COUNCIL

The 445th meeting of the Council will be held at 9:15 am on Friday 6 April 2018 in the R C Mills Room, Chancellery. Any additional papers and briefing materials will be available in the Mills Room from 8.30am.

Apologies and enquiries to the Corporate Governance and Risk Office by telephone on (02) 6125 2113 or email at: director.governance@anu.edu.au

Chris Reid
Director
Corporate Governance and Risk Office

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IMPORTANT INFORMATION FOR MEMBERS

CONFIDENTIALITY
Members of Council and others receiving the agenda are reminded of the need for careful discretion in the use and communication of Council business, referring to the Director, Corporate Governance and Risk Office, or other appropriate officer of the Council when in doubt.

Council business marked or declared to be confidential is not at any stage to be communicated to others without prior reference to the Chairperson or the Director, Corporate Governance and Risk Office. Only papers considered especially confidential are so marked.

All matters relating to individual persons, including appointments, enrolment, candidacy for degrees, personal details, performance and conduct are declared to be confidential.

CONDUCT OF COUNCIL MEMBERS
Members of Council are considered officials for the purposes of the Public Governance, Performance & Accountability Act 2013. The definition of officials includes all members of the ANU Council, as well as all officers, employees and members of the University.

Division 3, sections 25 to 29 of the Public Governance, Performance & Accountability Act 2013, sets out the general duties of officials. As an official, a member of the Council may be removed from their position if they breach those general duties.

Duty of Care & Diligence
A member of the Council must exercise their powers, perform their functions and discharge their duties with the degree of care and diligence that a reasonable person would exercise if they:

- were a member of the Council in the University's circumstances; and
- occupied the position held by, and had the same responsibilities within the University as, the member of the Council.

Duty to Act in Good Faith and for Proper Purpose
A member of the Council must exercise their powers, perform their functions, and discharge their duties in good faith and for a proper purpose.

Duty in Relation to Use of Position
A member of the Council must not improperly use their position to gain an advantage for themselves or for any other person; or to cause detriment to the University, the Commonwealth or to any other person.

Duty in Relation to Use of Information
A member of the Council who obtains information because of that position, must not improperly use that information to gain an advantage for themselves or for any other person; or to cause detriment to the University, the Commonwealth, or any other person.

Duty to Disclose Interests
A member of the Council who has a material personal interest that relates to the affairs of the University must disclose the details of the interest.

SUBMISSION OF ITEMS BY MEMBERS OF COUNCIL
Members of Council should communicate to the Vice- Chancellor matters which they wish to have included on the agenda for a meeting of Council. Full details and documentation relating to any items to be included in the agenda should be submitted at least 16 days before the meeting.

AGENDA ON THE INTERNET
The agenda and minutes for meetings of Council are available on the Internet at:

http://www.anu.edu.au/about/governance/committees/council
PART 1 – PROCEDURAL ITEMS

* 1 ANNOUNCEMENTS AND APOLOGIES

Ms Anne-Marie Schwirtlich is an apology (notice given on 1 February 2018).

There are no other apologies for this meeting.

The Chair may speak.

* 2 LEAVE OF ABSENCE

Subsection 15(1)(d) of the Australian National University Act 1991 provides that if a member of the Council (other than an ex officio member) is absent without leave of the Council from three consecutive meetings of the Council, the member’s office becomes vacant.

The Chair invites members to seek leave from meetings of Council which they expect to be unable to attend.

* 3 DISCLOSURE OF MATERIAL PERSONAL INTEREST

In accordance with Division 3, section 29 of the Public Governance, Performance and Accountability Act 2013, members of Council are required to declare any direct or indirect material personal interest in matters on the agenda.

* 4 ARRANGEMENT OF AGENDA

1. The Chair will ask whether any further items should be considered confidential.
2. The Chair will ask whether any further items should be starred for discussion.
3. The Vice-Chancellor will move that the unstarrred items be dealt with as proposed in the agenda.
4. The Chair will invite members to foreshadow matters to be raised under Agenda Item 42, Other Business.
5. The Chair will ask if there are any agenda items that need to be re-sequenced.

*C5. MINUTES

RECOMMENDATION

That Council confirm the minutes of the meeting held on 1 February 2018 (14/2018) and the Council Planning Day held over 1 and 2 February 2018 (73/2018).
The 444th meeting of the Council was held at 10:30am on Thursday 1 February 2018, in the Board Room, ANU House, Level 11, 52 Collins Street, Melbourne.

Confidential until confirmed by Council
THE AUSTRALIAN NATIONAL UNIVERSITY

COUNCIL PLANNING DAY MINUTES

The Council planning day was held from 1:30pm – 6:00 pm on Thursday, 1 February and from 9:00 am to 2:45pm on Friday 2 February 2018, in the Board Room, ANU House, Level 11, 52 Collins Street, Melbourne.

Confidential until confirmed by Council
PART 2 – KEY BUSINESS ITEMS

*C6 - 11  Confidential to Council Members
PART 3 – STRATEGIC ISSUES

*12. ACADEMIC BOARD - PRESENTATION

PURPOSE
To consider the presentation concerning the Academic Board.

PREPARED BY
Chair, Academic Board

REVIEWED BY
Vice-Chancellor

APPROVED BY
Vice-Chancellor

SPONSOR
Vice-Chancellor

RECOMMENDATION
That Council note the issues identified in the Academic Board presentation.

ACTION REQUIRED
For discussion ☑  For decision ☐  For information ☑

CONSULTATION
Staff ☐  Students ☐  Alumni ☐  Government ☐  Other ☐  Not applicable ☑

BACKGROUND
The Chair of Academic Board will make a presentation to the Council on the role of Academic Board at ANU, including:

1. Key and emerging risks to academic quality at the ANU;
2. Opportunities for enhancing academic quality; and
3. Aligning Academic Board objectives with the Strategic Plan.

COMMUNICATION
☐ For public release  ☐ For internal release  ☑ Not for release

PART 3 – STRATEGIC ISSUES
PART 4 – OTHER MATTERS FOR DECISION

*C13 - 18  Confidential to Council Members
19. COUNCIL VACANCY: ACADEMIC STAFF MEMBER (THE FACULTIES)

PURPOSE
To brief Council on an imminent casual vacancy in its membership, and to recommend actions in response.

PREPARED BY
Associate Director, Corporate Governance and Policy

REVIEWED BY
Director, Corporate Governance and Risk Office

APPROVED BY
Chancellor

SPONSOR
Chancellor

RECOMMENDATION
That Council:

1. Note the intention of Professor Jan Provis to retire from employment with the University with effect from 1 July 2018, and the resulting casual vacancy in the Council member position of Academic Staff Member (The Faculties);

2. Note the requirement of the *Australian National University Act 1991*, that if any successor is elected to fill the casual vacancy, they may only serve the residual period of Professor Provis’ term, that being 3 months;

3. Direct that the casual vacancy remain unfilled for the residual period of Professor Provis’ term; and

4. Direct that the Returning Officer conduct a ballot for the position of Academic Staff Member (The Faculties) to serve the next term for the position for the period 30 September 2018 to 29 September 2020, according to the planned timeframes.

ACTION REQUIRED
☑ For discussion ☐ For decision ☑ For information

CONSULTATION
Staff ☑ Students ☐ Alumni ☐ Government ☐ Other ☐ Not applicable ☐

In determining appropriate action in response to Professor Provis’ announced retirement from employment with the University, and the resulting casual vacancy in the Council member position of Academic Staff Member (The Faculties), advice has been sought from the University Legal Office to confirm the legal validity of the proposed actions.

BACKGROUND
Professor Jan Provis has served on the Council as the Academic Staff Member (The Faculties) since 29 August 2016. She holds a position on the Council provided for under paragraph 10(1)(m) of the *Australian National University Act 1991* (the ANU Act).

Professor Provis has announced that she will retire from employment with the University with effect from 1 July 2018. Paragraph 15(1)(g) of the ANU Act provides that if an elected member of the Council ceases to be qualified to be elected to the position they hold, the member’s office becomes vacant. This means that Professor Provis’ position will fall vacant on 1 July 2018, leaving a residual period of 3 months until her term would have otherwise expired on 29 September 2018.

PART 4 – OTHER MATTERS FOR DECISION
SUMMARY OF ISSUES

Proposed response to casual vacancy

Normally when a casual vacancy amongst the elected staff member positions occur, the Returning Officer for Council elections would immediately commence an election process in accordance with the Council (Elections) Statute 2016 and Council (Elections) Rule 2016. Sub-section 16(2) of the ANU Act provides that a person appointed to fill a casual vacancy holds office for the remainder of the term of office of the person’s predecessor.

Professor Provis’ retirement will occur precisely at the time when an election has been planned to fill the position for the next term (ie. 30 September 2018 until 29 September 2020). The election will occur over the period 14 June 2018 to 2 August 2018. This time frame has been designed to meet the election time frame requirements specified by the Council (Elections) Rule 2016, and to provide sufficient time for the induction of a new Council member.

It is the advice of the Corporate Governance and Risk Office that attempting to conduct an additional election process to fill Professor Provis’ position for a residual 3 month period will cause confusion amongst academic staff (and potentially diminish voter participation) and is also an inefficient use of resources to administer such a process for such a short period.

It is therefore recommended that Council direct that the casual vacancy remain unfilled for the residual 3 month period of Professor Provis’ term; and direct that the Returning Officer conduct a ballot for the position of Academic Staff Member (The Faculties) to commence the next term for the position on 30 September 2018, according to the usual timeframes and procedures.

The impact of the vacancy on Council deliberations will be minimal, with only one Council meeting scheduled to occur during the period 1 July to 29 September 2018.

Impact of Australian National University Bill 2018

It should be noted that should the Australian National University Bill 2018 (the ANU Bill) pass the Parliament and commence as an Act during this time period, adjustments will be required to this plan. The ANU Bill, as part of its transitional provisions at commencement, discontinue the positions of Academic Staff Member (The Faculties) and Academic Staff Member (Institute of Advanced Studies), and replace them with a single Academic Staff Member (reducing the Council to 14 members).

It is not considered likely that the ANU Bill will disrupt this plan, but should that occur, the Corporate Governance and Risk Office will liaise with the Chancellor as needed, to determine the most appropriate course of action.

It should be noted that whomever is elected to serve in the positions of Academic Staff Member (The Faculties) and Academic Staff Member (Institute of Advanced Studies) from 29 September 2018, will serve a term that will expire as soon as the ANU Bill commences (should it pass Parliament). At this time that date remains uncertain. A further election will be required at that time to elect a single Academic Staff Member. Further elections in this situation, while undesirable in terms of frequency, is unavoidable.

COMMUNICATION

☐ For public release  ☐ For internal release  ☑ Not for release
*C20 - 24  Confidential to Council Members
PART 5 – OTHER MATTERS FOR NOTING

*C25 - 35  Confidential to Council Members
36. POWER OF ATTORNEY

PURPOSE
To note the list of transactions signed under Power of Attorney by the Investment Manager, since the last meeting of Council.

PREPARED BY
Investment Manager

REVIEWED BY
Chief Financial Officer

APPROVED BY
Chief Financial Officer

SPONSOR
Vice-Chancellor

RECOMMENDATION
That Council note the list of transactions over which the Investment Manager, exercised Power of Attorney since the meeting of Council on 1 February 2018.

ACTION REQUIRED
☐ For discussion ☐ For decision ☑ For information

CONSULTATION
☐ Staff ☐ Students ☐ Alumni ☐ Government ☐ Other ☑ Not applicable

BACKGROUND AND SUMMARY OF ISSUES
This Power of Attorney was granted to the Investment Manager and executed under the Common Seal of the University on 4 September 2003.

There were no transactions signed under Power of Attorney by the Investment Manager since the last meeting of Council on 1 February 2018.

COMMUNICATION
☐ For public release ☐ For internal release ☑ Not for release
37. UNIVERSITY SEAL REPORT

PURPOSE To inform Council of the uses of the University Seal.

PREPARED BY Director, Office of the Vice-Chancellor

SPONSOR Vice-Chancellor

RECOMMENDATION That Council note the documents to which the University Seal has been affixed since the meeting of Council held on 1 February 2018.

ACTION REQUIRED
For discussion ☐ For decision ☐ For information ☒

CONSULTATION
Staff ☐ Students ☐ Alumni ☐ Government ☐ Other ☐ Not applicable ☒

BACKGROUND AND SUMMARY OF ISSUES

The University Seal Statute 2002 came into effect on 11 June 2002. The Statute provides that the seal of the University must not be used except upon the order of the Council or as provided by the Statute. Section 5 of the Statute provides that:

1. Affixing of seal to other documents
   a. If a document is required to be under the seal of the University but the affixing of the seal is not authorised by section 4, the Chancellor or the Vice-Chancellor may direct the custodian to affix the seal of the University to the document, and, at the first opportunity, the Chancellor or the Vice-Chancellor, as the case requires, must report to the Council the action so taken.

