

THE AUSTRALIAN NATIONAL UNIVERSITY

DISCIPLINE RULES (No.4) 2006

The Council of the Australian National University makes these Rules under section 3 of the *Discipline Statute 2005*.

Dated: 8 December 2006

Allan Hawke
Chancellor

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PART 1: PRELIMINARY

1 Name of Rules and commencement

- 1.1 These Rules are the Discipline Rules (No. 4) 2006.
- 1.2 These Rules commence on the day after they are registered.

2 Interpretation

- 2.1 In these Rules, unless the contrary intention appears:

ANU College, **ANU College Dean** and **College Dean**, have the same respective meanings as they have in the *Programs and Awards Statute*;

Appeals Committee means the Appeals Committee established under rule 20;

Appeals Panel means the Appeals Panel established under rule 18;

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;

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) any paper or other material on which there is writing; and
- (b) any 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) any 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) any 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) any 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;

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 rule 3;

obligation includes a non-monetary obligation, a monetary penalty and compensation (whether payable to the University or another person) under a statute (other than the *Parking and Traffic Statute*) or under any rules or orders made under such a statute;

prescribed authority:

- (a) in relation to a student, means the relevant ANU College 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 of the University, means the Head of the Hall; and
- (c) includes a nominee of the prescribed authority appointed under rule 26;

property includes real and personal property and intellectual property including data and information;

Registrar includes a nominee of the Registrar appointed under rule 26;

secretary means the person appointed as secretary under subrule 20.4;

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 any person who is or was enrolled in, or seeking enrolment in, a program or a course offered by the University, or who is or was given permission by the University to audit a course offered by the University;

Vice-Chancellor includes a nominee of the Vice-Chancellor appointed under rule 26;

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.

2.2 A reference in these Rules 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, as the case requires.

PART 2: MISCONDUCT

3 Meaning of *misconduct*

3.1 In these Rules, unless the contrary intention appears, a reference to **misconduct** in relation to a student is a reference to general or academic conduct on the part of the student that:

- (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 in a member of the University.

3.2 Without limiting the generality of subrule 3.1, ***misconduct*** on the part of a student includes the following:

- (a) wilfully obstructing or disrupting any activity or proceeding of the University;
- (b) wilfully or negligently destroying, damaging, defacing, losing, removing or otherwise interfering with, or making unauthorised use of, any property of the University or any other person;
- (c) entering any place in the University that the student is not permitted to enter;
- (d) failing 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;
- (e) failing to comply with a provision of a statute, or of a rule, order or direction made under a statute, rule or order;
- (f) acting dishonestly or unfairly, including plagiarising, 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;
- (g) subjecting another person to harassment, victimisation or other discrimination;
- (h) behaving in an intimidating manner to another person or creating a hostile working or studying environment;
- (i) making 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);
- (j) engaging in, or being party to, conduct intended to deceive the University (including the provision of a falsified medical certificate or falsified academic transcript);
- (k) in relation to an examination:
 - (i) cheating (including copying, or permitting another student to copy, an answer in relation to an examination or inappropriately gaining prior knowledge of any part of an examination);
 - (ii) plagiarism (including copying, paraphrasing or summarising, without appropriate acknowledgement, the words, ideas, scholarship or intellectual property of another person, whether or not it is with the knowledge or consent of that other person);
[Note: Plagiarism may also take place when direct use of others' words is not indicated, for example by inverted commas or indentation, in addition to appropriate citation of the source.]
 - (iii) except with the approval of the prescribed authority, submitting for an examination any work previously submitted for examination;
 - (iv) failing to comply with the University's instructions to students at, or in relation to, an examination;
 - (v) acting, or assisting another person to act, dishonestly or unfairly in or in connection with an examination;
 - (vi) taking a prohibited document into an examination venue;
- (l) negligently or recklessly causing risk or danger to the health or safety of another person.

PART 3: CONSEQUENCES OF MISCONDUCT

4 Reporting misconduct

4.1 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.

