the student is or was enrolled or is or was seeking enrolment.

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## Part 2—Misconduct

### 3 Misconduct

- (1) It is misconduct if a student engages in conduct which:
  - (a) is prejudicial to the good order and government of the University; or
  - (b) unreasonably hinders other persons in the pursuit of their studies in the University or in participation in the life of the University; or
  - (c) is otherwise reprehensible conduct for a member of the University to engage in.
- (2) Without limiting the generality of subsection (1), it is misconduct if a student:
  - (a) wilfully obstructs or disrupts an activity or proceeding of the University; or
  - (b) wilfully or negligently destroys, damages, defaces, loses, removes or otherwise interferes with, or makes unauthorised use of, any property of the University or any other person; or
  - (c) enters any place in the University that the student is not permitted to enter; or
  - (d) fails to comply with any reasonable order or direction of an officer or employee of the University or a person acting with the lawful authority of the University; or
  - (e) fails to comply with a provision of a statute, or of a rule, order or direction made under a statute, rule or order; or
  - (f) acts dishonestly or unfairly, in connection with:
    - (i) any assessment for admission to the University; or
    - (ii) the preparation or presentation of any assignment or material in support of an application for admission to the University; or
  - (g) subjects another person to harassment, victimisation or other discrimination; or
  - (h) behaves in an intimidating manner to another person or creates a hostile working or studying environment; or
  - (i) makes a statement to the University or to an officer or employee of the University that the student knows to be false (including the provision of a falsified medical certificate or falsified academic transcript); or
  - (j) engages in, or is party to, conduct intended to deceive the University (including the provision of a falsified medical certificate or falsified academic transcript); or
  - (k) fails to comply with the University's instructions to students at, or in relation to, an examination; or
  - (l) negligently or recklessly causes risk or danger to the health or safety of another person.

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## Part 3—Consequences of misconduct

### 4 Reporting misconduct

- (1) Any person who considers that a student may have engaged in misconduct may report the student's conduct to the Vice-Chancellor or to a prescribed authority.
- (2) A prescribed authority may report any suspected misconduct by a student to the Vice-Chancellor.
- (3) A prescribed authority or the Vice-Chancellor (the *relevant person*) may exercise powers under this instrument whether or not the relevant person has received a report about the misconduct.

### 5 Prescribed authority's role

- (1) If the prescribed authority becomes aware of alleged misconduct by a student, the prescribed authority must determine whether there are reasonable grounds for believing that the student has engaged in misconduct.
  - (2) The prescribed authority may determine that no action is to be taken if the prescribed authority considers that:
    - (a) there are no adequate grounds for believing that a student has engaged in the alleged misconduct; or
    - (b) the allegations about the student's behaviour are frivolous, vexatious or not made in good faith.
  - (3) If a prescribed authority makes a determination under subsection (2), the prescribed authority must within 5 working days after making the determination give the student written notice that:
    - (a) sets out the grounds, including a description of the alleged misconduct; and
    - (b) contains copies of any substantive material upon which the allegations were made; and
    - (c) informs the student that the allegations have been considered by the prescribed authority, who has determined that there are no adequate grounds for believing that the student has engaged in misconduct, or (as the case may be) has determined that the allegation is frivolous, vexatious or not made in good faith.
  - (4) If the prescribed authority determines that there are adequate grounds for believing that a student has engaged in misconduct, the prescribed authority may:
    - (a) decide to hold an inquiry into the matter; or
    - (b) if the matter was not referred to the prescribed authority under section 7(4)(a) and if the misconduct involved so warrants, refer the matter to the Vice-Chancellor.
  - (5) If the prescribed authority decides to hold an inquiry into alleged misconduct, the prescribed authority must within 5 working days after making the decision give the student a written notice that:
    - (a) sets out the grounds, including a description of the alleged misconduct and contain copies of the substantive material upon which the allegations are based; and
    - (b) informs the student that the prescribed authority intends to hold an inquiry under Part 4 into the alleged misconduct; and
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- (c) advises the student of the name of the prescribed authority; and
  - (d) sets out the date, time and place fixed for the hearing of the inquiry; and
  - (e) contains a statement to the effect that:
    - (i) the purpose of the inquiry is to determine whether there has been misconduct by the student and that the powers of the prescribed authority include the power to make a finding that there has been such misconduct; and
    - (ii) the inquiry will be conducted in an informal manner; and
    - (iii) the student is entitled to appear in person at the inquiry; and
    - (iv) if the student does not appear at the time and place fixed for the hearing of the inquiry, the inquiry may proceed in the absence of the student; and
    - (v) the student is entitled to present to the inquiry oral statements or written statements (whether made by the student or another person); and
    - (vi) the student may, in addition to or instead of appearing in person at the inquiry, furnish to the inquiry a written statement in relation to the alleged misconduct (whether made by the student or another person); and
    - (vii) the student may be accompanied at the inquiry by another person who may observe the proceedings but not act as an advocate unless with the express approval of the prescribed authority; and
    - (viii) the prescribed authority is not bound by rules of evidence.
- (6) The written notice must be served on the student not less than 5 working days before the date fixed for the hearing, unless the student consents to later service.