This report confirms that no use of the University Seal has been recorded since the last meeting of Council on 1 February 2018.

COMMUNICATION
For public release ☐ For internal release ☐ Not for release ☒
38. SIGNIFICANT VISITS AND EVENTS, GRANTS AND CONSULTANCIES

PURPOSE
To consider a report of significant visits and events, grants and consultancies.

PREPARED BY
Communications Officer (Special Events)  
Office of Research Excellence

REVIEWED BY
Vice-Chancellor

APPROVED BY
Vice-Chancellor

SPONSOR
Vice-Chancellor

RECOMMENDATION
That Council note the report of significant visits and events, grants and consultancies.

ACTION REQUIRED
For discussion ☐  For decision ☐  For information ☑

ATTACHMENT
38.1 Report of significant visits and events, grants and consultancies (144/2018)
39. LEGISLATION

PURPOSE
For Council to note legislation made by the Vice-Chancellor.

PREPARED BY
Deputy General Counsel

REVIEWED BY
Associate Director, Corporate Governance and Policy
Pro-Vice Chancellor (University Experience)
Chair, Respectful Relationships Steering Committee

APPROVED BY
Vice-Chancellor

SPONSOR
Vice-Chancellor

RECOMMENDATION
That Council note the legislation as approved by the Vice-Chancellor, the Discipline Rule 2018 and the Appeals Rule 2018.

ACTION REQUIRED
☐ For discussion  ☐ For decision  ☑ For information

CONSULTATION
☑ Staff  ☑ Students  ☐ Alumni  ☐ Government  ☑ Other  ☐ Not applicable

The making of the new Appeals and Discipline Rules followed a report of The Australian Human Rights Commission published in August 2017: Change the Course; National report on sexual assault and sexual harassment at Australian universities. The University also commissioned an independent report by Rapid Context in response and agreed to undertake a number of actions in response to both reports. This included the establishment of the Respectful Relationships Steering Committee to oversee the implementation of the recommendations, with a Working Group to action those items.

One of the recommendations included reviewing the procedures and mechanisms under which disciplinary action may be taken in response to sexual assault and sexual harassment. The proposed amendments to the current Appeals and Discipline Rules follow from the Report. They were initially limited in nature and did not involve a major overhaul of the Rules.

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 Appeals and Discipline Rules.

Both Division of Student Administration and Division of Student Life were consulted on the draft Rules.

BACKGROUND

The Deputy Vice-Chancellor (Academic) received the Report which arose, at least partly, following concerns expressed by some staff about the processes and outcomes of past appeals decisions involving students of the ANU College of Business and Economics.

The new Appeals and Discipline Rules follow from that Report. They involved amendment of the previous Appeals and Discipline Rules, limited in nature and not constituting a major overhaul, rather, in the words of the Report, they sought ‘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 Appeals and Discipline Rules 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 Rules, 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 Chair of 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.

SUMMARY OF ISSUES

The Vice-Chancellor is conferred with power to make Rules with respect to appeals of decisions made under the Discipline Rule, under section 3 of the Appeals Statute 2014; and, with power to make Rules for the Discipline Statute 2005, under section 9.5 of the Vice-Chancellorship Statute 2013.

Consequently, the Vice-Chancellor made the Appeals Rule 2018 and the Discipline Rule 2018, in particular involving the following amendments of the previous Appeals and Discipline Rules:

Amendments: Discipline Rule 2017

The new Discipline Rule 2018 in particular involved the following key amendments of the current Discipline Rules:

- Created a separate section for sexual harassment and other forms of harassment and used the full definition as used in the Sex Discrimination Act 1984 (Cth).
- Specifically referred to sexual assault as a type of misconduct in 6(2)(a) and included an ordinary meaning definition of sexual assault. Please note that the note is for information only and will not be regarded for legal purposes as part of the rule (see Interpretation Statute, section 7).
- Updated the three overall types of misconduct in 6 referring to University values and expectations; and, then updated and reordered the examples of those in 6(2) bringing the sexual assault and sexual harassment and more serious types further up the order.
  - paragraph (b) has been revised to refer to ‘a reasonable member of the University community’ instead of ‘a reasonable person’.
  - paragraph (d) has been revised to reinsert a reference to ‘work’ environment. The paragraph has also been revised to cover behaving in a violent or threatening way and the paragraph revised so that it becomes a ‘catch all’ for the previous paragraphs. As a result, the paragraph will, for example, cover forms of sexual violence that are not sexual assaults.
  - paragraph (e) has been revised to cover intentional conduct.
  - 4 Minor technical or drafting changes have been made to other paragraphs, especially paragraphs (f), (g), (i), (j) and (n).
- Referred to complainants and respondents and removed other references (alleged, offence etc) so that the language is more neutral.
- A provision to allow the sharing of outcomes with complainants. The intention is to update our relevant related policies and procedures with respect to privacy and complaint handling.
- Included a section that deals with intimate image abuse, consistent with the revenge porn legislation recently enacted in the ACT.
- Included reference to University-related conduct so there is a nexus with the University.
- Clarified reviewable decisions and the Vice-Chancellor’s call in power.

PART 5 – OTHER MATTERS FOR NOTING
Amendments: Appeals Rule 2017

The new Appeals Rule 2018 involved the following amendments of the current appeals:

**Part 3 -Grounds for review**

8 Grounds for Review

- This section has been revised to ensure that it applies to action taken under the Academic Misconduct Rule or Discipline Rule that may not be regarded as a ‘penalty’.
- Some minor drafting changes have also been made to this section and other sections.

**ATTACHMENTS**

39.1 Discipline Rule 2018 (145/2018)
39.2 Appeals Rule 2018 (146/2018)

**COMMUNICATION**

For public release ☑ For internal release ☑ Not for release ☐

The new legislation is published on the [ANU legislation webpage](http://www.anu.edu.au) and the [Federal Legislation website](http://www.federallegislation.gov.au).
*40. ANU 75th ANNIVERSARY PROJECT (UPDATE)

PURPOSE
For Council to note the update concerning ANU 75th Anniversary Project

PREPARED BY
Professor Nicholas Brown, Head of the School of History, CASS

REVIEWED BY
Vice-President (Engagement and Corporate Affairs)

APPROVED BY
Vice-President (Engagement and Corporate Affairs)

RECOMMENDATION
That Council note the update on the ANU 75th Anniversary Project

ACTION REQUIRED
☑ For discussion ❑ For decision ☑ For information

CONSULTATION
☑ Staff ☑ Students ☑ Alumni ☑ Government ☑ Other ☑ Not applicable

COUNCIL COMMITTEE / ACADEMIC BOARD CONSIDERATION
☑ Finance ☑ Audit & Risk Management ☑ Campus Planning ☑ Remuneration
☑ Major Projects ☑ Honorary Degrees ☑ Nominations ☑ Academic Board

BACKGROUND

This vision of the 75th Anniversary History project centers on the creation of a book and a digital resource which will be accessible via the ANU’s website and as a hybrid app. The content made available in these formats will enable users to access a layered and integrated representation of the ANU’s history, including as a virtual or real-time navigation of the campus. The ‘headline’ structuring of this content will be under three themes: ‘People’, ‘Ideas’ and ‘Place’, each of which will be systematically cross-referenced to enable navigation and exploration of the site:

- ‘People’ will capture those individuals who have made particularly significant contributions while at the ANU, or who are in some way representative of the ANU community;
- ‘Ideas’ will capture the areas of research and teaching that can be distinctively associated with the role and impact of the ANU; and
- ‘Place’ will enable users of the resource to connect the above themes to a map of the campus, and also to track the pathways of ‘people’ and ‘ideas’ beyond the university.

The content included in the above can be drawn from extensive existing sources (archives and publications, oral histories conducted with the emeritus faculty, alumni networks) and augmented by reflective and creative works generated across the university, including the schools of Art and Music, the Digital Humanities hub, and public relations offices. There would be capacity to augment this material with contributions from the extended network of ANU graduates, staff and others associated with the university.

In addition to the book and the digital resource, a virtual ‘map’ could be linked to physical insertions on the ANU campus – plaques, works of art, points at which to download content (voice, soundscapes, re-enactment etc) – related to specific sites and integrated into designated discovery or orientation trail.

PART 5 – OTHER MATTERS FOR NOTING
Progress

The focus of work so far in 2018 has been in ascertaining the technical resources available across the University to support the digital development of this project, and in building on these resources a more detailed conceptualisation of its form, content and management. These discussions have also focused on ensuring the concept and content under consideration can be ‘dual purposed’ to serve a digital format and a traditional book publication.

Key points established include:

- ANU already possesses much of the capacity to build and host the digital dimensions of the project.
- There is a wealth of skill and experience on which to draw in a collaborative process of developing the architecture for the project including proposals from the College of Engineering and Computer Science and the Centre for Digital Humanities in CASS that contributions could be included in the research training of graduate students, ensuring that the project reflects some of the most dynamic areas of new work at the ANU.
- The ANU Heritage Office has begun to systematically identify the resources it holds that can directly enrich this project.
- Contacts have also been initiated with areas of the extended ANU community – including halls of residence and members of the emeritus faculty – to ensure that the project progresses in inclusive, balanced ways.

In these discussions, full support has been given to the objectives of the initial proposal:

- To reach a broad, diverse audience, including those already with an association with/investment in the ANU, and those to be engaged with the present and future strengths and priorities of the university.
- To represent the breadth, development and achievements of the ANU, and recover lost, diverse histories.
- To address the above in ways that maximize the capacities of new media to offer versatile, interactive, widely-accessible and updatable content

Technical Advisory Committee

A preliminary ‘technical’ advisory committee has discussed the ‘architecture’ of the project over recent months. That committee comprises:

- Professor Nicholas Brown (History, CASS) - Chair
- Professor Bob Williamson (Machine Learning, CECS)
- Professor Paul Pickering (Dean, RSHA)
- A/Professor Mitchell Whitelaw (Design, RSHA)
- Dr Terhi Nurmikko-Fuller (Digital Humanities, RSHA)
- Dr Geoff Hinchcliffe (Design, RSHA)
- Dr Ben Swift (High Performance Computing, CECS)
- Ms Amy Jarvis (ANU Heritage Office)
- Dr Kit Devine (School of Arts, RSHA)

This committee has agreed on these steps over the next three months:

1. To complete a full budget proposal for the life of the project;
2. To expand its membership to include representatives from across the university to advise on ‘content’ for the project, in preparation for an approach in the second half of 2018 to representatives of all areas of the university community, asking them to identify priorities relating to the themes and objectives noted above;
3. To seek approval to appoint a research associate for six months in the first instance to work closely with the advisory committee, ANU Archives and the Heritage Office, and supervised by the chair of the advisory committee, in assessing the range of materials already held for inclusion in the digital dimension of the project, and in assisting in the evaluation of materials identified in the consultative process outlined at (1);

4. To seek approval to call for tenders for a contracted and highly skilled project officer to coordinate the development of the digital project in 2019-2020, in preparation for release, supervised by the chair of the advisory committee and in close consultation with the advisory committee; and

5. To seek approval for the appointment of an experienced historian for 2019-2020 to prepare the content for both the digital and ‘hard’ releases of the history, supervised by the chair of the advisory committee and in close consultation with the advisory committee.

COMMUNICATION
☐ For public release  ☐ For internal release  ☑ Not for release
PART 6 – OTHER BUSINESS

*41. QUESTION TIME

PURPOSE For Council members to ask questions.

SPONSOR Chancellor

RECOMMENDATION That Council note any matters raised in question time.

ACTION REQUIRED
☑ For discussion ☐ For decision ☐ For information
*42. OTHER BUSINESS

PURPOSE For Council members to raise any other business for the consideration of the meeting.

SPONSOR Chancellor

RECOMMENDATION That the Council consider any other business raised.