4.2 A prescribed authority may report any suspected misconduct by a student to the Vice-Chancellor.

4.3 To avoid doubt, a prescribed authority or the Vice-Chancellor may exercise his or her powers under these Rules whether he or she has received a report about the misconduct or not.

5 Prescribed authority's role

5.1 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.

5.2 If the prescribed authority considers that there are no reasonable grounds for believing that a student has engaged in the alleged misconduct, (or if the prescribed authority considers that the allegations about the student's behaviour are frivolous, vexatious or not made in good faith), the prescribed authority must determine that there are no reasonable grounds for believing that the student has engaged in misconduct.

5.3 If a prescribed authority determines under subrule 5.2 that there are no reasonable grounds for believing that the student has engaged in misconduct, he or she must give the student written notice that:

- (a) must set out the grounds, including a description of the alleged misconduct, and must contain copies of any substantive material upon which the allegations were made; and
- (b) must inform the student that the allegations have been considered by the prescribed authority; and
- (c) must inform the student that the prescribed authority has determined that there are no reasonable grounds for believing that the student has engaged in misconduct.

5.4 If the prescribed authority determines that there are reasonable grounds for believing that a student has engaged in misconduct, the prescribed authority may:

- (a) decide to take no action; or
- (b) decide to hold an inquiry into the matter; or
- (c) if the matter was not referred to the prescribed authority under paragraph 7.4(b) and if the misconduct involved so warrants, refer the matter to the Vice-Chancellor.

5.5 If the prescribed authority decides to hold an inquiry into alleged misconduct, the prescribed authority must give the student a notice that:

- (a) must be in writing; and
- (b) must set out the grounds, including a description of the alleged misconduct and contain copies of the substantive material upon which the allegations are based; and
- (c) must inform the student that the prescribed authority intends to hold an inquiry under Part 4 into the alleged misconduct; and
- (d) must advise the student of the name of the prescribed authority; and

- (e) must fix the date, time and place for the hearing of the inquiry; and
- (f) must not, except with the written consent of the student, be served on the student less than 7 days before the date so fixed; and
- (g) must 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 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) in default of the appearance of the student at the time and place fixed under paragraph 5.5(e), 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 is entitled to be accompanied at the inquiry by another person who may observe the proceedings but not act as an advocate unless expressly invited by the prescribed authority; and
 - (viii) the prescribed authority is not bound by rules of evidence.

6 Powers of prescribed authority

6.1 If a prescribed authority is satisfied that a student is likely to have engaged in misconduct, he or she may, before holding an inquiry mentioned in paragraph 5.5(c):

- (a) subject to subrule 6.2, deny the student access to all or any of the facilities of the University, or to all or any part of the University's premises, or to any activities conducted by or on behalf of the University for 28 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 subrule 6.3 - exclude the student from attendance at that examination or assessment.

[*NOTE:* If, in relation to information infrastructure or information services, a student is guilty of misconduct (however described), appropriate action may be taken under the Information Infrastructure and Services Rules.]

6.2 A prescribed authority may deny a student access under paragraph 6.1(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 presence on the premises or at the activity otherwise presents a serious risk to the University, its staff, students or its property.

6.3 A prescribed authority may only exclude a student from participating in an examination while that examination is in progress 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.

6.4 If a prescribed authority exercises his or her powers under this rule in relation to a student, he or she must:

- (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;

as soon as possible after the action is taken.

7 Powers of and action by Vice-Chancellor

7.1 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 reasonable grounds for believing that the student has engaged in misconduct.

7.2 If the Vice-Chancellor considers that there are no reasonable grounds for believing that a student has engaged in the alleged misconduct, (or if the Vice-Chancellor considers that the allegations about the student's behaviour are frivolous, vexatious or not made in good faith) the Vice-Chancellor must determine that there are no reasonable grounds for believing that the student has engaged in misconduct.