## **6 Powers of prescribed authority**

- (1) If a prescribed authority is satisfied that a student is likely to have engaged in misconduct, the prescribed authority may, before holding an inquiry mentioned in section 5(5)(b):
- (a) subject to subsection (2), deny the student access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for 20 working days (or such further period as the Vice-Chancellor determines); or
  - (b) if the misconduct occurred during an examination or other assessment and subject to subsection (3), exclude the student from attendance at that examination or assessment.

[Note: If, in relation to information infrastructure or information services, a student has committed misconduct (however described) appropriate action may be taken under the Information Infrastructure and Services Rule.]

- (2) A prescribed authority may deny a student access under subsection (1)(a) only if the alleged misconduct is of a nature that causes imminent, and serious, risk to the health or safety of a person or if the student's continued access to the facilities, premises or activities otherwise presents a serious risk to the University, its staff, students or its property.
- (3) A prescribed authority may only exclude a student from participating in an examination if, in the opinion of the prescribed authority, it is necessary to preserve the integrity of the conduct of the examination or order and decorum in an examination centre.
- (4) If a prescribed authority exercises powers under this section in relation to a student, the prescribed authority must, as soon as is possible:
- (a) advise the student in writing of the action taken and the reasons for the action; and
  - (b) report the action taken and the circumstances relating to it to the Vice-Chancellor.

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- (5) Denial of access, or exclusion from attending an examination or assessment, under subsection (1) does not, of itself, terminate a student's enrolment.

## **7 Powers of and action by Vice-Chancellor**

- (1) If the Vice-Chancellor becomes aware of alleged misconduct by a student that is not being dealt with by a prescribed authority, the Vice-Chancellor must determine whether there are adequate grounds for believing that the student has engaged in misconduct.
- (2) The Vice-Chancellor must determine that there are no adequate grounds for taking action against the student if the Vice-Chancellor considers that:
- (a) there are no reasonable grounds for believing that a student has engaged in the alleged misconduct; or
  - (b) the allegations about the student's behaviour are frivolous, vexatious or not made in good faith.
- (3) The Vice-Chancellor must, within 5 working days after making a determination under subsection (2), give the student written notice that:
- (a) sets out the grounds, including a description of the alleged misconduct; and
  - (b) contains copies of any substantive material upon which the allegations were made; and
  - (c) informs the student that:
    - (i) the allegations have been considered by the Vice-Chancellor; and
    - (ii) the Vice-Chancellor has determined that there are no adequate grounds for taking action against the student.
- (4) If the Vice-Chancellor determines that there are adequate grounds for believing that a student has engaged in misconduct and if the alleged misconduct has not already been dealt with under this or any other provision, the Vice-Chancellor may:
- (a) refer the matter to a prescribed authority for inquiry and determination in accordance with section 6 and Part 4; or
  - (b) refer the matter for inquiry on behalf of the Vice-Chancellor by a panel of persons selected by the Vice-Chancellor; or
  - (c) conduct an inquiry into the matter.
- (5) If the Vice-Chancellor decides to deal with a matter under subsection (4)(b) or (c), the Vice-Chancellor must within 5 working days cause a written notice to be given to the student specifying the misconduct and containing copies of the substantive material upon which the allegations are based and requiring the student to appear at the inquiry.
- (6) A written notice under subsection (5) must:
- (a) specify, in addition to the matters referred to in that subsection, the date, time and place fixed for the inquiry; and
  - (b) advise the student that the Vice-Chancellor is to conduct the inquiry or, if a panel is appointed under subsection (4)(b), of the names of the panel members; and
  - (c) contain a statement to the effect that:
    - (i) the purpose of the inquiry is to determine whether there has been misconduct by the student and that the powers of the Vice-Chancellor include the power to make a finding that there has been such misconduct; and
    - (ii) the inquiry will be conducted in an informal manner; and
    - (iii) the student is entitled to appear in person at the inquiry; and

