



Australian
National
University

Information for complainants

Discipline Rule

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CRICOS Provider No. 00120C

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Safety and Wellbeing

The safety and wellbeing of all persons involved in any incident or on-going situation is of the utmost importance. Before, during and after the Discipline Rule process, the University will endeavour to ensure that safekeeping measures are in place as appropriate and all persons have access to support as appropriate. Support can come in many ways – friends, family or professional caregivers. Should a complainant find preparing the report or any part of the process stressful, seeking additional or alternative support may help.

We encourage complainants to engage with the [Student Safety and Wellbeing](#) team regarding supports available to you as an ANU student.

Should you or any person feel an immediate threat, contact the police (000) in the first instance or one of the [local](#) or any other [ANU support services](#).

Preparing a report

A well-written report gives a thorough account of the incident(s) and sticks to the facts. Some context of the on-going nature of the relationships of involved persons may help but this will be dependent on the case at hand. If possible, write the report as soon as possible after the incident however, reports can be lodged at any time after the incident, as long as the respondent is or was an ANU student. If the respondent is not a current ANU student (for example, has graduated), it is best to speak to a case officer about whether the Discipline Rule is the best mechanism to pursue a complaint.

The report need not be long but should include as much detail as you feel comfortable. The decision maker considers all submitted material and makes a decision based on the balance of probabilities of whether the misconduct occurred or not. As such, including any evidence is recommended, for example, messages, communications or witness statements amongst other things. If you submit a witness statement, witnesses need to be prepared to answer questions or their statements may be given less weight.

In the event that more than one person is involved in the alleged incident, each person can submit a statement to the report. It is important to understand and recognise that the respondent will read the report in full. Any third parties named in the report will need to give their permission for their information to be released to the respondent.

Refer to the ['Guideline'](#) below for further a guide in preparing a report.

Process and key stages of the Discipline Rule

A case officer from the Academic Standards and Quality Office (ASQO) is assigned to the case and co-ordinates correspondence with the Registrar or nominated decision maker (Nominee). Once the Registrar or Nominee receives a report of potential misconduct, they will first determine whether to conduct an inquiry into the report. Considerations will include, amongst other things:

- the immediate safety and wellbeing of all persons involved
- if there are any other previous, current or ongoing processes/proceedings in relation to the conduct (ie. a criminal investigation, mediation)
- if the conduct is University-related

Decisions made before and during an inquiry are based on the material before the decision maker.

Upon making a decision to conduct an inquiry in accordance with the Rule, the respondent will be notified accordingly. In some cases the decision maker may include a denial of access or an interim, without judgement, separation instruction which is intended to restrict contact between parties. This is not an indication of a finding of misconduct. The inquiry process and meeting are based on the fundamentals of procedural fairness. As such, sufficient notice and time (usually 10 working days) is given to the respondent to prepare for the inquiry meeting. The inquiry may be delayed if extensions are sought or if there are multiple issues to be addressed.

The inquiry meeting is held in an informal way, in person or online (such as Zoom, Teams or other relevant online platform), with the decision maker, the respondent and a secretary present. The respondent is able to provide written statements and supporting documentation to the inquiry. The decision maker may ask questions seeking clarification and is not bound by the rules of evidence, rather is looking to the balance of probabilities. The respondent is given the opportunity to respond and comment on material under consideration. The complainant is not informed of the content of the respondent's response.

Outcomes and expectations

Once an inquiry is complete, the decision maker may take some time to consider all the material. Should the decision maker find that the respondent has engaged in misconduct, they may take a range of actions from reprimand, suspension, or exclusion from the University (refer to the Rule for a list of applicable actions). In deciding what action is taken the decision maker considers all relevant matters including, but not limited to, the health and safety of staff and

students, objectives of punishment and rehabilitation, and the nature and severity of the respondent's conduct.