ACTION REQUIRED
☑️ For discussion ☐ For decision ☐ For information
43. **NEXT MEETING**

**PURPOSE**
For Council members to note the date of the next meeting of Council.

**SPONSOR**
Chancellor

**RECOMMENDATION**
That it be noted that the next meeting of Council will be held on 25 May 2018.

**ACTION REQUIRED**
☐ For discussion ☐ For decision ☑ For information
ATTACHMENTS
# GLOSSARY OF ANU TERMS

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<th>Acronym</th>
<th>Explanation</th>
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<tr>
<td>AB</td>
<td>Academic Board</td>
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<td>AHEGS</td>
<td>Australian Higher Education Graduation Statement</td>
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<td>ANIP</td>
<td>Australian National Internships Program</td>
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<td>ANU</td>
<td>Australian National University</td>
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<td>Australian Qualifications Framework</td>
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<td>Audit and Risk Management Committee</td>
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<td>Alumni Relations &amp; Philanthropy Division</td>
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<td>ANU College of Arts &amp; Social Sciences</td>
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<td>CBE</td>
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<td>ANU College of Engineering &amp; Computer Science</td>
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<td>CFO</td>
<td>Chief Financial Officer</td>
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<td>CGRO</td>
<td>Corporate Governance and Risk Office</td>
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<td>CHELT</td>
<td>Centre for Higher Education, Learning &amp; Teaching</td>
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<td>CMBE</td>
<td>ANU College of Medicine, Biology &amp; Environment</td>
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<tr>
<td>CPMS</td>
<td>ANU College of Physical &amp; Mathematical Sciences</td>
</tr>
<tr>
<td>CRICOS</td>
<td>Commonwealth Register of Institutions and Courses for Overseas Students</td>
</tr>
<tr>
<td>CSP</td>
<td>Commonwealth Supported Place</td>
</tr>
<tr>
<td>CSS</td>
<td>Commonwealth Support Student</td>
</tr>
<tr>
<td>DET</td>
<td>Commonwealth Department of Education and Training</td>
</tr>
<tr>
<td>DSA</td>
<td>Division of Student Administration</td>
</tr>
<tr>
<td>DSL</td>
<td>Division of Student Life</td>
</tr>
<tr>
<td>Acronym</td>
<td>Explanation</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>DTF</td>
<td>Domestic Tuition Fees</td>
</tr>
<tr>
<td>DVC(A)</td>
<td>Deputy Vice-Chancellor (Academic)</td>
</tr>
<tr>
<td>DVC(GE)</td>
<td>Deputy Vice-Chancellor (Global Engagement)</td>
</tr>
<tr>
<td>DVC(RI)</td>
<td>Deputy Vice-Chancellor (Research and Innovation)</td>
</tr>
<tr>
<td>EFT</td>
<td>Equivalent Full Time</td>
</tr>
<tr>
<td>EFTSL</td>
<td>Equivalent Full Time Student Load</td>
</tr>
<tr>
<td>ERMC</td>
<td>Electronic Records Management System</td>
</tr>
<tr>
<td>ESOS</td>
<td>Educational Services for Overseas Students Act 2000</td>
</tr>
<tr>
<td>F&amp;BS</td>
<td>Finance and Business Services Division</td>
</tr>
<tr>
<td>F&amp;S</td>
<td>Facilities and Services Division</td>
</tr>
<tr>
<td>FBT Act</td>
<td>Fringe Benefits Tax Assessment Act 1986</td>
</tr>
<tr>
<td>FC</td>
<td>Finance Committee</td>
</tr>
<tr>
<td>FOI</td>
<td>Freedom of Information</td>
</tr>
<tr>
<td>GMSDD</td>
<td>College General Managers and Service Division Directors (group)</td>
</tr>
<tr>
<td>Go8</td>
<td>Group of Eight</td>
</tr>
<tr>
<td>HDC</td>
<td>Honorary Degrees Committee</td>
</tr>
<tr>
<td>HDR</td>
<td>Higher Degree Research</td>
</tr>
<tr>
<td>HECS</td>
<td>Higher Education Contribution Scheme</td>
</tr>
<tr>
<td>HELP</td>
<td>Higher Education Loan Program</td>
</tr>
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<td>HESA</td>
<td>Higher Education Support Act 2003</td>
</tr>
<tr>
<td>HRD</td>
<td>Human Resources Division</td>
</tr>
<tr>
<td>ISF</td>
<td>International Student Fees</td>
</tr>
<tr>
<td>ISP</td>
<td>International Strategy &amp; Partnerships</td>
</tr>
<tr>
<td>ITS</td>
<td>Information Technology Services Division</td>
</tr>
<tr>
<td>LO</td>
<td>University Legal Office</td>
</tr>
<tr>
<td>MO</td>
<td>Marketing Office</td>
</tr>
<tr>
<td>MPJSC</td>
<td>Major Projects Joint Sub-Committee</td>
</tr>
<tr>
<td>NC</td>
<td>Nominations Committee</td>
</tr>
<tr>
<td>NCIS</td>
<td>National Centre for Indigenous Studies</td>
</tr>
<tr>
<td>NHMRC</td>
<td>National Health and Medical Research Council</td>
</tr>
<tr>
<td>Acronym</td>
<td>Explanation</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>OVC</td>
<td>Office of the Vice-Chancellor</td>
</tr>
<tr>
<td>PG</td>
<td>Postgraduate</td>
</tr>
<tr>
<td>PGPA</td>
<td>Public Governance, Performance &amp; Accountability Act 2013</td>
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<tr>
<td>PID</td>
<td>Public Interest Disclosure</td>
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<tr>
<td>PPM</td>
<td>Planning &amp; Performance Measurement Division</td>
</tr>
<tr>
<td>PVC(I)</td>
<td>Pro Vice-Chancellor (Innovation)</td>
</tr>
<tr>
<td>PVC(UE)</td>
<td>Pro Vice-Chancellor (University Experience)</td>
</tr>
<tr>
<td>RC</td>
<td>Remuneration Committee</td>
</tr>
<tr>
<td>RSD</td>
<td>Research Services Division</td>
</tr>
<tr>
<td>RTS</td>
<td>Research Training Scheme</td>
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<tr>
<td>SCAPA</td>
<td>Strategic Communications &amp; Public Affairs</td>
</tr>
<tr>
<td>SIG</td>
<td>Service Improvement Group</td>
</tr>
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<td>SIS</td>
<td>Scholarly Information Services Division</td>
</tr>
<tr>
<td>SMG</td>
<td>Senior Management Group</td>
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<tr>
<td>TEQSA</td>
<td>Tertiary Education Quality and Standards Agency</td>
</tr>
<tr>
<td>Tjabal</td>
<td>Tjabal Indigenous Higher Education Centre</td>
</tr>
<tr>
<td>TTO</td>
<td>Technology Transfer Office</td>
</tr>
<tr>
<td>UA</td>
<td>Universities Australia</td>
</tr>
<tr>
<td>UAC</td>
<td>University Admissions Centre (for NSW and ACT)</td>
</tr>
<tr>
<td>UEC</td>
<td>University Education Committee</td>
</tr>
<tr>
<td>UG</td>
<td>Undergraduate</td>
</tr>
<tr>
<td>URC</td>
<td>University Research Committee</td>
</tr>
<tr>
<td>VC</td>
<td>Vice-Chancellor</td>
</tr>
</tbody>
</table>
Australian National University - Research Services Division

Grants and Consultancies
Awarded between 20 December 2017 and 13 March 2018

College of Arts and Social Science ................................................................................................................................... 2
College of Asia and the Pacific ............................................................................................................................................... 2
College of Health and Medicine ........................................................................................................................................... 3
College of Science .................................................................................................................................................................. 4
College of Business and Economics ...................................................................................................................................... 5
College of Engineering and Computer Science .................................................................................................................. 5
Other Non-College Academic .................................................................................................................................................. 5

Caveats:
1. The amount shown reflects the funds that were awarded for the entire grant/consultancy, grouped against the primary funds provider.
2. Although many grants/consultancies are collaborative efforts involving more than one area of the ANU, they are reported under the college of the primary department.
3. All amounts reported are in Australian dollars.
4. In a few cases the amount reported is nil. This can be for a variety of reasons, such as the contract is still under negotiation, or that the project is a non-monetary agreement.
### College of Arts and Social Science

<table>
<thead>
<tr>
<th>Primary Funds Provider</th>
<th>Primary Investigator</th>
<th>Title</th>
<th>Total Amount Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commonwealth Department of Defence, Defence Science and Technology Group (DSTG)</td>
<td>Dr Robert Ackland</td>
<td>Online/offline events and online public group spaces</td>
<td>$114,833</td>
</tr>
</tbody>
</table>

### College of Asia and the Pacific

<table>
<thead>
<tr>
<th>Primary Funds Provider</th>
<th>Primary Investigator</th>
<th>Title</th>
<th>Total Amount Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deutsche Gesellschaft fur Internationale Zusammenarbeit (GIZ) GmbH</td>
<td>Dr Ida Kubiszewski</td>
<td>Economics of Land degradation (ELD) Initiative 2018-2019</td>
<td>$166,470</td>
</tr>
<tr>
<td>Commonwealth Department of Foreign Affairs and Trade (DFAT)</td>
<td>Prof Neil Gunningham</td>
<td>Harnessing financial markets and institutional investment to increase the penetration of clean energy in the Asia Pacific</td>
<td>$949,805</td>
</tr>
<tr>
<td>Primary Funds Provider</td>
<td>Primary Investigator</td>
<td>Title</td>
<td>Total Amount Awarded</td>
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<tr>
<td>-----------------------------------------------------------</td>
<td>----------------------</td>
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<td>----------------------</td>
</tr>
<tr>
<td>National Health and Medical Research Council (NHMRC)</td>
<td>Dr Marco Casarotto</td>
<td>UV/Vis Spectrophotometer</td>
<td>$17,720</td>
</tr>
<tr>
<td>National Health and Medical Research Council (NHMRC)</td>
<td>Dr Nathalie Dehorter</td>
<td>DigiGait Imaging System</td>
<td>$33,000</td>
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<tr>
<td>National Health and Medical Research Council (NHMRC)</td>
<td>Prof Ross Hannan</td>
<td>IntelliCyt iQue QMAX Refill Module</td>
<td>$23,350</td>
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<tr>
<td>Commonwealth Department of Defence, Defence Science and Technology Group (DSTG)</td>
<td>Prof Gabriele Bammer</td>
<td>Establishing proof of concept for convening six working groups to investigate approaches for eliciting, understanding, modelling and managing unknowns</td>
<td>$59,925</td>
</tr>
<tr>
<td>National Health and Medical Research Council (NHMRC)</td>
<td>Prof Michael Peek</td>
<td>Treatment of Severe Early Onset Intrahepatic Cholestasis of Pregnancy</td>
<td></td>
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<tr>
<td>Bayer Australia Ltd</td>
<td>Dr Riccardo Natoli</td>
<td>Exudative AMD and Cancer: Is there a clinically relevant connection in the comorbidity of these two diseases in patients treated with anti-VEGF agents for exudative AMD?</td>
<td>$10,000</td>
</tr>
<tr>
<td>Rebecca L. Cooper Medical Research Foundation</td>
<td>Mr Faran Sabeti</td>
<td>Macular Pigment in Age-related Macular Degeneration structure versus function</td>
<td></td>
</tr>
<tr>
<td>Australasian Sarcoma Study Group</td>
<td>Dr Anneke Blackburn</td>
<td>A non-toxic agent to reduce osteosarcoma aggressiveness and improve treatment effectiveness via targeting cancer metabolism</td>
<td></td>
</tr>
<tr>
<td>Science and Industry Endowment Fund (SIEF)</td>
<td>Ms Hayley McNamara</td>
<td>SIEF 2018 Lindau Nobel Laureates Meeting: Hayley McNamara</td>
<td></td>
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</tbody>
</table>
## College of Science