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- (iv) if the student does not appear at the time and place fixed for the inquiry, the inquiry may proceed in the absence of the student; and
  - (v) the student is entitled to present to the inquiry oral statements or written statements (whether made by the student or another person); and
  - (vi) the student may, in addition to or instead of appearing in person at the inquiry, furnish to the inquiry a written statement in relation to the alleged misconduct (whether made by the student or another person); and
  - (vii) the student may be accompanied at the inquiry by another person who may observe the proceedings but not act as an advocate unless with the express approval of the Vice-Chancellor or Chair of the panel; and
  - (viii) the Vice-Chancellor or the panel is not bound by rules of evidence.
- (7) The written notice must be served on the student not less than 5 working days before the dated fixed for the hearing, unless the student consents to later service.
- (8) If the Vice-Chancellor appoints a panel under subsection (4)(b), the panel must consist of 2 members of the academic staff of the University (one of whom is to Chair the panel) and one student appointed by the Vice-Chancellor after consultation with the President of the Australian National University Students' Association Inc. or the Australian National University Postgraduate and Research Students' Association Inc., as the case requires.

## **8 Interim denial of access**

- (1) Subject to subsection (2), the Vice-Chancellor may deny the student in relation to whom misconduct is alleged access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for a specified period or until the end of the inquiry mentioned in section 9, whichever first occurs.
- (2) The Vice-Chancellor may deny a student access under subsection (1) only if the alleged misconduct is of a nature that causes imminent and serious risk to the health or safety of a person or if the student's continued access to the facilities, premises or activities otherwise presents a serious risk to the University, its staff, students or its property.
- (3) If the Vice-Chancellor exercises powers under subsection (1) in relation to a student, the Vice-Chancellor must give written notice to the student of the action taken and the reasons for the action as soon as possible after the action is taken.
- (4) Denial of access under subsection (1) does not, of itself, terminate a student's enrolment.
- (5) A student may, within 10 working days after receiving written notice under subsection (3), make a written submission to the Vice-Chancellor in relation to the continuation of the denial of access.
- (6) The Vice-Chancellor may, after taking into consideration the written submission, vary or terminate the denial of access.

