Access application – GIPA2025/05

Released set of information

Date decided:

1 July 2025

Scope of request:

The request relates to UTS's response to reports of sexual violence and behavioural misconduct. Information requested includes details about:

- 2024-2025 External review of student rules conducted by Angela Hill
- Safety Caseworkers, including position descriptions, workplans and training resources developed by the safety caseworkers for staff
- Processes/policies for responding to complaints about sexual assault and sexual harassment made about ActivateUTS clubs and events.
- Reports, papers for UTS Council in relation to UTS' response to sexual harm/gender-based violence
- Records related to the 2025 complaints and compliance review
- Correspondence related to Student Council liaison group paper ""Reform of the Student Misconduct Process for Sexual Harm"
- Student misconduct processes
- Statistical data related to misconduct matters
- External consultants engaged to investigate student misconduct allegations about sexual harm.

Case information has been removed from documents as being out of scope, this includes names of individuals involved in the complaints, details related to the case itself or other identifying details such as names of ActivateUTS clubs or Faculty's the individuals are associated with.

External Review of UTS Student Rules in relation to Student Conduct and Behaviour

Completed by

Angela Hill Consulting

Reviewers

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December 2024

Advice to readers

This review relates to student conduct matters with reference to racism, sexual harm and mental health. If you would prefer to discuss the content with support, please contact Sarah.Lok@uts.edu.au

Acknowledgements
The Reviewers extend sincere thanks for the exemplary support throughout the review process from Jacklyn McCauley and Kristyna Nikro.

This review included multiple interviews with staff and students on location at UTS and virtually and all participants are thanked for their time, insights and willingness to engage in discussion.

The report was finalised on the unceded lands of the Bindal and Wulgurukaba peoples.

Comments and questions in relation to the content of the report should be directed, in the first instance to:
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1. Review background

The University of Technology Sydney has prioritised ongoing improvements for the student experience including responses to students that are evidence informed and reflect sector best practice. This focus is vital given the *Australian Universities Accord Interim Report* that highlights that "issues of student safety, mental health and a lack of culturally safe spaces continue to corrode relationships between students and their institutions" (Australian Universities Accord Review Panel 2023, p. 132). The Australian Universities Final Report notes the requirement to focus on student wellbeing, mental health and all types of conduct that impacts safety on campus and online, ensuring that actions are taken in relation to "gender-based violence, racism, discrimination, bullying and harassment and other forms of discrimination. This includes addressing student safety within the context of national and global events" (Department of Education, 2024b, p. 136)

Recent legislative changes as a result of the 47 recommendations in the Australian Universities Accord include:

- Amendments to the ***Error! Use the Home tab to apply ShortT to the text that you want to appear here.***, requiring all providers to actively support students to succcesfully complete their studies, with a specific focus on 'wrap around services' that support students and in particular equity students.
- The establishment of a *National Student Ombudsman* to respond to student complaints about institutional processes – the *Universities Accord (National Student Ombudsman) Bill 2024*. This Bill forms part of the Action Plan to address gender-based violence but also focuses on providers' handling of other matters for example where a student is subjected to homophobia, antisemitism or Islamophobia or other forms of racism on campus.

Additionally, the *Action Plan Addressing Gender-based Violence in Higher Education* highlights the need for support mechanisms that are co-designed with students while ensuring senior executives are leading trauma informed systems that address any type of violence. As the Report notes, this includes "disclosures, reports and conducting disciplinary processes; ongoing support and safety planning mechanisms, including while disciplinary processes are underway; establishing referral pathways to relevant services" (*(Department of Education, 2024a, p. 9)*. The Action Plan also reinforces the need for whole of institution prevention activities, and expert led response training for staff and students, including for sexual harm, with high priority given to approaches that address the different student and staff cohorts, including the intersectionality of those needs.

The sector is also awaiting the report associated with recommendation 33 of the Australian Universities Accord, *A Study into the Prevalence and Impact of Racism in Australian Universities*. This *Australian Human Rights Commission* report, with initial findings due by December 31, 2024, is expected to foreground the need to holistically consider strategy, prevention and response mechanisms to create improved wellbeing for diverse students.

The external environment portrayed above highlights the urgency of ensuring proactive holistic responses to any type of violence or concerning behaviour. The Tertiary Education Quality Standards Agency (TEQSA), reiterated core sector risks at its recent annual conference, identifying nine key sector concerns:

- Artificial Intelligence and academic integrity
- Academic Integrity/contract cheating
- Research integrity
- Cyber security
- Student safety and well being
- International students and visa integrity
- Social cohesion: academic freedom and freedom of expressions
- Governance, self-assurance and risk management

- Wage underpayment.

These risks further foreground student safety, including a focus on student protests in relation to escalating global tensions. TEQSA's expectations, consistent with the purpose of this Review, include proactive monitoring of emerging issues and ongoing review of management strategies. The summary risks also highlight that in the era of generative artificial intelligence there is a need to renew focus on academic integrity, with a new TEQSA guidance note (Assessment reform in the age of artificial intelligence). This TEQSA guidance highlights the need for a cultural change across academic offerings, moving from a focus of detecting cheating to focusing on whether learning has occurred. Such advice encourages a rethink as to how misconduct processes for academic misconduct are considered and managed.