7.3 If the Vice-Chancellor determines under subrule 7.2 that there are no reasonable grounds for believing that the student has engaged in misconduct, he or she must give the student written notice that:

- (a) must set out the grounds, including a description of the alleged misconduct, and must contain copies of any substantive material upon which the allegations were made; and
- (b) must inform the student that the allegations have been considered by the Vice-Chancellor; and
- (c) must inform the student that the Vice-Chancellor has determined that there are no reasonable grounds for believing that the student has engaged in misconduct.

7.4 If the Vice-Chancellor determines that there are reasonable grounds for believing that a student has engaged in misconduct and if the alleged misconduct has not already been dealt with under these or any other rules, the Vice-Chancellor may:

- (a) take no action; or
- (b) refer the matter to the prescribed authority for inquiry and determination in accordance with rule 6 and Part 4; or
- (c) refer the matter for inquiry on behalf of the Vice-Chancellor by a panel of persons selected by the Vice-Chancellor; or
- (d) conduct an inquiry into the matter.

7.5 If the Vice-Chancellor is to deal with a matter under paragraph 7.4 (c) or (d), the Vice-Chancellor must cause a 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.

7.6 Subject to subrule 7.7, the Vice-Chancellor may deny the student in relation to whom misconduct is alleged access to all or any of the facilities of the University, or to any part of the University premises or to any activities conducted by or on behalf of the University, for a specified period or until the end of the inquiry mentioned in rule 8, whichever first occurs.

7.7 The Vice-Chancellor may deny a student access under subrule 7.6 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 presence on the premises or at the activity otherwise presents a serious risk to the University, its staff, students or its property.

7.8 If the Vice-Chancellor exercises his or her powers under subrule 7.6 in relation to a student, he or she must advise the student in writing of the action taken and the reasons for the action as soon as possible after the action is taken.

7.9 A notice under subrule 7.5 must:

- (a) be in writing; and
- (b) specify, in addition to the matters referred to in subrule 7.5, the date, time and place fixed for the inquiry; and
- (c) must advise the student that the Vice-Chancellor is to conduct the inquiry, or if a panel is appointed under paragraph 7.4(c), of the names of the panel members; and
- (d) must not, except with the written consent of the student, be given to the student less than 7 days before the date so fixed; and
- (e) must 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
 - (iv) in default of the appearance of the student at the time and place fixed under paragraph 7.9(b), the inquiry may proceed in the absence of the student; and
 - (v) the student is entitled to present to the inquiry oral 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 is entitled to be accompanied at the inquiry by another person who may observe the proceedings but not act as an advocate unless expressly invited by the Vice-Chancellor or Chair of the panel; and
 - (viii) the Vice-Chancellor or the panel is not bound by rules of evidence.

7.10 If the Vice-Chancellor appoints a panel under paragraph 7.4(c), 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 or the Australian National University Postgraduate and Research Students' Association Inc., as the case requires.

PART 4: INQUIRIES

8 Inquiries

8.1 The Vice-Chancellor, a panel referred to in paragraph 7.4(c) or a prescribed authority may hold an inquiry into alleged misconduct.

8.2 A student may make a statement in writing to the person or panel holding the inquiry or orally at the inquiry in relation to the alleged misconduct.

8.3 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.

8.4 At an inquiry by the Vice-Chancellor, a panel or a prescribed authority, the student concerned 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.

8.5 An inquiry by the Vice-Chancellor, a panel or a prescribed authority must, subject to this rule, be conducted in such manner as the person or panel holding the inquiry determines.

8.6 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.

8.7 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).

8.8 At an inquiry, the student is entitled to be accompanied by another person who may observe the proceedings but not act as an advocate unless expressly invited by the person or panel holding the inquiry.

8.9 The powers of the person or panel holding an inquiry under this rule may be exercised whether or not the student on whom a notice under subrule 5.5 or 7.9 is given is present at an inquiry held under this rule.