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## Part 4—Inquiries

### 9 Inquiries

- (1) The Vice-Chancellor, a panel referred to in section 7(4)(b) or a prescribed authority may hold an inquiry into alleged misconduct.
- (2) The Registrar may appoint a person to assist the person or panel holding the inquiry to conduct the inquiry into the alleged misconduct.
- (3) A student may make a statement in writing to the person or panel holding the inquiry or orally at the inquiry into the alleged misconduct.
- (4) At an inquiry, the person or panel holding the inquiry must consider the statement, if any, of the student in relation to the misconduct and any other matters that the person or panel holding the inquiry thinks fit.
- (5) At an inquiry by the Vice-Chancellor, a panel or a prescribed authority, the student must be given the opportunity to comment upon the substantive material in the possession of the Vice-Chancellor, the panel or prescribed authority and upon which the Vice-Chancellor, the panel or prescribed authority intends to rely.
- (6) An inquiry by the Vice-Chancellor, a panel or a prescribed authority must, subject to this section, be conducted in such manner as the person or panel holding the inquiry determines.
- (7) A person or panel holding an inquiry is not bound to act in a formal manner but may inform themselves on any matter relating to the alleged misconduct as the person or panel thinks just.
- (8) At an inquiry the student may:
  - (a) appear in person; and
  - (b) present to the inquiry oral or written statements (whether made by the student or another person); and
  - (c) in addition to, or instead of, appearing in person, furnish to the inquiry a written statement in relation to the alleged misconduct (whether made by the student or another person).
- (9) At an inquiry, the student is entitled to be accompanied by another person who may:
  - (a) observe the proceedings; and
  - (b) with the express approval of the person or panel holding the inquiry act as an advocate.
- (10) The powers of the person or panel holding an inquiry under this section may be exercised whether or not the student on whom a notice under section 5(5) or 7(5) is given is present at an inquiry held under this section.

### 10 Findings and penalties: prescribed authority

- (1) If, after consideration of the matter, the prescribed authority finds that the student has not engaged in misconduct, the prescribed authority must dismiss the allegation.

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- (2) If, after consideration of the matter, the prescribed authority finds that the student has engaged in misconduct, the prescribed authority may do one or more of the following:
- (a) decide to take no action;
  - (b) deny the student access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for a specified period not exceeding 12 months;
  - (c) reprimand the student;
  - (d) suspend the candidature or enrolment of the student in a program of study or course in which the student is admitted or enrolled and prohibit the resumption of candidature or enrolment for a period not exceeding 12 months;
  - (e) determine the conditions under which the student may attend classes or lessons or use any facility of the University;
  - (f) if the misconduct involved so warrants, refer the matter to the Vice-Chancellor;
  - (g) require the student to apologise or take other action the prescribed authority thinks appropriate with a view to mitigating the effect of the misconduct;
  - (h) accept an undertaking from the student;
  - (i) notify any relevant professional, government or other organisation or agency of the decision.
- (3) In deciding the penalty (if any) to be imposed on the student, the prescribed authority must take all relevant matters into account, including, for example, the following:
- (a) the health and safety of students and staff of the University, and the protection of University property;
  - (b) the objectives of punishment, deterrence and rehabilitation;
  - (c) the nature and severity of the student's misconduct;
  - (d) the effect of the misconduct, including any loss, damage or harm caused to the University or its students, staff or property.
- (4) Without limiting subsection (4), the prescribed authority may take into account any other finding of misconduct made in respect of the student and any penalty imposed in relation to that finding.
- (5) If a prescribed authority exercises powers under this section in relation to a student, the prescribed authority must report the action taken and the circumstances relating to it to the Vice-Chancellor as soon as possible after the action is taken.
- (6) The suspension of a student's enrolment under this section does not take effect until any appeal to the Appeals Committee in accordance with the Appeals Rule has been concluded, unless the prescribed authority directs, by written notice given to the student, that the suspension is to take effect immediately.
- (7) The prescribed authority may give a direction under subsection (6) only if the prescribed authority considers that there would be an imminent and serious risk to the health or safety of students or staff of the University, or to University property, if the direction were not given.
- (8) To avoid doubt, denial of access under subsection (2) does not, of itself, terminate or suspend a student's enrolment.
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## 11 Findings and penalties: Vice-Chancellor