While there are increasing expectations for universities in relation to supporting students and responding proactively to conduct matters, it is important to note that such expectations come at a time of significant challenge in the sector, given the interruption of business models associated with international student income. As Universities Australia Chair David Lloyd recently noted, the Federal Government has effectively applied 'a handbrake' on international student income, weakening opportunities for investment in infrastructure and personnel. In this context, prioritising responses to student conduct, requires high levels of internal collaboration and whole of institution approaches, leveraging expertise in existing areas and drawing on recognised best practice.

1.1 Review purpose

Given the above, this Review focuses attention on the following:

- The appropriateness of University's governance framework (Student Rules, Policies, and guidance materials) as they relate to students' behaviour.
- The suitability of the existing suite of policies that relate to student behaviour and general misconduct to determine the extent to which they support UTS ambitions for a safe and supportive student learning environment.
- The processes and mechanisms, including timelines that assist with management of student behaviours and the application of the current governance framework, including appropriate involvement of external agencies.
- The role and effectiveness of the current Concerning Behaviour Assessment and Intervention Team (CBAIT).
- The organisational location of relevant personal to support the management of student conduct matters, and the resourcing needs to effectively and efficiently manage these issues.
- The suitability of the current overarching framework to address academic misconduct, and the extent to which the current governance framework meets current and emerging sector requirements.

The full terms of reference as provided to interviewees are included as Appendix A of this report.

1.2 Review approach

Noting the external environment described above, and several recent issues raised by the UTS student community, this Review was commissioned by the Deputy Vice-Chancellor, Education and Students, Professor Kylie Readman. Undertaken over a 6-week period, the Review involved document analysis, benchmarking and interviewing key stakeholders identified by a Steering committee, (see Appendix B for steering committee members). The Steering Committee met regularly with the reviewers over the period to provide guidance on UTS practices in relation to concerning behaviours. Documents examined included:

- Organisational charts of relevant units.
- Position descriptions of relevant staff.

- Internal reports relating to student conduct matters.
- Minutes of relevant working group and committees.
- UTS Student Rules.
- Policies referencing student conduct.
- UTS websites promoting awareness of conduct issues and responses.
- Student survey results, including SES data.

The reviewers conducted 27 interviews (16 virtual) with 40 distinct participants, including 2 student representatives, along with representatives from the Student Association and UTS Activate. Three faculty academic staff were interviewed. The interviewees were offered the option of small group or individual interviews, with the opportunity to provide further written statements directly to the Reviewers.

1.3 Leveraging previous work

The Reviewers note that in addition to this Report, the recommendations and commentary in the *Review of Sexual Harm Response for Students* (Hill, 2023) considered all aspects of the sexual harm response at UTS. The Review contained 20 recommendations including detailed analysis of policies and the Student Rules associated with sexual harm, and the response processes adopted at that time. These recommendations were endorsed by the University leadership, with action flowing across 2024. Specific recommendations that could usefully be revisited in conjunction with this Report including recommendations that focus on the Rules and Policy (6.1; 6.2); improvements and coordination of a reporting portal (6.3; 6.5; 6.8; 6.9; 6.11;) recasting the role of the Counselling Unit and the Concerning Behaviours Assessment and Intervention Team process (6.12; 6.13) as well as the focus on procedural fairness (6.15; 6.16) and the need for more robust reporting and clarity around ongoing improvement actions (6.7; 6.17; 6.19; 6.20).

2. Overview of findings and recommendations

This section provides a summary of key themes and findings that are discussed in detail in this Report. The Reviewers note that while discussions of the Rules and Policies relating to conduct were highlighted by interviewees, more pressing concerns were articulated in relation to the current operational models and the resourcing to attend to the myriad of conduct matters.

2.1 Findings: UTS Rules and Policies

In relation to the appropriateness of the University's governance framework (Student Rules, Policies, and guidance materials) as they relate to students' behaviour and misconduct, the Reviewers note the following key themes:

- There is a lack of clarity and agreement in relation to the status of UTS Rules and other governance instruments. There is limited shared vision in relation to the future status of Rules and Policies, Procedures as they relate to academic and student matters.
- The current *UTS Student Rules* present dense but comprehensive guidance to addressing core matters across the student life cycle, including student conduct matters. Benchmarking indicates that standalone rules for Student Conduct matters are the norm.
- In comparison to NSW and national sector benchmarks, the *UTS Student Rules* and to a lesser but variable extent policies, prioritise legal jargon and make limited use of accessible language or communication styles such as flowcharts for processes. This creates barries to usability for students and staff.

- The *UTS Student Rules* are internally inconsistent in terms of referencing relevant policies, with limited cross referencing to policies in relation to student conduct. This creates additional workload for stakeholders to ensure compliance across multiple instruments.
- Inconsistent with national benchmarking, the *UTS Student Rules* conflate definitions of academic and general misconduct and have definitions, delegations and responses dispersed throughout, impacting usability.
- The absence of reference to other concerning behaviours outside of misconduct, in core governance instruments, creates a vacuum of authoritative guidance on dealing with increasing and often complex behaviour matters presenting in the student community.
- The *UTS Student Rules* contain many procedural matters that are better presented as internal protocols, procedures or guidelines.
- The presentation of penalties in *Student Rules Schedule 4* is perceived by students and student advocates as complex.