9 Findings and penalties: prescribed authority

9.1 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.

9.2 If, after consideration of the matter, the prescribed authority finds that the student has engaged in misconduct, the prescribed authority may:

- (a) decide to take no action; or
- (b) order a re-assessment in a program or course to which the alleged misconduct is related (which may include, for example, requiring the student to re-sit an examination for a maximum pass grade of 50% or determining that an alternative form of examination be completed by the student); or
- (c) deny the student access to all or any of the facilities of the University or to all or any part of the University premises, or to any activities conducted by or on behalf of the University for a specified period not exceeding 12 months; or
- (d) reprimand the student; or
- (e) cancel, adjust, or award any passing grade for any examination, test or other assessment of the student's academic work or standing; or

- (f) terminate 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; or
- (g) determine the conditions under which the student may attend classes or lessons or use any facility of the University; or
- (h) if the misconduct involved so warrants, refer the matter to the Vice-Chancellor; or
- (i) require the student to apologise or take other action the prescribed authority thinks appropriate with a view to mitigating the effect of the misconduct; or
- (j) take any action that is a combination of the actions referred to in paragraphs 9.2(b) to (i).

9.3 The prescribed authority may, in determining any penalty to be imposed on a student, take into account any other finding of misconduct made in respect of the student and any penalty imposed in relation to that finding.

9.4 If a prescribed authority exercises his or her powers under this rule in relation to a student, he or she must report the action taken and the circumstances relating to it to the Vice-Chancellor as soon as possible after the action is taken.

10 Findings and penalties: Vice-Chancellor

10.1 In relation to an inquiry held by the Vice-Chancellor or a panel appointed under paragraph 7.4(c), if, after consideration of the matter, the Vice-Chancellor finds that the student has not engaged in misconduct, the Vice-Chancellor must dismiss the allegation.

10.2 In relation to an inquiry held by the Vice-Chancellor or a panel appointed under paragraph 7.4(c), if, after consideration of the matter, the Vice-Chancellor finds that the student has engaged in misconduct, the Vice-Chancellor may:

- (a) decide to take no action; or
- (b) order a re-assessment in a program or course to which the alleged misconduct is related (which may include, for example, requiring the student to re-sit an examination for a maximum pass grade of 50% or determining that an alternative form of examination be completed by the student); or
- (c) deny the student access to all or any of the facilities of the University or to all or any part of the University premises for a specified period, or to any activities conducted by or on behalf of the University; or
- (d) order that a denial of access imposed under subrule 6.1, 7.6 or 9.2 or paragraph 10.2(c) not affect the student's academic progress; or
- (e) reprimand the student; or
- (f) impose on the student a monetary penalty not exceeding \$500 for each occurrence of misconduct to which these Rules apply; or
- (g) 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; or
- (h) cancel, adjust or award any passing grade for any examination, test or other assessment of the student's academic work or standing; or
- (i) determine the conditions under which the student may attend classes or lessons or use any facility of the University; or

- (j) terminate 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; or
- (k) 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; or
- (l) exclude the student from the University; or
- (m) require the student to apologise or take other action the Vice-Chancellor thinks appropriate with a view to mitigating the effect of the misconduct; or
- (n) take any action that is a combination of the actions referred to in paragraphs 10.2(b) to (m).

10.3 The Vice-Chancellor may, in determining any penalty to be imposed on a student, take into account any other finding of misconduct made in respect of the student and any penalty imposed in relation to that finding.

10.4 If a person becomes liable to pay to the University a monetary penalty or other amount under this rule, the person must pay to the University the amount specified in the notice given to the student under subrule 11.1, or enter into an arrangement for its repayment satisfactory to the Vice-Chancellor, not later than 28 days after:

- (a) if an appeal is not lodged under rule 19 in relation to the finding giving rise to the liability—the date of the notice; or
- (b) if an appeal is lodged under rule 19 in relation to the finding giving rise to the liability—the day on which the decision is given in respect of the appeal.