- (1) In relation to an inquiry held by the Vice-Chancellor or a panel appointed under section 7(4)(b), after consideration of the matter, including (where applicable) any report or recommendation by the panel, the Vice-Chancellor may:
  - (a) find that the student has not engaged in misconduct; or
  - (b) find that the student has engaged in misconduct.
- (2) If the Vice-Chancellor finds that the student has not engaged in misconduct, the Vice-Chancellor must dismiss the allegation.
- (3) If the Vice-Chancellor finds that the student has engaged in misconduct, the Vice-Chancellor may do one or more of the following:
  - (a) decide to take no action;
  - (b) reprimand the student;
  - (c) deny the student access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for a specified period;
  - (d) impose on the student a monetary penalty not exceeding \$500 for each occurrence of misconduct to which this instrument applies;
  - (e) if, as a result of the misconduct:
    - (i) any property is damaged; or
    - (ii) a person incurs expense;order the student to pay to the owner of the property or the person incurring the expense, as the case requires, compensation as determined by the Vice-Chancellor;
  - (f) determine the conditions under which the student may attend classes or lessons or use any facility of the University;
  - (g) suspend the candidature or enrolment of the student in a program of study or course in which the student is admitted or enrolled and prohibit the resumption of candidature or enrolment for a period not exceeding 12 months;
  - (h) exclude the student from the University;
  - (i) accept an undertaking from the student to attend University Counselling (or another appropriate counselling provider) to address behavioural issues;
  - (j) notify any relevant professional, government or other organisation or agency of the decision;
  - (k) determine the conditions under which the student may attend classes or lessons or use any facility or otherwise continue in their studies or research program of the University;
  - (l) determine that the student should not be granted the relevant award for the program the student is studying;
  - (m) recommend to the Council that an award of the University (within the meaning of the Programs and Awards Statute) gained by the student be revoked;
  - (n) accept an undertaking from the student.
- (4) In deciding the penalty (if any) to be imposed on the student, the Vice-Chancellor must take all relevant matters into account, including, for example, the following:
  - (a) the health and safety of students and staff of the University, and the protection of University property;
  - (b) the objectives of punishment, deterrence and rehabilitation;

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- (c) the nature and severity of the student's misconduct;
  - (d) the effect of the misconduct, including any loss, damage or harm caused to the University or its students, staff or property.
- (5) Without limiting subsection (4), the Vice-Chancellor may take into account any other finding of misconduct made in respect of the student and any penalty imposed in relation to that finding.
- (6) If a person becomes liable to pay to the University a monetary penalty or other amount under this section, the person must pay to the University the amount specified in the notice given to the student under section 13(1), or enter into an arrangement for its repayment satisfactory to the Vice-Chancellor, not later than 20 working days after:
- (a) if an appeal is not lodged under the Appeals Rule in relation to the finding giving rise to the liability—the date of the notice; or
  - (b) if an appeal is lodged under the Appeals Rule in relation to the finding giving rise to the liability—the day on which the decision is given in respect of the appeal.
- (7) The suspension of a student's enrolment under this section does not take effect until any appeal to the Appeals Committee in accordance with the Appeals Rule has been concluded, unless the Vice-Chancellor directs, by written notice given to the student, that the suspension is to take effect immediately.
- (8) The Vice-Chancellor may give a direction under subsection (7) only if the Vice-Chancellor considers that there would be an imminent and serious risk to the health or safety of students or staff of the University, or to University property, if the direction were not given.

## **12 Student undertakings**

- (1) If a prescribed authority or the Vice-Chancellor accepts a student's undertaking under section 10(2)(h) or 11(3)(n):
- (a) the prescribed authority or the Vice-Chancellor must ensure that a written copy of the undertaking is provided to the student and the Registrar; and
  - (b) if the student fails to comply with the undertaking, the prescribed authority or the Vice-Chancellor (as is appropriate) may impose a penalty for the misconduct.
- (2) In imposing a penalty under this section, the prescribed authority or the Vice-Chancellor may take into consideration the failure of the student to comply with the undertaking and the reasons for that failure.