It is important to understand the University may not be able to take your preferred action and there may be legal or practical limits on what the University can do in the circumstances. There may be delays due to illness, University closures or unforeseen circumstances – any delays will be communicated to all parties. It is important to note that the University can only make a determination whether there has been misconduct or not, on the balance of probabilities, in accordance with the Discipline Rule. The University cannot make any determinations in relation to civil or criminal liability.

Communications and confidentiality

Under the Rule, the complainant has a right to be informed of any action taken in response to the report. Should the complainant want to be informed, the case officer or decision maker will communicate key stages and outcomes to the complainant, it is suggested that the complainant consider how they want to receive this information (ie. phone, email or not at all) and discuss their preferences with the case officer. The complainant can expect their personal privacy to be respected and confidentiality protected.

The complainant has a responsibility to keep all University communications related to the rule confidential. The same is expected of the respondent and any other involved persons (ie. those who submit statements or named in the report).

Maintaining privacy and the confidentiality of the process is important to protect both you and the respondent. Only you, the respondent and involved staff, know the outcome and events of the inquiry. Any information that may end up in the wider community has the potential to negatively impact the wellbeing and University experience of all persons involved. It is the responsibility of all students to 'protect the confidentiality and privacy of personal records and University correspondence' (Student Code of Conduct (3.h)).

The University recognises the importance of having a support network and encourages you to engage with supports as you feel is necessary. It is important that any support person involved in assisting you with the process is similarly expected to keep all communications confidential and to not divulge any personal information.

The University is subject to the *Privacy Act 1988* and the collection, storage and release of personal information is governed by that Act. Please note the Australian National University may be required to release information in the following circumstances:

- if there is an exemption pursuant to the Privacy Act;
- if it is necessary to protect you or someone else from danger;
- where a law requires your personal information to be disclosed;
- if you have a health condition which must be notified;
- in compliance with a court order; or
- where you are involved in legal proceedings against the University.

Advice and Support

The resources and information presented here are general in nature and do not contain case-specific legal or professional advice. Before you lodge a report of potential misconduct, you can seek advice and support from an independent person knowledgeable about the process.

The Student Safety and Wellbeing team offers free and confidential* support for students who have been impacted by sexual assault or sexual harassment (directly or indirectly) as well as a range of other concerns that may impact on a student's engagement and experience while at ANU, including:

- Mental health
- Financial concerns
- Relationship issues
- Conflict management
- Transitioning into university
- Isolation and loneliness
- Navigating ANU

The service's Case Managers have backgrounds in health, social work, counselling and human services. Case Managers work from a person-centred and trauma informed clinical framework and aim to provide coordinated support, information and referrals for students.

To connect with a Case Manager email student.wellbeing@anu.edu.au, phone 6125 2211 or visit the Health and Wellbeing Centre Level 3 Building 156 Joplin Lane, Kambri Monday to Friday 9am - 4pm and ask to speak to a Case Manager in the Student Safety and Wellbeing team.

Other University services available to you include the [Dean of Students](#), [ANU Thrive](#), [ANU Counselling](#), the [ANU Student Association \(ANUSA\)](#), and the [Postgraduate and Research Students Association \(PARSA\)](#).

Glossary

Balance of probabilities: The civil standard of proof, which requires that, on the balance of information, it is more probable than not that the allegation is substantiated.

Complainant: the person who makes a report under the Rule, or if the report is made on behalf of another student, the person who lodges the report. Under the Rule, the complainant has the right to be informed of any actions that have been taken under the Rule.

Decision maker: Under the Rule, the decision maker is usually the Registrar who has been nominated by the Vice Chancellor (Vice Chancellor's Nominee). The Vice Chancellor may also nominate a prescribed authority. The prescribed authority can be, for example, the Dean or Associate Dean of an academic college, the Registrar, or the Head of a hall of residence.