10.5 If an award of the University is revoked, the student must be so informed.

11 Notice of decisions, etc.

11.1 The Vice-Chancellor or a prescribed authority who makes a decision under rule 9 or 10 must give the student in respect of whom the decision was made, and the Registrar, written notice containing a copy of a decision under subrule 9.1, 9.2, 10.1 or 10.2 and of the reasons for the decision.

11.2 A notice given under subrule 11.1:

- (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
- (c) must, in the case of a decision under subrule 9.1, advise the student that, subject to subrule 19.2, 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 subrule 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.

11.3 Subject to subrule 22.5 (in relation to student's rights on appeal), termination of the admission or enrolment of a student, exclusion of a student, or denial of access to facilities or premises or activities of the University under subrule 9.2 or 10.2 continues to have effect notwithstanding that an appeal is lodged under Part 6.

11.4 A notice under this rule of a decision made under subrule 9.2 or 10.2 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.

12 Denial of access

12.1 If, under these Rules, a student is denied access to facilities, premises or activities, the student must not:

- (a) use any of the University's facilities; or
- (b) enter any part of the premises of the University; or
- (c) engage in the activities;

that the Vice-Chancellor, or the person denying access to the student, determines that the student must not enter or use or in which the student must not engage, as the case requires.

13 Exclusion of student

13.1 If, under these Rules, 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 of the University's facilities or enter any part of the premises of the University 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.

PART 5: FAILURE TO MEET OBLIGATIONS

14 Failure to meet obligations by due date

14.1 The Vice-Chancellor may terminate the enrolment of a person as a student, or deny the person access to all or any of the facilities of the University or to all or any part of the University premises or to any activities conducted by or on behalf of the University, or withdraw the rights and privileges to which that person would otherwise have been entitled, if an obligation is not met:

- (a) within 14 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.

14.2 The termination of the enrolment of a person as a student, or the denial of access of the person to facilities or premises or activities or the withdrawal of a person's right or privilege under subrule 14.1, does not extinguish any undischarged liability of the person to meet an obligation.

14.3 The Vice-Chancellor must notify the person referred to in subrule 14.1 of the decision.

15 Applications for enrolment to be revived

15.1 A person whose enrolment as a student is terminated under subrule 9.2 or 10.2 may apply to the Vice-Chancellor for that enrolment to be revived after the period of prohibition and the Vice-Chancellor may grant, or refuse to grant, the application.

15.2 However, an application under subrule 15.1 must not be granted unless the applicant pays any fees owed by the applicant under the Fees Rules, (including late fees) and agrees to comply with any conditions that the Vice-Chancellor may impose in relation to the revived enrolment.

16 Liability of persons financially supported by third parties

16.1 The Vice-Chancellor may accept an undertaking by a third party to meet, on behalf of a person, an obligation.

16.2 However, a person to whom these Rules apply remains personally liable for the obligation in respect of that person if the obligation has not been discharged by the third party.

17 Sanctions against persons who fail to meet obligations

17.1 Without limiting the generality of rule 14, if a person fails to meet an obligation that he or she 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 his or her 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.

17.2 The Vice-Chancellor must notify the person concerned of any relevant direction under subrule 17.1.

PART 6: APPEALS

18 Appeals Panel

18.1 There is to be an Appeals Panel appointed by the Council.

18.2 The Appeals Panel is comprised of the following persons:

- (a) the Pro-Chancellor;
- (b) another member of the Council nominated by the Council;
- (c) a person nominated by the Council who:
 - (i) is not a member of the staff, or a student, of the University; but
 - (ii) may be a member of the Council;
- (d) a person appointed after consultation with the President of the Australian National University Students' Association;
- (e) a person appointed after consultation with the President of the Australian National University Postgraduate and Research Students' Association Inc.;
- (f) 3 persons appointed to represent the teaching, research and visual and performing arts functions of the University.