## **13 Notice of decisions etc.**

- (1) The Vice-Chancellor or a prescribed authority who makes a decision under section 10 or 11 must give the student in respect of whom the decision was made, and the Registrar, written notice containing a copy of a decision under section 10(1) or (2) or section 11(1) or (3) and of the reasons for the decision within 5 working days after the decision is made.
- (2) A notice given under subsection (1):
- (a) must inform the student that the allegations of misconduct have been considered by the prescribed authority or the Vice-Chancellor, as the case requires; and
  - (b) must detail the substantive material considered by the prescribed authority or Vice-Chancellor; and

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- (c) must, in the case of a decision under section 10(1), advise the student that no further action is to be taken in relation to the particular allegations of misconduct that were the subject of the inquiry; and
  - (d) must, in the case of a decision under section 11(1)(a), advise the student that no further action is to be taken in relation to the particular allegations of misconduct that were the subject of the inquiry.
- (3) Subject to the relevant provisions of the Appeals Rule, the exclusion of a student, or denial of access to facilities, premises or activities, under section 10(2) or 11(3) continues to have effect notwithstanding that an appeal is lodged under Part 6.
- (4) A notice under this section of a decision made under section 10(2) or 11(3) must set out the right of the student to whom it is addressed to appeal against the decision of the Vice-Chancellor or prescribed authority and tell the student to whom an appeal must be sent.

#### **14 Effect of denial of access**

If, under this instrument, a student is denied access to facilities, premises or activities, the student must not:

- (a) use any facility to which the student is denied access; or
- (b) enter any premises, or the part of any premises, to which the student is denied access; or
- (c) engage in any activity to which the student is denied access.

#### **15 Exclusion of student**

If, under this instrument, a person is excluded from the University, the person ceases to be a student and, except with the permission of the Vice-Chancellor:

- (a) must not be enrolled again; and
- (b) must not use any University facility, or enter any University premises or any part of University premises, that the Vice-Chancellor determines the person must not use or enter; and
- (c) must not engage in any activities conducted by or on behalf of the University at the University or at a place other than the University.



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## **Part 5—Failure to meet obligations**

### **16 Failure to meet obligations by due date**

- (1) The Vice-Chancellor may terminate the enrolment of a person as a student, deny a person access to all or any University facilities, to all University premises, any University premises or any part of University premises or to all or any activities conducted by or on behalf of the University, or withdraw the rights and privileges to which a person would otherwise have been entitled, if an obligation of the person is not met:
  - (a) within 10 working days after the due date determined in accordance with a statute or rule or by the Vice-Chancellor, as the case requires; or
  - (b) within any further period determined by the Vice-Chancellor.
- (2) The termination of the enrolment of a person as a student, the denial of access of a person to facilities, premises or activities, or the withdrawal of a person's rights and privileges, under subsection (1) does not extinguish any undischarged liability of the person to meet an obligation.
- (3) The Vice-Chancellor must notify the person referred to in subsection (1) of the decision.

### **17 Re-enrolment following suspension**

A person whose enrolment as a student has been suspended may not re-enrol until the person pays any fees owed by the person under the Fees Rule (including late fees) and agrees to comply with any conditions that the Vice-Chancellor may impose in relation to the revived enrolment.

### **18 Liability of persons financially supported by third parties**

- (1) The Vice-Chancellor may accept an undertaking by a third party to meet, on behalf of a person, an obligation.
- (2) However, a person to whom this instrument applies remains personally liable for the obligation in respect of that person if the obligation has not been discharged by the third party.

### **19 Sanctions against persons who fail to meet obligations**

- (1) Without limiting the generality of section 16, if a person fails to meet an obligation that the person is required to meet, the Vice-Chancellor may direct that, while the obligation remains to be met:
  - (a) the person may not enrol or re-enrol in a program or course at the University; or
  - (b) the person may not be given a transcript of the person's academic record; or
  - (c) the person may not be given the results of any assessment in a course or program; or
  - (d) the person may not receive a degree, diploma, certificate or other award of the University.
- (2) The Vice-Chancellor must notify the person concerned of any relevant direction under subsection (1).

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## **Part 6—Appeals and call-in**

### **20 Review by the Appeals Committee**

- (1) A student may appeal a reviewable decision under the Appeals Rule.
- (2) For the purposes of the Appeals Rule, the following are reviewable decisions:
  - (a) a decision to deny a student access to facilities, premises or activities under section 6(1)(a);
  - (b) a finding by a prescribed authority under section 10(2) that a student has engaged in misconduct;
  - (c) a finding by the Vice-Chancellor, in accordance with section 11(1)(b), that a student has engaged in misconduct;
  - (d) a decision to impose a penalty for misconduct under section 10(2), 11(3) or 12(1)(b).