Inquiry: An inquiry is where a decision maker meets with the respondent and their support person (if applicable) to discuss the conduct being inquired into. The complainant does not attend the inquiry. At the inquiry, the respondent can provide an oral and/or written statements. A secretary will also be present to take minutes for record taking purposes. There are no visual and audio recordings taken at the inquiry. An inquiry usually goes for about one hour.

Procedural fairness: The guiding principle for ensuring a fair and just process that is free from bias for all involved.

Respondent: person or persons subject to a complaint or allegation.

Support person: A person who accompanies a party to an interview or meeting, and who may help a student, provide support or give advice on the inquiry. A support person may be a friend, student, staff member or acquaintance. A support person does not speak on behalf of the student and is not an advocate. A support person is expected to maintain all information and discussions confidentially.

Guideline in submitting a report under Student Misconduct procedures

The following is provided as a GUIDE ONLY to assist the University community in submitting a report regarding student misconduct under the relevant University Rules, policies and procedures, such as: the Discipline Rule, Student Code of Conduct and Sexual Misconduct Policy.

If you choose to submit a report, the allocated case officer may discuss the following preliminary questions with you, if the information is not already indicated in your report.

- Are you currently feeling safe from any immediate threat or harm? If you are in immediate danger call 000 (Police).
- If safe, have you been accessing and receiving wellbeing support: for example, support from a counselling service, ANU Student Safety and Wellbeing team, ANUSA, PARSA, Dean of Students Office, Canberra Rape Crisis Centre and/or your GP?
- Is the misconduct connected with ANU because it happened, for example:
 - on or in an ANU premises or in an ANU student residence?
 - during an ANU activity such as a field trip, placement, function or event?
 - when using University information infrastructure or services?
- Has the misconduct been reported elsewhere? For example, through the ANU [Disclosure Tool](#), to a student accommodation or an academic College? If so, where?
- Have there been any previous proceedings in relation to the misconduct? Were any steps taken to address the misconduct?
- Are there any current proceedings, legal or otherwise, currently in progress in relation to the misconduct?
- What steps, if any, have you taken to resolve your complaint? For example, through remediation or mediation, if relevant?

Report details:

Describe your complaint and any incidents or repeated occurrences

The report is a statement of your description of events. It is generally told in chronological order and should describe:

- what the complaint is about
- what occurred?
- who was involved?
- include dates and times of any or all incidences (if you can)
- any relevant details about relationships (if any) of persons involved

As a guide, the descriptive section of the report is generally 1-2 pages in length, case dependent.

(Optional) Impact

Include a statement of the current or on-going impact the incident has had on you. This information may assist with wellbeing supports and safety planning. You may decide later whether you wish this information to be included in your final report made to any inquiry process.

(Optional) Supporting Documentation

Insert any support documentation you have, such as text messages, communications, images, or any other relevant material. The report may also include:

- Witness statements (if any)
- A statement supporting a description of impact on the complainant
- Statements from other persons effected similarly by the respondent

Supporting statements can be anonymous but if not, permission to include statements in the report will need to be confirmed directly from the person(s) submitting the statement.

Please note that all material included in the report will be provided to the respondent as part of the inquiry process only once permission from all named parties has been received, including yourself and any named third parties.

Your permission for the report to be submitted and, as needed, used in an inquiry process:

- I acknowledge that if a complaint includes allegations about another individual, that person will be provided with a copy of all relevant documentation including this report
- I give permission for this complaint and any attached documents to be made available to the decision maker for their consideration
- I understand the importance of maintaining confidentiality as a matter of safety and wellbeing for all persons involved, and to support the integrity of University processes

Your name:

UID:

(If you wish to submit a report or complaint anonymously, you may do so, however, it may restrict actions available under the Rule)

Residential details: (ANU Residential Hall or current residential address):

Phone:

Email:

ANU will use your ANU email account for primary communications. Should you prefer a secondary form of contact, please inform the case officer.

Please submit your report to: reports@anu.edu.au