<table>
<thead>
<tr>
<th>Primary Funds Provider</th>
<th>Primary Investigator</th>
<th>Title</th>
<th>Total Amount Awarded</th>
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</thead>
<tbody>
<tr>
<td>Center for Optomechatronics Research and Application</td>
<td>Dr François Rigaut</td>
<td>OPAM Research Consulting Service</td>
<td>$17,745</td>
</tr>
<tr>
<td>Australian Research Council (ARC)</td>
<td>Dr Marcus Doherty</td>
<td>Cryogenic Quantum Microscope Facility</td>
<td>$223,039</td>
</tr>
<tr>
<td>Royal Commonwealth Society ACT</td>
<td>Ms Georgia Troup</td>
<td>The nutritional-ecology of crop-raiding elephants in Tsavo, Kenya, and their response to a drying ecosystem</td>
<td></td>
</tr>
<tr>
<td>Danmarks Frie Forskningsfond</td>
<td>Dr Hrvoje Tkalcic</td>
<td>Dynamic topography around The North Atlantic - Acquisition and interpretation of seismological data</td>
<td>$94,338</td>
</tr>
<tr>
<td>ANU Connect Ventures Pty Ltd</td>
<td>Dr Robert Sharp</td>
<td>A freeform-optics solution to laser guide-star adaptive optics wavefront sensing</td>
<td>$45,909</td>
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<tr>
<td>Commonwealth Scientific and Industrial Research Organisation (CSIRO)</td>
<td>Mr Alden Christley-Balcomb</td>
<td>Optimise oxygen reduction of heme-silk films to produce a biofuel cell</td>
<td>$2,500</td>
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<tr>
<td>Commonwealth Department of Foreign Affairs and Trade (DFAT)</td>
<td>Ms Vanessa de Kauwe</td>
<td>ANU Science Circus Africa: Disability Initiative</td>
<td>$37,317</td>
</tr>
<tr>
<td>Geoscience Australia</td>
<td>Dr Margaret Forster</td>
<td>An argon geochronology map of</td>
<td>$44,000</td>
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<tr>
<td>Merck Biopharma</td>
<td>Prof Stefan Broer</td>
<td>Exploiting nutrient stress to target cancer cells</td>
<td>$50,552</td>
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<tr>
<td>Commonwealth Department of Defence, Defence Science and Technology Group (DSTG)</td>
<td>Dr Francis Bennet</td>
<td>Adaptive Optics for Optical Ground Station</td>
<td>$187,794</td>
</tr>
<tr>
<td>Australian Research Council (ARC)</td>
<td>Dr Russell Barrow</td>
<td>Gas chromatography: Separating inseparables, identifying unidentifiables</td>
<td>$299,105</td>
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## College of Business and Economics

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<th>Primary Funds Provider</th>
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<th>Title</th>
<th>Total Amount Awarded</th>
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<tbody>
<tr>
<td>ANU Enterprise Pty Ltd</td>
<td>Dr Andrew Hughes</td>
<td>Project 21433 (confidential scope of service)</td>
<td>$15,000</td>
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## College of Engineering and Computer Science

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<th>Primary Funds Provider</th>
<th>Primary Investigator</th>
<th>Title</th>
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</thead>
<tbody>
<tr>
<td>National Health and Medical Research Council (NHMRC)</td>
<td>Dr David Nisbet</td>
<td>Transmittance setup (3 pieces - custom built)</td>
<td>$14,813</td>
</tr>
<tr>
<td>Australian Renewable Energy Agency (ARENA)</td>
<td>Mr Kean Fong</td>
<td>Transparent Doped LPCVD Polysilicon</td>
<td>$410,000</td>
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<tr>
<td>Australian Renewable Energy Agency (ARENA)</td>
<td>Mr Daniel Walter</td>
<td>Guiding efficient and effective development of silicon-perovskite solar cells</td>
<td>$410,000</td>
</tr>
<tr>
<td>Australian Renewable Energy Agency (ARENA)</td>
<td>Mr Hang Cheong (Kelvin) Sio</td>
<td>Overcoming the material limitations of cast-grown multicrystalline and mono-like silicon for high efficiency solar cells.</td>
<td>$410,000</td>
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</table>

## Other Non-College Academic

<table>
<thead>
<tr>
<th>Primary Funds Provider</th>
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<th>Total Amount Awarded</th>
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</thead>
<tbody>
<tr>
<td>Geoscience Australia</td>
<td>Dr Benjamin Evans</td>
<td>GSKY Services and Development for Digital Earth Australia</td>
<td>$1,021,360</td>
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<tr>
<td>November</td>
<td>Venue</td>
<td>Host Area</td>
<td>Details</td>
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<tr>
<td>--------------------------</td>
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</tr>
<tr>
<td>Wednesday 17 January</td>
<td>Shine Dome</td>
<td>National Youth Science Forum (NYSF)</td>
<td>Vice-Chancellor delivered the welcome at the National Youth Science Forum lecture.</td>
</tr>
<tr>
<td>Friday 19 January</td>
<td>Mount Stromlo Observatory</td>
<td>National Mathematics Society</td>
<td>Vice-Chancellor delivered public lecture at 50th anniversary National Mathematics Summer School.</td>
</tr>
<tr>
<td>Tuesday 23 - Saturday 27 January</td>
<td>Davos, Switzerland</td>
<td>Office of the Vice-Chancellor</td>
<td>World Economic Forum (WEF) Vice-Chancellor co-hosted a reception with Senator the Hon Mathias Cormann, Minister for Finance, with Australian connected participants. Attendees included: The Hon Steven Ciobo, Minister for Trade, Tourism and Investment and Ms Frances Lisson, Ambassador and Representative to WTO, Geneva. 92 people attended the reception. ANU academics also presented at the WEF: Professor David Lindenmayer Professor Ceridwen Fraser Professor Adrienne Nicotra</td>
</tr>
<tr>
<td>Monday 29 January</td>
<td>Ross Hohnen Room, Chancelry Building</td>
<td>Energy Change Institute</td>
<td>Renewable Energy Roundtable Attended by Hon Dr Mike Kelly MP, Hon Mr Mark Butler MP and Mr Pat Conroy MP. Deputy Vice-Chancellor (Research) opened the roundtable discussion.</td>
</tr>
<tr>
<td>Wednesday 31 January</td>
<td>Llewellyn Hall</td>
<td>Office of the Vice-Chancellor</td>
<td>State of the University delivered by the Vice-Chancellor. 650 people attended.</td>
</tr>
<tr>
<td>Thursday 8 February</td>
<td>National Security College Boardroom</td>
<td>National Security College</td>
<td>Roundtable discussion with the Chief of Defence of Denmark, General Bjorn Bisskerup, and his accompanying party and the Chief of Defence of Norway, Admiral Haakon Bruun-Hanssen, and accompanying party.</td>
</tr>
<tr>
<td>Thursday 8 February</td>
<td>Coombs</td>
<td>ANU Climate Change</td>
<td>ANU Climate Update. Pro Vice-Chancellor (Innovation) delivered introduction and Minister Shane Rattenbury delivered keynote speech.</td>
</tr>
<tr>
<td>Monday 12 February</td>
<td>Acton Theatre</td>
<td>East Asian Bureau of Economics</td>
<td>Aid for Trade in Asia and the Pacific. Professor Michael Wesley met and introduced the keynote speaker, DFAT Secretary Frances Adamson.</td>
</tr>
<tr>
<td>Monday 12 February</td>
<td>University Avenue</td>
<td>Office of the Vice-Chancellor</td>
<td>Commencement Address delivered by Vice-Chancellor, Dr Matilda House and Dr Jessa Rogers 2,300 people attended.</td>
</tr>
<tr>
<td>Tuesday 13 February</td>
<td>Molonglo Theatre</td>
<td>Development Policy Centre</td>
<td>2018 Australasian Aid Conference officially opened by Senator Penny Wong. The Vice-Chancellor met the Senator on her arrival and provided the introduction to the symposium.</td>
</tr>
<tr>
<td>Date</td>
<td>Location</td>
<td>Event Type</td>
<td>Details</td>
</tr>
<tr>
<td>----------------------</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Wednesday 14 February| Mills Room                            | International Strategy and Partnerships       | Latin American Engagement. Vice-Chancellor met with the following Ambassadors of Latin American counties:  
- His Excellency Mr. Jaime BUENO-MIRANDA, Embassy of the Republic of Colombia  
- His Excellency Mr Juan Rodrigo SALAZAR SANCISI, Embassy of the Republic of Ecuador  
- His Excellency Mr Patricio Fernando POWELL OSORIO, Embassy of the Republic of Chile  
- Mr Esteban Melgarejo, Second Secretary, Embassy of Uruguay  
- His Excellency Mr José Manuel GALEGO MONTANO, Embassy of the Republic of Cuba  
- His Excellency Dr Hugo Javier GOBBI, Embassy of the Argentine Republic  
- Her Excellency Ms Connie TARACENA SECAIRA, Embassy of the Republic of Guatemala |
| Thursday 15 February | Australian Centre for China in the World Building | Strategic Communications and Public Affairs | Meet the Author event with Benjamin Jones and Michael Cooney. 139 people attended.                                                                                                                     |
| Thursday 15 February | Coombs Lecture Theatre                 | Research School of Physics and Engineering    | Why does the Cosmos exist? 380 people attended.                                                                                                                                                      |
| Friday 16 February   | Weston Theatre                         | Japan Institute                                | The Vice-Chancellor opened the Australia Japan Symposium and introduced speakers  
Speakers included:  
Mr Richard Maude, Deputy Secretary, Department of Foreign Affairs and Trade, and the Ambassador Sumio Kusaka, Embassy of Japan in Australia.                                                                 |
<p>| Friday 16 February   | Chancelry Steps                         | College of Business and Economics             | The Vice-Chancellor welcomed His Excellency Mr Jingye CHENG, Ambassador, Embassy of the People’s Republic of China and Chinese officials to ANU for Lunar New Year.                                           |
| Monday 19 February   | University House                       | Arndt-Corden Department of Economics          | The Vice-Chancellor delivered opening remarks at the launch of Max Corden’s book A lucky boy in a lucky country.                                                                                      |
| Monday 19 February   | Ross Hohnen Room, Chancelry            | ANU College of Medicine and Health            | Mr J P Nadda, Minister of Health and Family Welfare, Government of India and His Excellency Dr Ajay Marotrao GONDANE, High Commissioner, High Commission of India met with academics on their visit ANU. Professor Jane Dahlstrom, Dean of ANU College of Health and Medicine hosted the meeting |
| Tuesday 20 February  | Hedley Bull                            | ANU Strategic and Defence Studies Centre      | The Vice-Chancellor met and introduced the Defence Secretary Mr Richard Maude who spoke to Master of Strategic Studies Class of 2018.                                                                   |
| Wednesday 21 February| China in the World                     | ANU College of Asia and the Pacific           | A Foreign Affair with Geraldine Doogue, The Hon Bob Carr, Her Excellency Ms Menna Rawlings and Professor Michael Wesley.                                                                          |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Department/Group</th>
<th>Event Description</th>
<th>Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wednesday 21 February</td>
<td>Coombs Lecture Theatre</td>
<td>Research School of Astronomy and Astrophysics</td>
<td>Mapping the Sky: from ancient times to the modern Australian SkyMapper Telescope delivered by Vice-Chancellor and Dr Christian Wolf. 385 people attended.</td>
<td>385</td>
</tr>
<tr>
<td>Thursday 22 February</td>
<td>Lotus Hall, CIW</td>
<td>College of Asia and the Pacific</td>
<td>The Hon Kim Beazley launched <em>Australian Foreign Affairs</em> magazine.</td>
<td>385</td>
</tr>
<tr>
<td>Friday 23 February</td>
<td>Shine Dome</td>
<td>Office of the Vice-Chancellor</td>
<td>2017 ANU Reconciliation Lecture on <em>Treaty Making and Nation Building</em> delivered by Mr Peter Yu. Vice-Chancellor attended and introduced Mr Peter Yu.</td>
<td>350</td>
</tr>
<tr>
<td>Wednesday 28 February</td>
<td>Copland Lecture Theatre</td>
<td>Strategic Communications and Public Affairs</td>
<td>Meet the Author event with Jacqui Lambie and Alex Sloan. 350 people attended.</td>
<td>350</td>
</tr>
<tr>
<td>Thursday 1 March</td>
<td>Australian Centre for China in the World Building</td>
<td>School of Literature, Languages and Linguistics</td>
<td>Uncovering the True History of Australian Literature public lecture by Dr Katherine Bode. 178 people attended.</td>
<td>178</td>
</tr>
<tr>
<td>Saturday 3 and Sunday 4 March</td>
<td>Molonglo Theatre</td>
<td>NJCA, ANU College of Law</td>
<td>Sentencing Conference 2018. The Hon Justice Geoffrey Nettle and The Hon Chief Justice Helen Murrell attended.</td>
<td>178</td>
</tr>
<tr>
<td>5 March</td>
<td>Robertson Building</td>
<td>Office of the Vice-Chancellor</td>
<td>Vice-Chancellor’s Packed Lunches with ANU Staff. 35 people attended.</td>
<td>35</td>
</tr>
<tr>
<td>Monday 5 March</td>
<td>Australian Centre for China in the World Building</td>
<td>Strategic Communications and Public Affairs</td>
<td>Vice-Chancellor launched Dr Andrew Leigh MP’s book <em>Randomistas</em>. 220 people attended.</td>
<td>220</td>
</tr>
<tr>
<td>Monday 5 March</td>
<td>Coombs Lecture Theatre</td>
<td>Office of the Pro Vice-Chancellor (University Experience)/Pamela Denoon Lecture Committee</td>
<td>2018 Pamela Denoon Lecture delivered by Sex Discrimination Commissioner Kate Jenkins. Pro Vice-Chancellor (University Experience) delivered introduction. 350 people attended.</td>
<td>350</td>
</tr>
<tr>
<td>Tuesday 6 March</td>
<td>Hedley Bull Atrium</td>
<td>APCD</td>
<td>Ruth Dobson Scholarship Announcement. Vice-Chancellor, DFAT Secretary, Ambassadors and High Commissioners attended.</td>
<td></td>
</tr>
<tr>
<td>Wednesday 7 March</td>
<td>Australian Centre for China in the World Building</td>
<td>Innovation ANU</td>
<td>Innovation and the Translation of Research to Industry public lecture delivered by Fulbright Specialist and ANU alumnus Professor Paul Sanberg. 100 people attended.</td>
<td>100</td>
</tr>
<tr>
<td>Wednesday 7 March</td>
<td>Melville Hall</td>
<td>ANUSA, PARSA</td>
<td>Pizza with Brian. Vice-Chancellor hosted a student forum. 60 people attended.</td>
<td>60</td>
</tr>
<tr>
<td>Thursday 8 March</td>
<td>University House</td>
<td>Office of the Vice-Chancellor</td>
<td>Vice-Chancellor hosted <em>Changing the Culture of Gender at ANU</em> panel discussion for International Women’s Day. 192 people attended.</td>
<td>192</td>
</tr>
<tr>
<td>Thursday 8, Friday 9, Saturday 10, Thursday 15 and Friday 16 March</td>
<td>School of Music, School of Art, Liversidge Street, Hedley Bull Building</td>
<td>Strategic Communications and Public Affairs</td>
<td>ANU Enlighten Minds</td>
<td>Thinking Spaces. Featured projections onto Menzies Library, School of Art, School of Music and University House. Additional events included food stalls on</td>
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<tr>
<td>Date</td>
<td>Location</td>
<td>Event</td>
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<tr>
<td>Friday 9 March</td>
<td>National Museum of Australia</td>
<td>ACT Government</td>
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<td>ACT Chief Minister's Welcome to International Students. ANU was represented by our Provost, Professor Mike Calford.</td>
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<tr>
<td>Friday 9 March</td>
<td>Molonglo Theatre</td>
<td>Indonesia Update 2018. The Provost, Professor Mike Calford met and introduced the Indonesian Minister for National Development Planning. His Excellency Professor Bambang Brodjonegoro who delivered a speech on Indonesia’s vision for 2045.</td>
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<tr>
<td>Wednesday 14 March</td>
<td>Crawford Building</td>
<td>Office of the Vice-Chancellor</td>
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<td>The Prime Minister of Vietnam His Excellency Mr Nguyen Xuan Phuc visited ANU as part of his Australian guest of government visit. The Chancellor and Vice-Chancellor led a roundtable discussion followed by a lecture delivered by the Prime Minister.</td>
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<tr>
<td>Wednesday 14 March</td>
<td>Australian Centre for China in the World Building</td>
<td>Strategic Communications and Public Affairs</td>
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<td>Meet the Author event with Dr Craig Emerson and Dr Andrew Leigh MP. 220 people attended.</td>
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I, Professor Brian P. Schmidt, Vice-Chancellor, make the following rule.