2.2 Findings: Policies in relation to student behaviour and general misconduct

In relation to the suitability of the existing suite of policies that relate to student behaviour and general misconduct and the extent to which they support UTS ambitions for a safe and supportive student learning environment, the Reviewers note the following:

- There is a lack of clarity in relation to the status of Policies vis a vis Rules and there are varying ambitions described across discrete UTS units in relation to the desired future state, for example, 'remove Rules entirely', 'embed all key actions in policies' etc.
- Some of the policies relating to student conduct repeat details in the Rules. For example, the Temporary Exclusion Policy adds procedural information that would not normally warrant referencing within policy.
- The *Concerning Behaviour and Intervention Policy* is considered no longer fit for purpose nor does it provide a framework for agile responses to the spectrum of student behaviours within an education environment. The associated *Concerning Behaviours Assessment and Intervention Team* needs to be reframed to respond effectively to the array of conduct matters presenting in the University.
- Some emerging areas of complexity that are in focus because of historic marginalisation and recent legislation in relation to student conduct and are not sufficiently articulated in policy include:
    - Fitness to Study or associated supportive frameworks for interventions to take a break from study for wellbeing, health and particularly for mental health reasons.
    - Visible policy statements to support cultural safety aligned to the University's strategies for anti-racism and anti-discrimination.
- Some policies ostensibly referencing conduct, are primarily statements of the University's values. For example, the *Equity Diversity and Inclusion Policy*. Other policies provide clearer guidance on behavior expectations, including the *Code of conduct* and *Student Rights and Responsibilities Policy*. There is an opportunity to rationalise, prioritise and foreground a smaller suite of policies that support a safer and inclusive UTS community.
- Policies refer repeatedly to investigation of conduct matters but there is currently no internal investigation capability.

2.3 Findings: Academic Misconduct Framework

In relation to the suitability of the current overarching framework to address academic misconduct, and the extent to which the current governance framework meets current and emerging sector requirements, the Reviewers note:

- Assessing the *Student Rules* and *Academic Integrity Policy* against sector practice highlights gaps in key guidance statements for academics and students, particularly readily understood types of

misconduct breaches. Academic Misconduct Procedures would assist the UTS community, as distinct from the information in the current Schedules.

- The Student Misconduct Office within the Governance Service Unit is significantly overloaded and their remit to coordinate education initiatives as well as process academic misconduct allegations is unrealistic given the resourcing and systems provided.
- The advice of the Student Misconduct Manager in relation to dealing with academic misconduct allegations is highly valued by faculty staff, but much more support and guidance is needed in the era of generative AI.
- Recent UTS reviews of Academic Integrity matters have highlighted a hub and spoke model, with roles for central units in education (allegation investigation and misconduct administration) as well as roles for faculty (investigation of low-level breaches with associated action). The role of the faculty Responsible Academic Officers needs ongoing support and more needs to be done to align their roles with a centrally coordinated vision of managing and responding to academic misconduct.
- The University lacks a robust case management system to oversee the workflow and timely response to allegations of academic misconduct.
- Interviewees noted the lack of a coordinated vision or strategy for academic misconduct, while noting the emergence of a curriculum vision for the era of Gen AI. There is no clear accountability or visible unit of expertise outside the Student Misconduct and Appeals office to support academic staff.

2.4 Findings: Procedural Fairness and Resourcing

In relation to the organisational location of relevant personnel to support the management of student conduct matters, and the resourcing needs to effectively and efficiently manage these issues, the Reviewers note the following:

- The Student Academic Misconduct area within the Governance Service Unit has an untenable remit and workload across both academic and general misconduct. The workload presents challenges for the timely response of complaints referred to the area, despite the best efforts of the 4 staff.
- While many students admit to the allegations presented in relation to academic misconduct, the conflation of roles in relation to misconduct processing potentially creates significant risk. It is not appropriate for assessing, investigating and the determination of an outcome may all be undertaken in the one area, does not meet the requirements of procedural fairness. Separate roles are required for all the core activities in discipline matters to ensure independence, so that decision makers come to matters without bias or perception of bias.
- There is no investigative function within the University, and while some matters are appropriately referred for external investigation, an internal function is required to oversee the appropriate gathering of information and evidence to guide decisions and outcomes.
- There are multiple systems being used to refer, triage, case manage and record incidents of concern, complaints and misconduct. These include Salesforce, LEX, and manual databases. This lack of coordination is frustrating to many stakeholders and presents a risk to the University.
- There is unease about the siloed approach that might be emerging in relation to sexual harm prevention and response, given tightening resourcing and the scale of other concerning behaviours. This includes work to develop a separate portal and response team for sexual harm, when sector benchmarking indicates that all concerning behaviours require a trauma informed approach and are most effectively managed through a single designated reporting portal and a single well trained response team with a focus on safety and inclusion.
- Correspondence forwarded to students in relation to misconduct allegations, remains jargonistic and is not clear on the rights of students to respond, either as complainant or responder.

