



Explanatory Statement: *Discipline Rule 2018*

Authority for making the instrument

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

Purpose and operation of the instrument

The Rule defines misconduct by students of the University and set out the consequences of, and University procedures for dealing with, misconduct.

Documents incorporated by reference

None.

Consultation

The Australian Human Rights Commission in August 2017 published: *Change the Course; National report on sexual assault and sexual harassment at Australian universities*. The University commissioned an independent report by Rapid Context in response and agreed to undertake a number of actions in response to both reports. Firstly the Respectful Relationships Steering Committee was established to oversee the implementation of the recommendations, with a Working Group to action those items.

One of them included reviewing the procedures and mechanisms under which disciplinary action may be taken. The amendments to the current Discipline Rules follow from the Report. They were initially limited in nature and did not involve a major overhaul of the Rules, rather, in the words of the Report, they 'seek to amend and supplement those rules so that they may operate more effectively to benefit the University as a whole'.

However, there were a number of other areas for improvement, some driven by other issues, not related to the AHRC report, and the University has taken this opportunity to make those further changes beyond those recommended by the AHRC report. The result is a more comprehensive review and update of the current Discipline Rule.

Drafting instructions for the new Discipline Rule were prepared by the Deputy General Counsel and the instruments were drafted by the University's legislative drafter.

Both Division of Student Administration and Dean of Students were consulted and assisted with instructions on the draft Rule, including attending a number of meetings with the Deputy General Counsel and the legislative drafter.

The key changes to the new Discipline Rule 2018 were discussed by the Respectful Relationships Steering Committee at their 14 March 2018 meeting, that was attended by all relevant stakeholders and it was agreed that the revised version be recommended to the Vice-Chancellor to be enacted.

As approved by Professor Brian P. Schmidt,
Vice-Chancellor of the Australian National University on 19 March 2018.