Dated 19 March 2018

Professor Brian P. Schmidt AC FAA FRS
Vice-Chancellor
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Part 1—Preliminary

1 Name

This is the Discipline Rule 2018.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

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

4 Definitions

In this instrument:

complainant, in relation to conduct: see section 8(3) (Respondent and complainant in relation to conduct).

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.

Dean, in relation to a student, means the Dean of the ANU College responsible for:
   (a) the program or course in which the student is or was enrolled or seeking enrolment; or
   (b) the course the student was given permission to audit.

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.

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 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 a 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.

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

**harassment**:

for forms of harassment that are not sexual harassment, see section 5(2) (Sexual harassment and other forms of harassment).

**inquiry** means an inquiry under Part 4 (Inquiries).

**misconduct**:

see section 6 (Misconduct).

**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 University statute (other than the Parking and Traffic Statute), rule or order; and

(b) a monetary obligation (for example, 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 any student—the Dean, the Registrar or a person nominated for the purpose by the Vice-Chancellor, as the case requires; and

(b) in relation to a student who is a resident in a hall of residence or lodge of the University—the Head of the hall of residence or lodge.

**property** includes any form of real and personal property.

**Example of property**

Intellectual property, including intellectual property in any data or information.

**reviewable decision**:

see section 25 (Meaning of reviewable decision).

**sexual assault** includes any offence of a sexual nature committed on another person without the other person’s consent.

**Examples of sexual assault**

Conduct that is an offence against the **Crimes Act 1900 (ACT)**, section 54 (Sexual intercourse without consent) or section 60 (Act of indecency without consent).

[Note: Sexual assault includes a range of behaviours, all of which are unacceptable and constitute a crime, whereby a person is forced, coerced or tricked into sexual acts against their will or without their consent, including when they have withdrawn their consent.]

**sexual harassment**:

see section 5(1) (Sexual harassment and other forms of harassment).

**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.

**University-related conduct** means conduct that is connected with the University.

**Examples**

1 Conduct that relates to the University, its activities, or its staff, or students, in their capacity as members of the staff, or students, of the University.
2 Conduct that happens on or in, or in connection with, land or premises owned or occupied by the University.

3 Conduct that happens in, or in connection with, University House, Graduate House, a hall of residence, an affiliated college, or any other accommodation provided or arranged by the University.

4 Conduct engaged in using, or facilitated by, University information infrastructure or services or any other University resources, equipment or services.

5 Conduct that happens during, or relates to, the exercise of functions for the University.

6 Conduct that happens during, or in connection with, any function or event connected with the University (whether or not organised or approved by the University).

7 Conduct that happens when a person is representing the University in any capacity.

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 applying 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.

5 Sexual harassment and other forms of harassment

(1) For this instrument, a person sexually harasses another person (the person harassed) if the person:

(a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or

(b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

[Note: This definition mirrors the definition of sexual harassment in the Sex Discrimination Act 1984 (Cwlth.), section 28A(1).]

(2) For this instrument, a person subjects another person (also the person harassed) to another form of harassment if the person engages in conduct that:

(a) is offensive, humiliating or intimidating to the person harassed, but is not sexual harassment; and

(b) is engaged in by the person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

(3) For subsections (1) and (2), the circumstances to be taken into account include, but are not limited to, the following:

(a) the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;

(b) the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
(c) any disability of the person harassed;
(d) any other relevant circumstance.

(4) In this section:

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.
Part 2—Misconduct

6 Misconduct

(1) It is misconduct if a student engages in conduct:

(a) that is dishonest, unethical, or otherwise demonstrates a lack of integrity or a lack of respect for the safety or wellbeing of other members of the University community; or

(b) that unreasonably hinders other members of the University community in the pursuit of their studies or research in the University or in participation in the life of the University; or

(c) that is otherwise:

(i) a contravention of the values set by the Council for the University; or

(ii) prejudicial to the good order and government of the University; or

(iii) reprehensible conduct for a member of the University community to engage in.

[Note: For the values currently set by the Council for the University, see the Strategic Plan 2017-2021.]

(2) Without limiting subsection (1), it is misconduct if a student:

(a) sexually assaults or sexually harasses another member of the University community; or

(b) engages, or threatens to engage, in any other non-consensual conduct of a sexual nature in relation to another member of the University community if a reasonable member of the University community would, in all the circumstances, consider the conduct to be:

(i) an invasion of privacy; or

(ii) indecent; or

(iii) otherwise unacceptable conduct for a student to engage in in relation to another member of the University community; or

(c) subjects another member of the University community to any other form of harassment, victimisation or discrimination; or

(d) otherwise behaves in a violent, threatening or intimidating way to another member of the University community or otherwise creates a hostile study, research or work environment; or

(e) intentionally, recklessly or negligently causes risk or danger to the health or safety of another member of the University community; or

(f) intentionally or recklessly obstructs or disrupts an activity or proceeding of the University; or

(g) intentionally, recklessly or negligently destroys, damages, defaces, loses, removes or otherwise interferes with, or makes unauthorised use of, property of the University or another person; or

(h) enters a place in the University that the student is not permitted to enter; or

(i) contravenes a reasonable order or direction (however described) of an officer or employee of the University or a person acting with the lawful authority of the University; or

(j) contravenes a University statute, rule or order or an order or direction (however described) given under a University statute, rule or order; or

(k) 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

(l) 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

(m) 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

(n) contravenes the University’s instructions to students at, or in relation to, an
examination.

Examples for paragraph (b)

Conduct that is an offence against the *Crimes Act 1900* (ACT), section 61B (Intimate
observations or capturing visual data etc.), section 72C (Non-consensual distribution of
intimate images) or section 72E (Threaten to capture or distribute intimate images).

[Note: An example of the operation of a provision is not exhaustive and may extend the operation of
the provision (see *Acts Interpretation Act 1901* (Cwlth.), section15AD and *Legislation Act 2003*
(Cwlth), section 13(1)(a)).]
Part 3—Consequences of misconduct

7 Reporting misconduct etc.

(1) If any person considers that a student has, or may have, engaged in conduct that is misconduct, the person may report the student’s conduct to the Vice-Chancellor or a prescribed authority.

(2) To remove any doubt, if a prescribed authority considers that a student has, or may have, engaged in conduct that is misconduct, the prescribed authority may report the student’s conduct to the Vice-Chancellor or another prescribed authority.

(3) If the Vice-Chancellor or a prescribed authority (the relevant authority) considers that a student has, or may have, engaged in conduct that is misconduct, the relevant authority may exercise functions under this instrument in relation to the student’s conduct even though the relevant authority has not received a report under this section about the conduct.

8 Respondent and complainant in relation to conduct

(1) This section applies if:

(a) a report is made under section 7 (Reporting misconduct etc.) about the conduct of a student; or

(b) the Vice-Chancellor or a prescribed authority decides under section 7 to exercise functions under this instrument in relation to the conduct of a student.

(2) For the purposes of this instrument, the student may be referred to as the respondent.

(3) For the purposes of this instrument, each of the following may be referred to as the complainant in relation to the conduct:

(a) if this section applies because a report is made under section 7—the person who makes the report or, if the report is made on behalf of another person who is a student, the other person;

(b) in any case—any other person if the conduct affects, or may affect, the other person in the other person’s capacity as a student.

9 Keeping complainant informed

(1) This section applies if:

(a) a report is made under section 7 (Reporting misconduct etc.) about the conduct of a student; or

(b) the Vice-Chancellor or a prescribed authority decides under section 7 to exercise functions under this instrument in relation to the conduct of a student.

(2) The Vice-Chancellor or a prescribed authority may, from time to time, tell a complainant in relation to the conduct, orally or in writing, about any of the following:

(a) whether any action has been taken under this instrument or otherwise in relation to the conduct;

(b) if action, or particular action, has not been taken in relation the conduct—the reasons for not taking action, or that particular action, in relation to the conduct (including any finding made);
(c) if action has been taken in relation to the conduct—the action taken in relation to the conduct, the reasons for taking that action (including any finding made) and the outcome of that action;

(d) whether any proceedings have been taken under or in relation to the Appeals Rule in relation to the conduct and, if so, the nature of the proceedings, the outcome of those proceedings and the reasons for that outcome;

(e) anything else that the Vice-Chancellor or prescribed authority considers that the complainant should be told about.

10 Prescribed authority’s role

(1) If a prescribed authority becomes aware that a student (the respondent) has, or may have engaged, in conduct that is misconduct, the prescribed authority must initially decide whether action should be taken in relation to the respondent under this instrument in relation to the conduct.

(2) The prescribed authority may decide that action should not be taken in relation to the respondent under this instrument in relation to the conduct if the prescribed authority considers:

(a) that there are not adequate grounds for believing that the respondent engaged in the conduct or that the conduct is misconduct (or both); or

(b) that it is otherwise not appropriate for action to be taken, or taken for the time being, in relation to the respondent under this instrument in relation to the conduct.

Examples for paragraph (b)

1 A criminal investigation or prosecution has begun in relation to the conduct.

2 The conduct is not University-related conduct.

(3) If the prescribed authority makes a decision under subsection (2), the prescribed authority must, within 5 working days after the day the decision is made, tell the respondent in writing about the decision.

(4) To remove any doubt, if the prescribed authority considers that it is not appropriate for action to be taken for the time being in relation to the respondent under this instrument in relation to the conduct, this instrument does not prevent the prescribed authority, another prescribed authority or the Vice-Chancellor from later deciding that it is no longer inappropriate for action to be taken in relation to the respondent under this instrument in relation to the conduct.