- Protocols such as those developed by the UTS Student Association to share relevant information, assist in ensuring confidentiality and privacy are upheld. More clarity in relation to sharing information across areas of the University is required in relation to concerning behaviours and misconduct.
- The role of the Counselling Unit in relation to responding to concerning behavior is changing with the recent deployment of two case workers, but a clinical rather than holistic approach to student behaviour still dominants discourses of response and resolution.
- The established role of Student Association case workers to support students through misconduct proceedings (in particular, alleged perpetrators) presents a concrete option for comprehensive support. Additionally, there is real potential for staff in Accessibility, Jumbunna and other areas to support diverse students navigate misconduct processes.
- The role of the People Unit, including their active leadership of workplace relations, workplace health and safety and code of conduct investigations presents an opportunity to enhance a 'one team' approach. Aligning staff and student approaches in conduct matters assists the recommended 'whole of institution' Safe and Respectful Community mode', particularly in times of resource constraint.

2.5 Summary recommendations

The 17 recommendations below are expanded in detail in relevant report sections. The recommendations should not be read in isolation of the Report.

Immediate priorities (3 months) **Ensuring procedural fairness, including, clarity of roles, timeliness of misconduct resolution and a focus on student support following disclosures/report, while taking initial steps to address staff workloads associated with the current resourcing models.**
1. Disestablish the Concerning Behaviours Intervention Policy and the associated Concerning Behaviours Assessment and Intervention Team.
2. Implement a UTS Safe and Respectful Communities approach (stage 1) located within the PVC Students portfolio, focussed on responding to and supporting students. The model should be well integrated with current student services to create a 'wrap around services' approach, leveraging national best practice models in trauma informed responses and a commitment to 'one-team' approach.
3. Recruit and appoint the required staff for stage 1, Safe and Respectful Communities team– Senior Manager, Safe and Respectful Communities, 2 additional Student Support Case Workers, 1 Mental Health worker and 1 Administration Officer in addition to 2 roles for students/peer leaders.
4. Establish an Investigation function, (2FTE) within a restructured Complaints and Misconduct Unit, located in the General Counsel area, leaving the function of Appeals administration within the Governance Services Unit.
5. Leveraging sector best practice, agree on the whole of organisational framework for responding to ALL concerning behaviours and incidents, with consideration of incorporating complaints, enabled by an IT system to power an enterprise-wide approach to reporting.
Short term priorities (6 months). A focus on benchmarking and revising the governance instruments while continuing to prioritise improvements to procedural fairness.
6. Develop and implement a 'Fitness to Study' type policy and associated procedures to support the case management of behavioral matters that are not misconduct.
7. Articulate the UTS vision for Rules, Policies and Procedures – with clear written information about the hierarchy of instruments and drafting expectations.
8. Revise the Rules to clearly separate academic and general misconduct provisions including user friendly definitions of academic and general misconduct, with consideration of stand- alone Student Conduct Rules. Include a clearer articulation of penalties for each type of misconduct in student centred language.
9. Identify core policies that promote appropriate student behaviours and map the areas of UTS policy and strategy that may need strengthening to respond to the issues prioritised in the Accord.

These include cultural safety, racism, transphobia, homophobia and ableism, while actively reducing the number of policies required to holistically support student wellbeing and safety.
10. Harmonise approaches to information sharing across all areas engaged with concerning behaviours and misconduct with clear protocols that address privacy considerations and ensure best practice in confidentiality within a trauma informed approach.
11. Establish an Office of Academic Integrity within the PVC Education portfolio, with a clear remit to coordinate (in collaboration with teaching support areas and the University Library), all education programmes for students and academics, provide advice, guidance and support to academics. As soon as practicable, move the processing of academic misconduct allegations to the new Office, ensuring close cooperation with the recast Complaints and Misconduct Unit.
12. Complete a thorough revision of the Academic Integrity Policy including the development of Academic Misconduct Procedures, through active benchmarking of sector best practice.
13. Implement an institution wide IT system to report academic misconduct matters that provides support for evidence gathering and workflows, while recording relevant outcomes that link to the student records management system.
14. Engage the Chief Operating Officer and other senior University executives in the vision for a whole of UTS Community Safe and Respectful Communities (stage 2) approach that supports all students and staff, with clear roles for the Peoples Unit, Security and Safety areas, enabled by a shared IT strategy for case management, response workflow system and data collection.
Medium term priorities (12 months) focus on sustained revisions to governance instruments
15. Adopt best practice communication within and about policies including engaging presentation of procedures (flowcharts and other visuals.) and multi-channel advice to the wider community about the utility, changes and information within each. Make it easy to engage with policy requirements for diverse stakeholders including academic staff, casual staff, students and wider community members.
16. Develop consistent templates for reporting and analysis of all behaviour and conduct data, that draw on sector best practice and provide clear trends, feedback and the voice of stakeholders with clear strategies for continuous improvement.
17. Routinely embed procedural matters such as 'escalation to police' and 'confidentiality' within policies and procedures, including as part of the information provided to staff and students.