18.3 A member of the Appeals Panel referred to in subrule 18.2, other than paragraph 18.2(a), holds office for 2 years and is eligible for reappointment.

18.4 A member of the Appeals Panel referred to in subrule 18.2, other than paragraph 18.2(a), may resign his or her membership at any time by writing to the Vice-Chancellor.

19 Appeal of decision

19.1 A student may, within 21 days after being notified under subrule 9.2, 10.2 or under rule 14 or 15 of a decision of the Vice-Chancellor or a prescribed authority, appeal to the Appeals Committee against the decision.

19.2 If the Vice-Chancellor considers that a finding made or penalty imposed under subrule 9.1 or 9.2 by the prescribed authority is inappropriate in the circumstances of the case, the Vice-Chancellor may, within 21 days of the finding being reported to the Vice-Chancellor under subrule 9.4, and after giving the student the opportunity to be heard, appeal to the Appeals Committee against the finding or penalty.

19.3 An appeal must be in writing and must be addressed to the person named in the notice mentioned in subrule 11.4 as the person to receive an appeal.

19.4 If:

- (a) a student is denied access under subrule 6.1, 7.6, 9.2, or 10.2 to facilities or activities or premises for a period; and
- (b) the student has lodged an appeal under subrule 19.1 in relation to the matter; and
- (c) the denial of access would cause real hardship to the student;

the student may ask the Vice-Chancellor to vary the period of the denial of access and, if the circumstances so warrant, the Vice-Chancellor may vary the period pending the outcome of the appeal.

19.5 However, nothing in this rule permits a student to appeal a decision made under paragraph 9.2 (h).

20 Appeals Committee

20.1 The Vice-Chancellor must appoint an Appeals Committee to hear and determine an appeal within 14 days from the receipt by the person referred to in subrule 19.3 of an appeal under subrule 19.1 or 19.2.

20.2 The Appeals Committee must consist of 4 members of the Appeals Panel including:

- (a) 1 student member from the appropriate category; and
- (b) 1 member of the academic staff of the University; and
- (c) the Pro-Chancellor, another member of the Council or a person nominated by the Council.

20.3 The Vice-Chancellor must appoint a person, not being a student, to be the Chair of an Appeals Committee.

20.4 The Vice-Chancellor must appoint a person (not being a member of the Appeals Committee) to be the secretary to the Appeals Committee.

20.5 The Vice-Chancellor may appoint a person (not being a member of the Appeals Committee) to assist the Appeals Committee in the hearing of an appeal.

21 Procedure at hearing of appeal

21.1 Before the Appeals Committee hears an appeal and if the student so wishes, the President of the relevant Students' Association must be advised of the hearing.

21.2 The Appeals Committee must:

- (a) fix a date, time and place for the hearing of an appeal; and
- (b) give not less than 7 days notice of the hearing to the student.

21.3 At the hearing of an appeal:

- (a) the quorum of the Appeals Committee is 3 members including the Chair of the Committee; and
- (b) the procedure to be followed is at the discretion of the Appeals Committee; and
- (c) the Appeals Committee may inform itself on any matter in relation to an appeal in any manner it thinks appropriate; and
- (d) the Appeals Committee is not bound by rules of evidence.

21.4 The hearing of evidence by the Appeals Committee may be adjourned from time to time and from place to place.

21.5 Unless the Appeals Committee directs to the contrary, a person is not entitled to be present at the hearing of an appeal unless the person is:

- (a) a member of the Appeals Committee; or
- (b) the student or the person nominated by the student under subrule 22.3; or
- (c) the secretary to the Appeals Committee; or
- (d) a person giving evidence before the Appeals Committee; or
- (e) a person appointed under subrule 20.5 in relation to the Appeals Committee.

21.6 An appeal hearing under these Rules is not ineffective by reason only of a formal defect or irregularity in the convening or conduct of the Appeals Committee.