[Note: The Appeals Rule provides that a person who is affected by a reviewable decision may, within specified time limits, apply for review of that decision.]

### **21 Vice-Chancellor may call in a case**

- (1) If the Vice-Chancellor considers that a reviewable decision, including a penalty that has been imposed, is inappropriate in the circumstances of the case, the Vice-Chancellor may, by written notice, call in the file for reconsideration of the decision or penalty.
- (2) The Vice-Chancellor must:
  - (a) give a copy of the notice to the student; and
  - (b) give the student opportunity to be heard in relation to the reasons why the file has been called in.
- (3) A notice under this section must set out the reasons why the file has been called in.
- (4) After hearing the submissions (if any) made by the student, the Vice-Chancellor may make a decision as if the Vice-Chancellor were the original decision-maker.
- (5) A decision made by the Vice-Chancellor operates as if it were made by the original decision-maker, as from the date it is made.
- (6) The Vice-Chancellor must give the student written advice of a decision which has been made under subsection (4) and the reasons for it.

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## Part 7—Miscellaneous

### 22 Nominees for Vice-Chancellor and Registrar

- (1) A University official may, in writing, appoint a member of the staff of the University (the *nominee*) to exercise all or any of the official's functions under this instrument (other than this section).
- (2) A function exercised by the nominee under the appointment is taken to have been exercised by the University official.
- (3) This section does not prevent the University official from exercising a function in relation which the nominee has been appointed.
- (4) In this section:

*University official* means:

- (a) the Vice-Chancellor; or
- (b) the Registrar; or
- (c) a prescribed authority.

### 23 Multiple processes

- (1) This section applies where it appears that a student has engaged in conduct that:
  - (a) may be academic misconduct within the meaning of the Academic Misconduct Rule; and
  - (b) may be misconduct within the meaning of this instrument.
- (2) Where this section applies, to enable the review and inquiry processes under the Academic Misconduct Rule to proceed:
  - (a) a prescribed authority conducting an inquiry under this instrument may suspend that inquiry; or
  - (b) the Registrar or the Vice-Chancellor may suspend a process under this instrument.
- (3) A prescribed authority, the Registrar or the Vice-Chancellor may recommence the inquiry or process if the review and inquiry processes under the Academic Misconduct Rule are completed or if it appears that, in the circumstances, the suspension is not appropriate.

### 24 Extension of time

- (1) The Registrar may extend a time limit under this instrument.
- (2) In deciding whether to extend a time limit, the Registrar must take into consideration:
  - (a) the reason why an extension is sought; and
  - (b) the period of extension; and
  - (c) the prejudice, if any, which will be caused by the granting of the extension.
- (3) An extension must be for no longer than is reasonably necessary.
- (4) The power to extend a time limit may be exercised notwithstanding that the time limit has expired.

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## 25 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 the individual’s semester address, work address or permanent home address; or
  - (c) by emailing it to:
    - (i) if the individual is a student at the University—an email address provided by the University to the individual; or
    - (ii) if the individual is not a student at the University—an email address otherwise recorded by the University as the individual’s 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.

## 26 Repeal etc.

- (1) The *Discipline Rule 2015* is repealed.
- (2) To remove any doubt, a reference in a rule, order or other document of the University to the ***Discipline Rules*** (whether with or without the year of its making or the year and number of the year of its making) includes a reference to this instrument.

## 27 Transitional

- (1) To remove any doubt, this instrument applies to a decision taken, or a proceeding commenced but not concluded, before the commencement of this section.
  - (2) This section is additional to, and does not limit, the following provisions:
    - (a) section 7 of the *Acts Interpretation Act 1901*;
    - (b) section 7 of the Interpretation Statute.
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