3. UTS Rules and Policy eco-system for student conduct

As detailed in the University of Technology Sydney Act 1989 (NSW), Rules provide a foundational framework for operations in the University. Section 29 of the Act notes that:

> *(2) A rule:*
>
> *(a) has the same force and effect as a by-law, and*
>
> *(b) may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule, and*
>
> *(c) takes effect on the day on which it is published or on such later day as may be specified in the rule, and*
>
> *(d) must indicate the authority or officer who made the rule and that it is made under this section.*
>
> *(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.*

The UTS *Rules – Student Rules and General Rules* provide comprehensive parameters for expected behaviours within the University community. In contrast to every other NSW university, *UTS Student Rules* encompass the entire student life cycle – from admission to graduation. Sector benchmarking indicates standalone student conduct rules are more common. Arguably, standalone rules for expected conduct and related sanctions are more accessible. Table 1 provides indicative comparison of Rules in benchmarked universities.

Table 1: Examples of student rule types in other universities in NSW

University of Wollongong	University of Sydney	Western Sydney University	University of Newcastle	Macquarie University
Campus Access and Order Rules	University of Sydney (Coursework) Rule 2014	Student Misconduct Rule	Student Conduct Rule Rules Governing Traffic and Parking	General Coursework Rules
Examination Rules	University of Sydney Higher Degree by Research)			Student Conduct Rules
Student Conduct Rules	University of Sydney (Student Discipline) Rule			Student Consultation Rules

Benchmarking also indicates that the *UTS Student Rules* are presented in a legalistic style with complex language to describe student conduct. As detailed below, accessible communication styles including flowcharts are a feature of other universities approach to student conduct.

Within the *UTS Student Rules*, matters of student conduct are referenced across multiple sections. Misconduct is referenced over 300 times. This includes references to property, library use, technology use, in addition to academic and other conduct. There is also detailed advice on expected conduct, steps to take in relation to addressing misconduct and penalties for different types of behaviour. For casual staff, a person in trauma, or a new staff member in a professional role, this density and complexity poses barriers to accessibility. Appendix D provides further guidance in relation to the suggested reframing of the Student Rules, with annotations of the current document to highlight areas of improvement.

While the length of the *UTS Student Rules* suggests comprehensive coverage in relation to student conduct matters, the UTS policy environment for student conduct is further detailed in the multiple policies listed below.

- Accessibility and Inclusion Policy (2022)
- Academic Integrity Policy (2023)
- Child Protection Policy (2021)
- Code of Conduct (Staff) (2020)
- Concerning Behaviour Intervention Policy (2020)
- Equity Inclusion and Respect Policy (2019)
- Student Rights and Responsibilities Policy (2019)
- Privacy Policy (2018)
- Campus Policy (2019)
- Surveillance Policy (2019)
- Temporary Exclusion Policy (2020)
- Internships Management Policy (2021)
- Graduate Research and Supervision Policy (2017)
- Critical Incident Response Policy (2022)
- Health Safety and Wellbeing Policy (2020)
- Staff Complaints Policy (2021)
- Student Complaints Policy (2019)
- Student Travel and Expenses Policy (2020)
- Whistleblowing and Public Interest Disclosures Policy (2023)
- Risk Management Policy (2018)
- Conflict of Interests Disclosure Policy (2023)
- Support for Students Policy (2023)

While some of these policies are focussed on management of student conduct, others establish staff procedures for addressing concerns with student conduct matters or indeed represent clear statements of expected behaviours, for example the *Student Rights and Responsibilities Policy.* Some policies ostensibly about conduct are primarily statements of the University's values e.g. *Equity Diversity and Inclusion Policy* where the focus is on expected behaviors. This is work that the *Code of conduct* and *Student Rights and Responsibilities Policies* also do. This duplication can create frustration and a fatigue for users who may be accessing policies to address urgent issues.

While a matrixed approach to Rules and Policy instruments is common – that is – there is a need to reference a range of instruments to navigate a situation with student behaviour, the depth of complexity within the Student Rules, with an overwhelming amount of legal jargon is in opposition to best practice guidance in relation to accessibility, particularly for behaviours that are concerning. Interviewees noted that while experienced academic officers or regular users of the various instruments were able to navigate the documents, the array of university stakeholders including students, who may only access Rules when presented with a letter of allegation, or casual staff who may wish to check on matters of academic misconduct, experience barriers.

The proliferation of policies and additions noted to the Rules over recent years, was discussed with interviewees. There was a range of explanations, including responding to government directives for stand-alone policies (sexual harm, student support etc) or responding to incidents where the Rules, did not articulate with sufficient clarity, the power to act in emerging situations. Appendix C provides some indicative comments about the usefulness of the array of policies in addressing student conduct matters, suggesting a prioritization of a limited number of key policies that are pivotal to the broader UTS community.