(5) If the prescribed authority decides that action should be taken in relation to the respondent under this instrument in relation to the conduct and considers that there are adequate grounds for believing that the respondent engaged in the conduct and the conduct is misconduct, the prescribed authority may:

(a) decide to hold an inquiry into the conduct; or

(b) refer the conduct to the Vice-Chancellor, if the prescribed authority considers that the conduct should be dealt with by the Vice-Chancellor and the conduct was not referred to the prescribed authority by the Vice-Chancellor under section 12(5)(a) (Powers of, and action by, Vice-Chancellor).

(6) If the prescribed authority decides to hold an inquiry into the conduct, the prescribed authority must, within 5 working days after the day the decision is made, give the respondent a written notice that:
(a) tells the respondent about the decision, including the name of the prescribed authority; and
(b) includes a description of the conduct to be inquired into; and
(c) includes, or is accompanied by, copies of the material in the possession of the prescribed authority on which the prescribed authority may rely in the inquiry; and
(d) states the date, time and place fixed for the hearing of the inquiry; and
(e) includes, or is accompanied by, a statement to the effect that:
   (i) the purpose of the inquiry is to decide whether there has been misconduct by the respondent and that the powers of the prescribed authority include power to find that there has been misconduct by the respondent; and
   (ii) the inquiry will be conducted in an informal way; and
   (iii) the respondent may appear in person at the inquiry; and
   (iv) if the respondent does not appear at the time and place fixed for the hearing of the inquiry, the inquiry may be held in the absence of the respondent; and
   (v) the respondent may present to the inquiry oral or written statements (whether made by the respondent or another person); and
   (vi) the respondent may, in addition to or instead of appearing in person at the inquiry, give the inquiry a written statement about the conduct being inquired into (whether made by the respondent or another person); and
   (vii) the respondent may be accompanied at the inquiry by another person who may observe the proceedings and, with the express approval of the prescribed authority, act as an advocate; and
   (viii) the prescribed authority is not bound by rules of evidence.

(7) The notice must be given to the respondent at least 5 working days before the date fixed for the hearing, unless the respondent consents to being given the notice later.

11 Additional interim powers of prescribed authority

(1) If, in a case to which section 10(1) (Prescribed authority’s role) applies, the prescribed authority is satisfied that the respondent is likely to have engaged in conduct that is misconduct, the prescribed authority may, before holding an inquiry into the conduct:
   (a) deny the respondent 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, if the Vice-Chancellor sets a longer period by written notice given to the respondent, the longer period); or
   (b) if conduct was engaged in during an examination or other assessment—exclude the respondent from attendance at that examination or assessment.

[Note: For certain conduct in relation to information infrastructure or services, action may be taken under the Information Infrastructure and Services Rule.]

(2) However, the prescribed authority may, under subsection (1)(a), deny the respondent access to facilities, premises or activities only if the prescribed authority considers that the conduct is of a nature that causes imminent and serious risk to the health or safety of a person or that the respondent’s continued access to the facilities, premises or activities otherwise presents a serious risk to the University or its students, staff or property.

(3) Also, the prescribed authority may, under subsection (1)(b), exclude the respondent from attendance at examination or other assessment only if the prescribed authority’s considers
that the exclusion is necessary to preserve the integrity of the examination or other assessment or order and decorum at the place of the examination or other assessment.

(4) If the prescribed authority takes action under subsection (1) in relation to the respondent, the prescribed authority must, as soon as is possible:
   (a) tell the respondent in writing about the action taken; and
   (b) give the respondent a written statement of the reasons for the decision to take the action; and
   (c) report the action taken, and the circumstances relating to it, to the Vice-Chancellor.

(5) If the prescribed authority takes action under subsection (1) in relation to the respondent, the action does not, of itself, terminate the respondent’s enrolment as a student.

12 Powers of, and action by, Vice-Chancellor

(1) If the Vice-Chancellor becomes aware that a student (the respondent) has, or may have, engaged in conduct that is misconduct and that the conduct is not being dealt with by a prescribed authority, the Vice-Chancellor must initially decide whether action should be taken in relation to the respondent under this instrument in relation to the conduct.

(2) The Vice-Chancellor may decide that action should not be taken in relation to the respondent in relation to the conduct if the Vice-Chancellor considers:
   (a) that there are not adequate grounds for believing that the respondent engaged in the conduct or that the conduct is misconduct (or both); or
   (b) that it is otherwise not appropriate for action to be taken, or taken for the time being, in relation to the respondent under this instrument in relation to the conduct.

Examples for paragraph (b)

1 A criminal investigation or prosecution has begun in relation to the conduct.

2 The conduct is not University-related conduct.

(3) If the Vice-Chancellor makes a decision under subsection (2), the Vice-Chancellor must, within 5 working days after the day the decision is made, tell the respondent in writing about the decision.

(4) To remove any doubt, if the Vice-Chancellor considers that it is not appropriate for action to be taken for the time being in relation to the respondent under this instrument in relation to the conduct, this instrument does not prevent the Vice-Chancellor or a prescribed authority from later deciding that it is no longer inappropriate for action to be taken in relation to the respondent under this instrument in relation to the conduct.

(5) If the Vice-Chancellor decides that action should be taken in relation to the respondent under this instrument in relation to the conduct and considers that there are adequate grounds for believing that the respondent engaged in the conduct and that the conduct is misconduct, the Vice-Chancellor may:
   (a) refer the conduct to a prescribed authority to be dealt with by the prescribed authority under this Part and Part 4 (Inquiries); or
   (b) refer the conduct to a panel of persons appointed by the Vice-Chancellor for inquiry into the conduct on behalf of the Vice-Chancellor; or
   (c) decide to hold an inquiry into the conduct.
(6) If the Vice-Chancellor decides to deal with the conduct under subsection (5)(b) or (c), the Vice-Chancellor must, within 5 working days after the day the decision is made, give the respondent a written notice that:

(a) tells the respondent about the decision; and
(b) includes a description of the conduct to be inquired into; and
(c) includes, or is accompanied by, copies of the material in the possession of the Vice-Chancellor on which the panel or the Vice-Chancellor may rely in the inquiry; and
(d) if a panel has been appointed under subsection (5)(b)—tells the respondent the names of the members of the panel; and
(e) states the date, time and place fixed for the hearing of the inquiry; and
(f) includes, or is accompanied by, a statement to the effect that:
   (i) the purpose of the inquiry is to decide whether there has been misconduct by the respondent and that the powers of the Vice-Chancellor include the power to find that there has been misconduct by the respondent; and
   (ii) the inquiry will be conducted in an informal way; and
   (iii) the respondent may appear in person at the inquiry; and
   (iv) if the respondent does not appear at the time and place fixed for the hearing of the inquiry, the inquiry may held in the absence of the respondent; and
   (v) the respondent may present to the inquiry oral or written statements (whether made by the respondent or another person); and
   (vi) the respondent may, in addition to or instead of appearing in person at the inquiry, give the inquiry a written statement about the conduct being inquired into (whether made by the respondent or another person); and
   (vii) the respondent may be accompanied at the inquiry by another person who may observe the proceedings and, with the express approval of the Chair of the panel or the Vice-Chancellor (as the case requires), act as an advocate; and
   (viii) the panel or the Vice-Chancellor (as the case requires) is not bound by rules of evidence.

(7) However, if, at the time that the Vice-Chancellor gives the respondent the notice under subsection (6), not all of the members of the panel under subsection (5)(b) have been appointed, the Vice-Chancellor must, by a subsequent written notice given to the respondent, tell the respondent the names of the members of the panel.

(8) The notice under subsection (6), and any notice required by subsection (7), must be given to the respondent at least 5 working days before the date fixed for the hearing, unless the respondent consents to being given the notice later.

(9) If the Vice-Chancellor appoints a panel under subsection (5)(b), the panel must consist of 2 members of the academic staff of the University (one of whom is to be appointed as the Chair of the panel) and 1 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.

13 Additional interim powers of Vice-Chancellor

(1) If, in a case to which section 12(1) (Powers of, and action by, Vice-Chancellor) applies, the Vice-Chancellor is satisfied that the respondent is likely to have engaged in conduct that is misconduct, the Vice-Chancellor may, before an inquiry is held into the conduct:
(a) deny the respondent 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 inquiry has been completed and its finding dealt with under this instrument, whichever happens first; or

(b) if conduct was engaged in during an examination or other assessment—exclude the respondent from attendance at that examination or assessment.

[Note: For certain conduct in relation to information infrastructure or services, action may be taken under the Information Infrastructure and Services Rule.]

(2) However, the Vice-Chancellor may, under subsection (1)(a) deny the respondent access to facilities, premises or activities only if the Vice-Chancellor considers that the conduct is of a nature that causes imminent and serious risk to the health or safety of a person or that the respondent’s continued access to the facilities, premises or activities otherwise presents a serious risk to the University or its students, staff or property.

(3) Also, the Vice-Chancellor may, under subsection (1)(b), exclude the respondent from attendance at an examination or other assessment only if the Vice-Chancellor considers that the exclusion is necessary to preserve the integrity of the examination or other assessment or order and decorum at the place of the examination or other assessment.

(4) If the Vice-Chancellor takes action under subsection (1) in relation to the respondent, the Vice-Chancellor must, as soon as possible:

(a) tell the respondent in writing about the action taken; and

(b) give the respondent a written statement of reasons for the decision to take the action.

(5) If the Vice-Chancellor takes action under subsection (1) in relation to the respondent:

(a) the action does not, of itself, terminate the respondent’s enrolment as a student; and

(b) the respondent may, within 10 working days after the day subsection (4) is complied with in relation to the respondent, make a written submission to the Vice-Chancellor about the action.

(6) If the respondent makes a submission under subsection (5)(b), the Vice-Chancellor must consider the submission and must decide, as soon as possible, whether to vary or end the denial of access or exclusion.

(7) If the Vice-Chancellor makes a decision under subsection (6), the Vice-Chancellor must, as soon as possible:

(a) tell the respondent in writing about the decision; and

(b) if the decision is not to end the denial of access or exclusion and not to vary it as sought by the respondent—give the respondent a written statement of reasons for the decision.
Part 4—Inquiries

14 Inquiries

(1) A prescribed authority, a panel appointed under section 12(5)(b) (Powers of, and action by, Vice-Chancellor) or the Vice-Chancellor may hold an inquiry into conduct of a student (the respondent).

(2) The Registrar may appoint a person to assist the person or panel holding the inquiry to conduct the inquiry into the conduct.

(3) The person or panel holding the inquiry must consider any oral or written statement presented by the respondent to the inquiry and may consider any other matters that the person or panel considers appropriate.

(4) The respondent must be given the opportunity at the inquiry to comment on the material in the possession of the person or panel holding the inquiry on which the person or panel intends to rely.

(5) The inquiry must, subject to this section, be conducted in the way that the person or panel holding the inquiry decides.

(6) The person or panel holding the inquiry may act in an informal way and is not bound by the rules of evidence, but may inform itself on any matter as the person or panel considers just.

(7) At the inquiry, the respondent may:
   (a) appear in person; and
   (b) present to the inquiry oral or written statements (whether made by the respondent or another person); and
   (c) in addition to or instead of appearing in person, give the inquiry a written statement about the conduct being inquired into (whether made by the respondent or another person).

(8) At the inquiry, the respondent may 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.

(9) If the respondent was given notice of the inquiry in accordance with section 10(6) and (7) (Prescribed authority’s role) or section 12(6), (7) and (8) (Powers of, and action by, Vice-Chancellor), the person or panel holding the inquiry may exercise its powers whether or not the respondent is present at the hearing of the inquiry.

15 Finding and action: prescribed authority

(1) This section applies if a prescribed authority holds an inquiry under section 14 (Inquiries) into conduct of a student (the respondent).

(2) The prescribed authority may, after considering the matter, find:
   (a) that the respondent has not engaged in conduct that is misconduct; or
   (b) that the respondent has engaged in conduct that is misconduct.
(3) If the prescribed authority finds that the respondent has not engaged in conduct that is misconduct, the prescribed authority must dismiss any proceeding by the prescribed authority under this instrument in relation to the conduct inquired into.

(4) If the prescribed authority finds that the respondent has engaged in conduct that is misconduct, the prescribed authority may do 1 or more of the following:
   (a) decide to take no action;
   (b) reprimand the respondent;
   (c) deny the respondent 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 of no longer than 12 months;
   (d) suspend the candidature or enrolment of the respondent in a program or course in which the respondent is admitted or enrolled, and prohibit the resumption of candidature or enrolment, for a specified period of no longer than 12 months;
   (e) determine the conditions under which the respondent may attend classes or lessons, use any facility of the University, or otherwise continue with the respondent’s studies or research program;
   (f) refer the matter to the Vice-Chancellor, if the prescribed authority considers that the misconduct should be dealt with by the Vice-Chancellor;
   (g) require the respondent to apologise, or take the other action the prescribed authority considers appropriate, with a view to mitigating the effect of the misconduct;
   (h) accept an undertaking from the respondent, including, for example, an undertaking to attend University Counselling (or another appropriate counselling provider) to address behavioural issues;
   (i) tell any relevant professional, government or other organisation or agency about the finding and any action taken in relation to it.