21.7 The Appeals Committee is not bound to act in a formal manner but may inform itself on any matter relating to the appeal as it thinks just.

22 Student's rights on appeal

22.1 At the hearing of an appeal before the Appeals Committee, a student may:

- (a) appear in person;
- (b) call, examine and cross-examine witnesses; and
- (c) make oral or written statements.

22.2 The Appeals Committee must provide the student with copies of the substantive material upon which the Appeals Committee intends to rely not less than 7 days before the day on which the appeal is to be heard.

22.3 At the hearing of an appeal, the student is entitled to be accompanied by another person nominated by the student.

22.4 A person nominated under subrule 22.3 may advise the student in relation to the appeal and may address the Appeals Committee and examine and cross-examine witnesses on behalf of the student.

22.5 On application being made in writing to the Vice-Chancellor by a student whose candidature or enrolment in a program of study or course has been terminated under paragraph 9.2(f), 10.2(j) or subrule 14.1 or who has been excluded under paragraph 10.2(l), the Vice-Chancellor may direct that the student be permitted to continue to undertake that program of study or course pending the determination of an appeal.

23 Decision by Appeals Committee

- 23.1 After consideration of an appeal, the Appeals Committee may:
- (a) affirm the decision of the Vice-Chancellor or prescribed authority; or
 - (b) vary the decision; or
 - (c) set aside the decision and make a fresh decision in substitution for the decision set aside; or
 - (d) set aside the decision.

23.2 If the Appeals Committee varies a decision under paragraph 23.1 (b) or substitutes a fresh decision under paragraph 23.1 (c), the decision so varied or substituted must be a decision that the original decision-maker could have made under subrule 9.1, 9.2, 10.1 or 10.2, as the case requires.

23.3 The decision of the Appeals Committee and the reasons for the decision must be given in writing to the student and the Vice-Chancellor by the secretary to the Appeals Committee within 7 days of the decision.

24 Non-appearance before Appeals Committee

- 24.1 If the student has lodged an appeal under subrule 19.1 and the student concerned:
- (a) does not appear in person at the hearing of the appeal; and
 - (b) is not otherwise represented at the hearing of the appeal; and
 - (c) does not make a written statement under paragraph 22.1(c);

the appeal lapses and the decision of the Vice-Chancellor or prescribed authority against which the appeal was made takes effect immediately after the conclusion of the hearing.

- 24.2 If the Vice-Chancellor has lodged an appeal under subrule 19.2 and the student concerned:

- (a) does not appear in person at the hearing of the appeal; and
- (b) is not otherwise represented at the hearing of the appeal; and
- (c) does not make a written statement under paragraph 22.1(c);

the Appeals Committee will make a decision on the evidence before it.

25 Decision final

- 25.1 The decision of the Appeals Committee is final.

PART 7: MISCELLANEOUS

26 Nominees

26.1 The Vice-Chancellor may appoint, in writing, a nominee to exercise the powers and perform the functions of the Vice-Chancellor under these Rules.

26.2 A prescribed authority may appoint, in writing, a nominee to exercise the powers and perform the functions of that prescribed authority under these Rules.

26.3 The Registrar may appoint, in writing, a nominee to exercise the powers and perform the functions of the Registrar under these Rules.

27 Notices

27.1 For the purposes of these Rules, a notice or communication that is delivered by hand or sent by email or post to a student at a place, or to an address, shown in the records of the University as the student's semester address, email address or permanent home address, is regarded as having been given to the student on the date on which the notice was delivered by hand or, if sent by email or post, on the date that it would, in the ordinary course of email or post, have been delivered to the student.

28 Repeal and savings

28.1 The Discipline Rules (No. 3) 2006, as amended and in force immediately before the commencement of these Rules, are repealed.

28.2 The Discipline Rules (No. 3) 2006, as amended and in force immediately before the commencement of these Rules, continue to apply in relation to any decision taken, or proceeding commenced and not concluded, under those Rules before the commencement of these Rules.