3.1 Status of the Rules and Policies

Interviewees articulated varied views on the status of polices, and whether they were enforceable –with some interviewees indicating that policies may be easier to challenge. A statement of precedence is missing within the *UTS Policy Framework* document and does not appear to currently exist. The *UTS Policy Framework* does, however, outline the intent of policies as follows:

> *Policies form part of the university's governance framework. Policies support the UTS Act, By-law, Rules and Delegations and ensure consistency, transparency and integrity in UTS's operations and decision-making.*
> And,
> *3.1 Policies, their procedures and other supporting documents are university-wide documents that:*
> *a. articulate UTS values, authorities and obligations, and*
> *b. govern behaviour, practice and decision-making.*

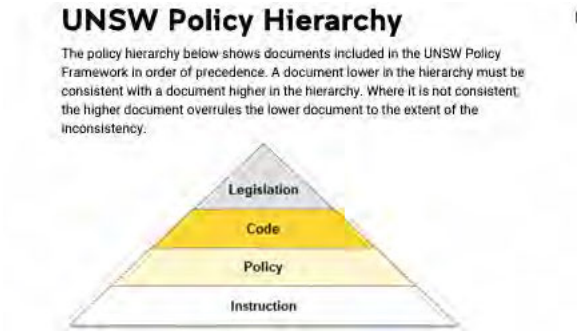
The role of policies as part of suite of governance instruments was discussed with staff currently engaged in the *Academic Review and Revision* project associated with the implementation of Course Loop. Recommendations from this group presented to Academic Board in September 2024, make assumptions about the hierarchy and preferred future state of policies, with a recommendation to remove duplication within policies and rules related to coursework, and potentially rescind the current *Student Rules.*

Across the range of interviews conducted, and like the considerations of the Academic Review and Revision Project, there appears to no shared understanding of the hierarchy of instruments that might 'govern behaviour'. Interviewees outlined uncertainty in relation to the status of the multiple policies that support student conduct matters. Other universities, including UNSW clearly outline the status and purpose of each instrument, as captured in Figure 1 below, or define the status of each instrument within, such as the following description from University of Wollongong:

1. *Legislation (including the UOW Act and By-Law) Legislation sets out the obligations or threshold standards that the University is expected to meet when performing its functions.*
   - *The UOW Act establishes UOW and sets out its governance structure.*
   - *The UOW By-Law provides detailed requirements in relation to matters set out in the Act.*
2. *UOW Rules are an authoritative, prescribed direction that set out the key principles for decision making and conduct at UOW.*
3. *Codes and policies Support the University's rules and provide a statement that outlines non-discretionary governing principles and intentions to regulate University practice.*
4. *Procedures provide instruction that direct the reader to carry out specified actions. Procedures that support policy, provide mandated directions.*

5. *Guidelines provide guidance on how to implement UOW policy documents or apply processes effectively. Decision makers should have regard to guidelines in making decisions on matters to which a guideline relates.*
6. *Local Protocols are operational-level procedures or practices that apply within a particular academic Unit or division. Local Protocols are subordinate to and must be consistent with all official policy documents. Local protocols are enforceable to the extent of the specific directions which they provide; and to the scope of the division/work unit/areas which they apply.*

Figure 1: UNSW example of hierarchy of governance instruments



It was also noted that currently, the *UTS Student Rules* varyingly reference policies. For example, Section 5 – Admission clearly lists policies that are the basis for action as follows:

5.1.1 Subject to these Rules, admission to courses will be made in accordance with:

- *Admissions and Recognition of Prior Learning Policy*
- *Admissions Procedure*
- *Recognition of Prior Learning Procedure*
- *English Language Policy, and*
- *Register of Admissions Standards (approved by Academic Board from time to time).*

5.1.2 UTS outlines its general admission and readmission requirements in the Admissions and Recognition of Prior Learning Policy and the Admissions Procedure.

This contrasts to *Section 16, Student Misconduct*, where no policies are referenced and all detail required for action is ostensibly outlined within the section, with reference to the Rules – Schedules.

There are numerous other examples within the UTS Student Rules of the 'layering' of instructions in relation to responding to student conduct, including for example, in Section 16.9.4, referencing the Temporary Exclusion Policy. The Reviewers have annotated the relevant parts of the *UTS Student Rules* in Appendix D to provide further guidance as to suggested presentation of student conduct matters. The development of a widely communicated hierarchy of governance instruments would enable better decisions about the development of policies and the nature of rules.

3.2 Articulation of student conduct matters within the UTS Student Rules

Benchmarking with other NSW universities and more broadly across the sector indicates that student conduct matters are usually broadly categorised as either academic or general. UTS does not use such a categorisation. Instead, within Section 16 for example, there are approximately 33 definitions of behaviours or misconduct that may be subject to the Rules. Further examples of inappropriate behaviour or misconduct are also scattered throughout the Rules document. Academic misconduct matters, such as coursework plagiarism are merged in a single list with concerning behaviours such as a breach of privacy or harassment. Readability and accessibility are seriously compromised by this approach, which sits in stark contrast to the University of Wollongong (UoW)

for example where Section 5 of the Student Conduct Rules states clearly the two categories of relevant conduct – Academic and General, with links to relevant policies for further action as follows:

> ***Section 5 - Categories of Student Conduct***
> ***Academic Conduct***
> *(29) Academic conduct is based on the values of Academic Integrity. Academic integrity involves upholding ethical standards in all aspects of academic work, including learning, teaching and research. It involves acting with the principles of honesty, fairness, trust and responsibility and requires respect for knowledge and its development. Academic integrity is foundational to the work of the whole academic community, including students, teachers, researchers, coordinators and administrators.*
> *(30) Academic conduct can be separated into two categories:*
> *a. Academic Conduct of a Student undertaking Coursework: the conduct of a student when undertaking the preparation, presentation or submission of coursework. Acceptable and unacceptable academic conduct of a student undertaking coursework is outlined in the Academic Integrity Policy, faculty/unit requirements, Subject Outlines, and other University policy documents setting out student academic requirements.*
> *b. Research Conduct of a Higher Degree Research Student: the conduct of a Higher Degree Research student in the course of undertaking their research. Acceptable and unacceptable research conduct of a Higher Degree Research student is outlined in the Academic Integrity Policy, Managing and Investigating Potential Breaches of the Research Code Procedure, Code of Practice - Responsible Conduct of Research, faculty/unit requirements and other University policy documents setting out student research requirements.*
> ***General Conduct***
> *(31) In addition to conduct relating to academic studies, UOW also defines general conduct expected of students. Acceptable and unacceptable general conduct is outlined in:*
> *a. the Campus Access and Order Rules*
> *b. the IT Acceptable Use Policy and associated IT policies*
> *c. the Code of Practice – Student Professional Experience*
> *d. the Student Conduct in Residences Policy*
> *e. Other University rules, standards, codes, policies, guidelines, procedures or requirements*
> *f. Faculty and/or academic unit requirements*

The UoW approach enables ready engagement with the broader community and provides agility through updateable policies which is important given the current external environment. Similarly, the University of Newcastle Student Conduct Rule, revised in July 2024 presents additional clarity in framing conduct matters, focussing attention on three core areas of student conduct and an additional category of concerning behaviour, as follows:

- Academic Misconduct
- Research Misconduct
- Non- Academic Misconduct
- Concerning behaviour

Concerning behaviours within the University of Newcastle Rules are defined as follows:

> *[…] Conduct that could reasonably be construed as inappropriate, worrying or threatening. It includes actions, statements or behaviour that cause any person to fear for their personal safety, or that may indicate or create a threat to:*
> *a. the health, safety or welfare of the student.*
> *b. the health, safety or welfare of any staff member, student or other member of the University community.*
> *c. property, facilities, premises.*
> *d. animals or the environment.*

Interviewees urged the Reviewers to consider how concerning behaviours, often associated with mental health as described above, could be more in focus at UTS. They sought clear policy guidance articulating pathways and procedures for de-escalating behaviours and implementing interventions, where possible interventions that were educative. Some interviewees expressed despair at the current lack of recognition of behaviours that could not be classified as 'misconduct' under the current Rules, suggesting a significant reframing of CBAIT process as discussed in section 4 of this Report.

3.3 Presentation of the consequences or penalties for misconduct

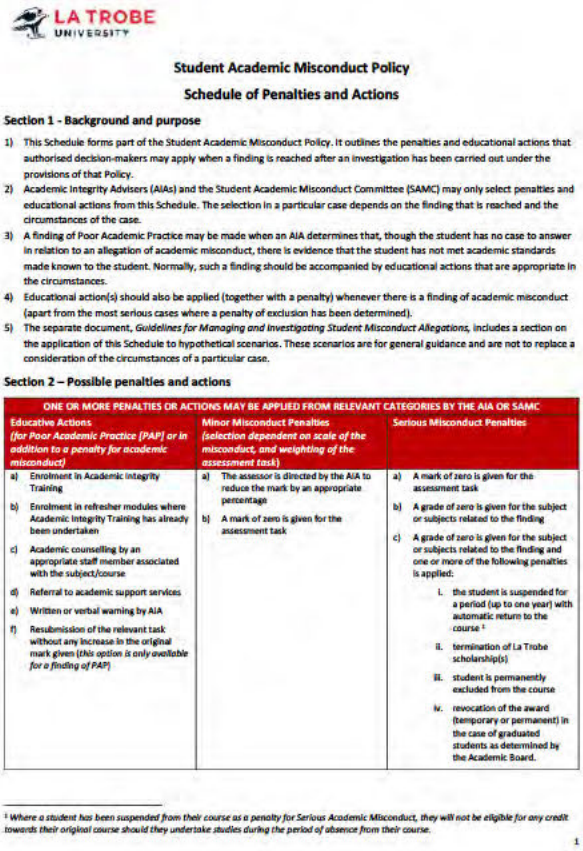
Schedule 4 in the Student Rules details the guidelines, primarily for those involved in recommending, imposing and reviewing penalties. Advice specifically aimed at informing students about misconduct consequences can be found with website information referring to Rule 16.2. There is however, more student centred advice in relation to academic misconduct presented on the following website.

Student advocates reported frequent instances of student alarm on receipt of letters of allegation. Two sample allegation letters indicated varying information about the application of penalties, with reference to 'approved precedent penalties' in one letter and no reference to penalties in another. The advice is presented as follows:

> *Approved precedent penalty (Rule 16.12.6A and Schedule 4 2A)*
> *The approved precedent penalty for this type of allegation is a zero for the assessment task (Rule 16.3.1(9)(b)).*

The UTS Students Association supports students to understand the consequences of misconduct allegations, with a plain English misconduct webpage, summarising key aspects of the Rules and associated consequences. Alternative presentations of penalties at benchmark universities highlight ways to detail actions a university might take in relation to misconduct, within formal governance instruments. Again, if definitions of misconduct are categorised under academic or general, specific penalties can be outlined related to degrees of seriousness and previous misconduct history. La Trobe University, for example details a Schedule of Penalties and Actions for Academic Misconduct, in three broad categories, Educative Actions, Minor Misconduct and Serious Misconduct. This information is included as one page within the *Student Academic Misconduct Policy* as noted in Figure 2 below.