(5) In deciding what action (if any) should be taken in relation to respondent, 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 respondent’s misconduct;
   (d) the effect of the misconduct, including any loss, damage or harm caused to the University or its students, staff or property.

(6) Without limiting subsection (5), the prescribed authority may take into account any other finding of misconduct made in relation to the respondent and the action (if any) taken in relation to that finding.

(7) If the prescribed authority exercises powers under this section in relation to the respondent, 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.

(8) If the prescribed authority suspends the respondent’s candidature or enrolment under this section, the suspension does not take effect until the later of the following:
   (a) the end of the time within which the respondent may apply for review under the Appeals Rule of the prescribed authority’s decision;
   (b) if the respondent applies for review of the decision under the Appeals Rule—the application for review is finally decided.
(9) However, the prescribed authority may, by written notice given to the respondent, direct that the suspension is to take effect immediately.

(10) The prescribed authority may give a direction under subsection (9) 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.

(11) If the prescribed authority takes action under subsection (4)(c) or (d) in relation to the respondent, the action does not, of itself, terminate or suspend the respondent’s enrolment.

16 Finding and action: Vice-Chancellor

(1) This section applies if a panel appointed under section 12(5)(b) (Powers of, and action by, Vice-Chancellor), or the Vice-Chancellor, holds an inquiry under section 14 (Inquiries) into conduct of a student (the respondent).

(2) The Vice-Chancellor may, after considering the matter (including, if the inquiry was held by the panel, any report or recommendation of the panel), find:
   (a) that the respondent has not engaged in conduct that is misconduct; or
   (b) that the respondent has engaged in conduct that is misconduct.

(3) If the Vice-Chancellor finds that the respondent has not engaged in conduct that is misconduct, the Vice-Chancellor must dismiss any proceeding under this instrument in relation to the conduct inquired into.

(4) If the Vice-Chancellor finds that the respondent has engaged in conduct that is misconduct, the Vice-Chancellor may do 1 or more of the following:
   (a) decide to take no action;
   (b) reprimand the respondent;
   (c) deny the respondent 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 respondent a monetary penalty of not more than $500 for each occurrence of misconduct to which the finding relates;
   (e) if, as a result of the misconduct, property was damaged or a person incurred expense—order the respondent to pay the owner of the property or the person who incurred the expense, as the case requires, compensation determined by the Vice-Chancellor;
   (f) exclude the respondent from the University;
   (g) suspend the candidature or enrolment of the respondent in a program or course in which the respondent is admitted or enrolled, and prohibit the resumption of candidature or enrolment, for a specified period of no longer than 12 months;
   (h) determine the conditions under which the respondent may attend classes or lessons, use any facility of the University, or otherwise continue with the respondent’s studies or research program;
   (i) accept an undertaking from the respondent, including, for example, an undertaking to attend University Counselling (or another appropriate counselling provider) to address behavioural issues;
(j) tell any relevant professional, government or other organisation or agency about the finding and any action taken in relation to it;
(k) determine that the relevant award for the program the student is studying should not be conferred;
(l) recommend to the Council that an award of the University conferred on the respondent be revoked.

(5) In deciding what action (if any) should be taken in relation to the respondent, 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;
   (c) the nature and severity of the respondent’s misconduct;
   (d) the effect of the misconduct, including any loss, damage or harm caused to the University or its students, staff or property.

(6) Without limiting subsection (5), the Vice-Chancellor may take into account any other finding of misconduct made in relation to the respondent and the action (if any) taken in relation to that finding.

(7) If the respondent becomes liable to pay the University or another person a monetary penalty or compensation under a decision under this section, the respondent must pay the University or other person the amount of the penalty or compensation, or enter into an arrangement for its payment satisfactory to the Vice-Chancellor or the other person (as the case requires), not later than 20 working days after:
   (a) if an application for review is not made under the Appeals Rule in relation to the decision—the day the respondent is given notice of the decision under section 17 (Notice of decisions); or
   (b) if an application for review is made under the Appeals Rule in relation to the decision—the day the application for review is finally decided.

(8) If the Vice-Chancellor suspends the respondent’s candidature or enrolment under this section, the suspension does not take effect until the later of the following:
   (a) the end of the time within which the respondent may apply for review under the Appeals Rule of the Vice-Chancellor’s decision;
   (b) if the respondent applies for review of the decision under the Appeals Rule—the application for review is finally decided.

[Note: An exclusion under this section from the University, or a denial of access under this section to facilities, premises or activities of the University, continues to have effect even though an application for review has been made under the Appeals Rule (see Appeals Rule, section 11).]

(9) However, the Vice-Chancellor may, by written notice given to the respondent, direct that the suspension is to take effect immediately.

(10) The Vice-Chancellor may give a direction under subsection (9) 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.

(11) If the Vice-Chancellor takes action under subsection (4)(c) or (g) in relation to the respondent, the action does not, of itself, terminate or suspend the respondent’s enrolment.
17 Notice of decisions

(1) If the prescribed authority or the Vice-Chancellor (the relevant authority) makes a decision under section 15 (Finding and action: prescribed authority) or section 16 (Finding and action: Vice-Chancellor), the relevant authority must, within 5 working days after the day the decision is made, give the respondent and the Registrar written notice of the decision.

(2) The notice must include, or be accompanied by, a statement of reasons for the decision.

(3) Without limiting subsection (1), the notice must:
   (a) specify the conduct to which the decision applies; and
   (b) if the decision is that the respondent did not engage in conduct that is misconduct—
       tell the respondent that no further action is to be taken under this instrument in relation to the conduct; and
   (c) if the decision is that the respondent did not engage in conduct that is misconduct—
       tell the respondent about the action taken by the relevant authority in relation to the conduct, that the respondent may apply for review of the decision under the Appeals Rule, and how and by when an application for review must be made.

18 Undertaking by respondent

(1) If the prescribed authority or the Vice-Chancellor (the relevant authority) accepts the respondent’s undertaking under section 15(4) (Finding and action: prescribed authority) or section 16(4) (Finding and action: Vice-Chancellor) in relation to a finding of misconduct:
   (a) the relevant authority must give a written copy of the undertaking to the respondent and the Registrar; and
   (b) if the respondent contravenes the undertaking, the relevant authority may take action under that subsection in relation to the misconduct.

(2) In deciding what action (if any) to take under section 15(4) or 16(4) (as the case requires), the relevant authority may take into account the respondent’s contravention of the undertaking and any explanation provided by the respondent for the contravention.

(3) Subsection (2) does not limit the matters that the relevant authority must or may take into account.

19 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.

20 Exclusion of student from University

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.
Part 5—Failure to meet obligations

21 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 University statute, rule or order 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 the 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) If the Vice-Chancellor takes action under subsection (1) in relation to a person, the Vice-Chancellor must tell the person in writing about the action.

22 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.

23 Liability of persons financially supported by third parties

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

(2) However, the person remains personally liable for the obligation if it is not discharged by the third party.

24 Sanctions against persons who fail to meet obligations

(1) Without limiting section 21 (Failure to meet obligations by due date), 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) If the Vice-Chancellor gives a direction under subsection (1) in relation to a person, the Vice-Chancellor must tell the person in writing about the direction.
Part 6—Review and call-in of decisions

25 Meaning of reviewable decision

(1) The following decisions under this instrument are reviewable decisions:
   (a) a decision under section 11(1) (Additional interim powers of prescribed authority) to deny a student access to facilities, premises or activities or to exclude a student from attendance at an examination or other assessment;
   (b) a finding by a prescribed authority under section 15(2)(b) (Finding and action: prescribed authority) that a student has engaged in conduct that is misconduct;
   (c) a decision by a prescribed authority under section 15(4) to take action in relation to a student (including the action taken);
   (d) a direction by a prescribed authority under section 15(9) that a suspension is to take effect immediately;
   (e) a finding by the Vice-Chancellor under section 16(2)(b) (Finding and action: Vice-Chancellor) that a student has engaged in conduct that is misconduct;
   (f) a decision by the Vice-Chancellor under section 16(4) to take action in relation to a student (including the action taken);
   (g) a decision by a prescribed authority or the Vice-Chancellor under section 18 (Undertaking by respondent) to take action in relation to a student (including the action taken).

[Note: The decisions specified in this subsection are discipline decisions and reviewable decisions under the Appeals Rule (see Appeals Rule, sections 5 and 6).]

(2) However, if, under section 27 (Vice-Chancellor may call in decision), the Vice-Chancellor calls in a decision mentioned in subsection (1) and makes a decision as if the Vice-Chancellor were the original decision-maker, the decision of the original decision-maker ceases to be a reviewable decision.

[Note: The Vice-Chancellor may not call in a reviewable decision if an application has been made under the Appeals Rule for review of the decision (see section 27(2)).]

(3) To remove any doubt, a decision mentioned in subsection (1) that is made following a decision of the Vice-Chancellor under section 27(1) is a reviewable decision.

(4) To remove any doubt, the following decisions are not reviewable decisions:
   (a) a decision of the Vice-Chancellor under section 27(1) to call in a decision for reconsideration;
   (b) a decision by an Appeals Committee under the Appeals Rule.

26 Review of reviewable decisions

The Appeals Rule provides for the review of reviewable decisions.

[Note: The Appeals Rule provides that a person may, in accordance with that rule (including required time limits), apply for review of a reviewable decision affecting the person in the person’s capacity as a student (see Appeals Rule, section 9).]

27 Vice-Chancellor may call in decision

(1) If the Vice-Chancellor considers that a reviewable decision made (including any action taken) in relation to a student is inappropriate in the circumstances of the case, the Vice-Chancellor may, by written notice, call in the decision for reconsideration.
(2) However, the Vice-Chancellor may not call in the decision if an application for review of the decision has been made under the Appeals Rule.

(3) The Vice-Chancellor must give a copy of the notice to the student. The notice must contain, or be accompanied by, a statement of reasons for the decision to call in the decision.

(4) The Vice-Chancellor must give the student an opportunity to make submissions in relation to the reasons why the decision has been called in.

(5) After taking into account 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 of the decision.

(6) The decision made by the Vice-Chancellor operates, on and from the day it is made, as if it were the decision made by the original decision-maker.

(7) If the Vice-Chancellor makes a decision under subsection (5), the Vice-Chancellor must, as soon as possible:
   
   (a) tell the student in writing about the decision; and

   (b) give the student a written statement of reasons for the decision.
Part 7—Miscellaneous

28 Nominees for University officials

(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.

29 Multiple processes

(1) This section applies if 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) To enable the processes under the Academic Misconduct Rule to proceed:

(a) a prescribed authority conducting an inquiry under this instrument may suspend the inquiry; or

(b) the Registrar or the Vice-Chancellor may suspend an inquiry or other process under this instrument.

(3) A prescribed authority, the Registrar or the Vice-Chancellor may recommence the inquiry or other process if the processes under the Academic Misconduct Rule are completed or if it appears that, in the circumstances, the suspension is not appropriate.

30 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 account:

(a) the reason why an extension is sought; and

(b) the period of extension; and

(c) the prejudice (if any) that will be caused by granting the extension.

(3) An extension must be for no longer than is reasonably necessary.

(4) A time limit may be extended even though the time limit has expired.
31 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.

32 Repeal etc.

(1) The Discipline Rule 2017 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.

33 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) the Acts Interpretation Act 1901(Cwlth.), section 7;
   (b) the Interpretation Statute, section 9.
THE AUSTRALIAN NATIONAL UNIVERSITY

Appeals Rule 2018

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

Dated 19 March 2018

Professor Brian P. Schmidt AC FAA FRS
Vice-Chancellor
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Appeals Rule 2018
Part 1—Preliminary

1 Name

This is the Appeals Rule 2018.

2 Commencement

This instrument commences on the day after it is registered.

3 Authority

This instrument is made under the Appeals Statute 2014, section 3.

4 Definitions

In this instrument:

*Academic Board* means the Academic Board established under the Academic Board Statute.

*academic misconduct decision*: see section 7 (Academic misconduct decisions).

*Appeals Committee* means an Appeals Committee appointed under section 16 (Appeals Committee).

*discipline decision*: see section 6 (Discipline decisions).

*exercise* a function includes perform the function.

*function* includes authority, duty and power.

*reviewable decision*: see section 5 (Meaning of *reviewable decision*).

*Secretary*, to an Appeals Committee, means the person appointed as Secretary to the Appeals Committee under section 16(5) (Appeals Committee).

*student*:

(a) 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 has been given permission by the University to audit a course offered by the University; and

(b) in Part 8 (Consideration by Appeals Committee), includes a person who is the applicant in relation to the application for review.

*working day* means a day that is not a Saturday, a Sunday, a public holiday in the Australian Capital Territory, or a University holiday.
Part 2—Reviewable decisions

5 Meaning of reviewable decision

A decision is a reviewable decision under this instrument if it is:
(a) a discipline decision; or
(b) an academic misconduct decision.

6 Discipline decisions

A decision is a discipline decision if it is declared to be a reviewable decision by the Discipline Rule.

7 Academic misconduct decisions

A decision is an academic misconduct decision if it is declared to be a reviewable decision by the Academic Misconduct Rule.
Part 3—Grounds for review

8 Grounds for review

(1) An application by a person for review of a decision must be made on 1 or more of the following grounds:
   (a) that a procedural irregularity happened that may have affected the decision by the decision-maker;
   (b) that the decision-maker was biased;
   (c) that the decision was manifestly wrong;
   (d) that the decision was made in a mistaken application of the applicable rules;
   (e) that there is substantial relevant evidence that:
      (i) was not taken into account by the decision-maker; and
      (ii) could not have been known to the person and provided to the decision-maker before the decision was made;
   (f) that a penalty imposed on the person, or any other action taken in relation to the person, under the Academic Misconduct Rule or Discipline Rule was manifestly excessive.

(2) If an application for review includes the ground mentioned in subsection (1)(f), the penalty or other action is taken to form part of the decision for this instrument.
Part 4—Making application for review

9 Affected person may make application for review

(1) A person may make an application for review of a decision if:
   (a) the decision is a reviewable decision affecting the person in the person’s capacity as a student; and
   (b) the application is made within 20 working days after the day the person is notified of the decision or within any further period allowed under section 30 (Extension of time).

(2) The application must:
   (a) specify the grounds on which the person relies; and
   (b) be given to the Registrar.
Part 5—Consequences of making application for review

10 Application for review by student whose enrolment has been terminated

The termination of a student’s enrolment does not take effect until any application for review in relation to the relevant decision has been finally decided.

11 Application for review by student who has been excluded or denied access

The exclusion of a student, or denial of access to facilities, premises or activities of the University, under the Academic Misconduct Rule or the Discipline Rule continues to have effect even though an application has been made for review of the relevant decision.
Part 6—Preliminary consideration of applications

12 Rejection of invalid applications

(1) The Registrar may reject an application for review of a decision if it appears:
   (a) that the application does not relate to a reviewable decision; or
   (b) that the application does not set out 1 or more grounds required by this instrument; or
   (c) that the application has not been made within the time required by this instrument.

(2) However, the Registrar may reject the application only if the Registrar has given the applicant an opportunity to make a written submission in relation to the proposed decision.

(3) If the Registrar rejects the application under this section, the Registrar must, as soon as is practical:
   (a) tell the applicant and the decision-maker in writing about the decision; and
   (b) give them a written statement of reasons for the decision.

13 Referral of application to Appeals Committee

Subject to section 12 (Rejection of invalid applications), if it appears to the Registrar that an application for review relates to a reviewable decision, the Registrar refer the application to an Appeals Committee.

14 Interim measures by Vice-Chancellor

If an application for review is made by a student whose candidature or enrolment in a program or course has been terminated because of the decision that is the subject of the application for review, the Vice-Chancellor may direct that the student be permitted to continue to undertake that program or course until the application for review has been finally decided.
Part 7—Appointment of Appeals Committee

15 Appeals Panel

(1) There is to be an Appeals Panel appointed by the Academic Board.

(2) The Appeals Panel is to consist of at least 2 persons in each of the following categories:
   (a) students appointed after consultation with the President of the Australian National University Students’ Association Inc.;
   (b) students appointed after consultation with the President of the Australian National University Postgraduate and Research Students’ Association Inc.;
   (c) persons who have knowledge or experience in the teaching, research or visual and performing arts functions of the University.

(3) A member of the Appeals Panel:
   (a) holds office, subject to this instrument, for 2 years; and
   (b) is eligible for reappointment; and
   (c) may resign by written notice given to the Registrar.

(4) If a student who has been appointed under subsection (2)(a) or (b) ceases to be a student, the person ceases to be a member of the Appeals Panel.

16 Appeals Committee

(1) If the Registrar receives an application for review, the Registrar must appoint an Appeals Committee for the review unless the application is rejected by the Registrar under section 12 (Rejection of invalid applications).

(2) The Appeals Committee must include at least 4 members of the Appeals Panel, including:
   (a) 1 student member from the appropriate category; and
   (b) 3 members appointed to the Appeals Panel under section 15(2)(c) (Appeals Panel).

(3) A person appointed to the Appeals Committee must not be the original decision-maker.

(4) The Registrar must appoint a person, other than a student, to be the Chair of the Appeals Committee.

(5) The Registrar must appoint a person (other than a member of the Appeals Committee) to be the Secretary to the Appeals Committee.

(6) The Registrar may appoint a person (other than a member of the Appeals Committee) to assist the Appeals Committee in the hearing of the application for review.

(7) If the Appeals Committee is appointed to consider an application for review relating to an academic misconduct decision, the Appeals Committee must include a person from the relevant academic discipline or, if this is not possible, a related academic discipline.

(8) The quorum for a meeting of the Appeals Committee (including a hearing) is 3 members, including the Chair.
Part 8—Consideration by Appeals Committee

17 Additional material

(1) If material is made available to the Appeals Committee that was not before the original decision-maker, the Appeals Committee may assess the additional material provided in a summary way on the papers without conducting a hearing.

(2) If, on review of the material, the Appeals Committee considers the information to be cogent, relevant or substantial, it may refer the decision back to the original decision-maker to remake the decision.

(3) A decision remade following reference back under this section:
   (a) stands in place of the original decision; and
   (b) to remove any doubt, may be the subject of an application for review under this instrument if it is a reviewable decision.

18 Material to be provided to student

The Secretary to the Appeals Committee must provide the student applicant to the review with a copy of the material on which the Appeals Committee intends to rely no later than 5 working days before the day the application for review is to be heard.

19 Notification of hearing etc.

(1) Before the Appeals Committee hears the application for review, the student may, if the student wishes, tell the President of the relevant Students’ Association about the hearing.

(2) The Appeals Committee must:
   (a) fix a date, time and place for the hearing of the application for review; and
   (b) give not less than 5 working days written notice of the date, time and place of the hearing to the student.

20 Decision whether to conduct oral hearing

(1) The application for review may be decided with or without an oral hearing.

(2) In deciding whether the application for review is to be decided with or without an oral hearing, the Appeals Committee may take into account:
   (a) whether the parties are able to participate in an oral hearing within a reasonable time; and
   (b) whether an oral hearing would unnecessarily subject a party or a witness to stress; and
   (c) any other relevant factor.

(3) The Chair of the Appeals Committee must decide how the review is to be conducted.

21 Applications for review relating only to penalty or other action taken

If the application for review relates only to the penalty imposed, or other action taken, under the Academic Misconduct Rule or the Discipline Rule, the Appeals Committee must consider only the question of the penalty or other action.
22 Hearing procedure

(1) At the hearing of the application for review:
   (a) the procedure to be followed is at the discretion of the Appeals Committee; and
   (b) the Appeals Committee:
      (i) may inform itself on any matter in relation the review in any way it considers
          appropriate; and
      (ii) is bound by the rules of procedural fairness but is not bound by rules of
           evidence; and
      (iii) must take into account any submission made by the student or the Registrar.

(2) At the hearing of the application for review, the Registrar may:
   (a) appear in person or, with the express approval of the Appeals Committee, through
       an advocate; and
       [Note: The Registrar may appoint a nominee under section 28 (Nominees for Vice-
       Chancellor and Registrar) to appear in person for the Registrar.]
   (b) call and question witnesses; and
   (c) make written or oral submissions.

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

(4) Unless the Appeals Committee otherwise directs, a person is not entitled to be present at
    the hearing of the application for review unless the person is:
    (a) a member of the Appeals Committee; or
    (b) the Registrar or an advocate for the Registrar; or
    (c) the student or the person nominated by the student under section 23(2) (Student’s
        rights on review); or
    (d) the Secretary to the Appeals Committee; or
    (e) a person giving evidence before the Appeals Committee; or
    (f) a person appointed under section 16(6) (Appeals Committee) in relation to the
        Appeals Committee.

(5) The hearing of the application for review is not ineffective only because of a formal defect
    or irregularity in the convening or conduct of the Appeals Committee.

23 Student’s rights on review

(1) At the hearing of the application for review, the student may:
    (a) appear in person; and
    (b) call and question witnesses; and
    (c) make oral or written submissions.

(2) At the hearing of the application for review, the student may be accompanied by another
    person nominated by the student who may:
    (a) observe the proceedings; and
    (b) with the express approval of the Appeals Committee, act as an advocate for the
        student.

(3) If the Appeals Committee gives an approval under subsection (2)(b) and the Registrar is
    not present at the hearing (in person or through an advocate), the Appeals Committee must
immediately tell the Registrar about the approval and adjourn the hearing to allow the Registrar to appear.

24 Non-appearance before Appeals Committee

(1) This section applies to the application for review of the decision of the original decision-maker if the student:
   (a) does not appear in person at the hearing of the application for review; and
   (b) is not otherwise represented at the hearing; and
   (c) does not make a written submission under section 23(1)(c) (Student’s rights on review).

(2) The decision of the original decision-maker takes effect immediately after the conclusion of the hearing unless it has already taken effect.

25 Decision by Appeals Committee

(1) After considering the application for review, the Appeals Committee may:
   (a) confirm the decision of the original decision-maker; 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.

(2) The Appeals Committee may:
   (a) accept an undertaking from the student; or
   (b) make recommendations arising from its consideration of the application for review, including recommendations for:
       (i) counselling; or
       (ii) intervention; or
       (iii) corrective or other measures that should be taken.

(3) The Appeals Committee may vary the decision under subsection (1)(b), or substitute a fresh decision under subsection (1)(c), only if the decision as varied, or the fresh decision, is a decision that the original decision-maker could have made.

(4) In deciding a question in relation to the penalty imposed, or other action taken, in relation to the student under the Discipline Rule, the Appeals Committee 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.

(5) Without limiting subsection (4), the Appeals Committee may take into account any other finding of misconduct (however described) made in relation to the student and the action (if any) taken in relation to that finding.
The decision of the Appeals Committee and the reasons for the decision must be given in writing to the student and the Registrar by the Secretary to the Appeals Committee within 10 working days after the day the decision is made.

26 Undertaking by student

(1) If the Appeals Committee accepts the student’s undertaking under section 25(2)(a) (Decision by Appeals Committee):
   (a) the Appeals Committee must ensure that a written copy of the undertaking to the student and the Registrar; and
   (b) if the student contravenes the undertaking, the Appeals Committee may revoke its earlier decision and make any decision that it could have made under section 25(1).

(2) In deciding what action (if any) it should take under subsection (1)(b), the Appeals Committee may take into account the student’s contravention of the undertaking and any explanation provided by the student for the contravention.

(3) Subsection (2) does not limit the matters that the Appeals Committee must or may take into account.

27 Decision final

The decision of the Appeals Committee is final.
Part 9—Miscellaneous

28 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.

29 Certain functions not to be exercised personally by original decision-maker

(1) This section applies to a person in relation to a reviewable decision made personally by the 
person.

(2) The person must not personally exercise any function under any of the following 
provisions in relation to the reviewable decision:
(a) section 12 (Rejection of invalid applications);
(b) section 13 (Referral of application to Appeals Committee);
(c) section 16 (Appeals Committee);
(d) section 22 (Hearing procedure);
(e) section 23 (Student’s rights on review);
(f) section 30 (Extension of time).

30 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 account:
(a) the reason why an extension is sought; and
(b) the period of extension; and
(c) the prejudice (if any) that will be caused by the granting of the extension.

(3) An extension must be for no longer than is reasonably necessary.

(4) A time limit may be extended even though the time limit has expired.

31 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 been received in the ordinary course of email transmission.

32 Repeal etc.

(1) The Appeals Rule 2017 is repealed.

(2) To remove any doubt, a reference in a rule, order or other document of the University to the Appeals 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.

33 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) the Acts Interpretation Act 1901 (Cwlth.), section 7;
   (b) the Interpretation Statute, section 9.