Figure 2 La Trobe example of the presentation of penalties.



LA TROBE UNIVERSITY

Student Academic Misconduct Policy

Schedule of Penalties and Actions

Section 1 - Background and purpose

1) This Schedule forms part of the Student Academic Misconduct Policy. It outlines the penalties and educational actions that authorised decision-makers may apply when a finding is reached after an investigation has been carried out under the provisions of that Policy.
2) Academic Integrity Advisers (AIAs) and the Student Academic Misconduct Committee (SAMC) may only select penalties and educational actions from this Schedule. The selection in a particular case depends on the finding that is reached and the circumstances of the case.
3) A finding of Poor Academic Practice may be made when an AIA determines that, though the student has no case to answer in relation to an allegation of academic misconduct, there is evidence that the student has not met academic standards made known to the student. Normally, such a finding should be accompanied by educational actions that are appropriate in the circumstances.
4) Educational action(s) should also be applied (together with a penalty) whenever there is a finding of academic misconduct (apart from the most serious cases where a penalty of exclusion has been determined).
5) The separate document, *Guidelines for Managing and Investigating Student Misconduct Allegations*, includes a section on the application of this Schedule to hypothetical scenarios. These scenarios are for general guidance and are not to replace a consideration of the circumstances of a particular case.

Section 2 – Possible penalties and actions

ONE OR MORE PENALTIES OR ACTIONS MAY BE APPLIED FROM RELEVANT CATEGORIES BY THE AIA OR SAMC		
Educative Actions *(for Poor Academic Practice [PAP] or in addition to a penalty for academic misconduct)*	**Minor Misconduct Penalties** *(selection dependent on scale of the misconduct, and weighting of the assessment task)*	**Serious Misconduct Penalties**
a) Enrolment in Academic Integrity Training b) Enrolment in refresher modules where Academic Integrity Training has already been undertaken c) Academic counselling by an appropriate staff member associated with the subject/course d) Referral to academic support services e) Written or verbal warning by AIA f) Resubmission of the relevant task without any increase in the original mark given (*this option is only available for a finding of PAP*)	a) The assessor is directed by the AIA to reduce the mark by an appropriate percentage b) A mark of zero is given for the assessment task	a) A mark of zero is given for the assessment task b) A grade of zero is given for the subject or subjects related to the finding c) A grade of zero is given for the subject or subjects related to the finding and one or more of the following penalties is applied: i. the student is suspended for a period (up to one year) with automatic return to the course [1] ii. termination of La Trobe scholarship(s) iii. student is permanently excluded from the course iv. revocation of the award (temporary or permanent) in the case of graduated students as determined by the Academic Board.

[1] *Where a student has been suspended from their course as a penalty for Serious Academic Misconduct, they will not be eligible for any credit towards their original course should they undertake studies during the period of absence from their course.*

1

Similarly, for general misconduct, other Universities provide simple classifications of outcomes within Rules – see for example University of Wollongong – low- level and high level outcomes for varying types of general misconduct.

Library Misconduct
Low-Level Outcomes

a. *Reprimand from the Director, Library Services or Standing Nominee*
b. *Fine (as prescribed in the Library Borrowing Conditions) for overdue items*
c. *Temporary restriction of Library privileges*
d. *Charge for costs of replacing or repairing any damaged property up to $1000*

High-Level Outcomes

a. *Reprimand from the Vice-Chancellor and President*
b. *Charge for costs of replacing or repairing any damaged property in excess of $1000*
c. *Fine of up to $1000*
d. *Immediate Suspension by the Vice-Chancellor and President (with or without also suspending any scholarship the student may hold)*
e. *Deferred Suspension by the Vice-Chancellor and President subject to one or more conditions (e.g. good behaviour, demonstrated consultation with a registered professional, academic performance)*
f. *Exclusion from UOW by the Vice-Chancellor and President*
g. *Expulsion from UOW by the Vice-Chancellor and President Any other penalty that the Vice-Chancellor and President deems appropriate*

Likewise, Western Sydney University *Student Misconduct Rule* presents sanctions for misconduct across three categories.

Part E - Sanctions for Misconduct

(68) There are three categories of sanctions that may be imposed for misconduct by the relevant Decision-Maker as specified in Schedule 1 to this Rule.

(69) Nothing in this Rule prevents a Senior Authorised Officer or a Committee applying Category 1 sanctions for findings of Category 2 misconduct.

(70) Non-compliance with imposed sanctions constitutes Category 2 misconduct and may be heard and determined by a Senior Authorised Officer in accordance with Part C – Hearings upon referral from the Director, Governance Services, who may also dispense with the requirement to conduct a Preliminary Investigation under Part B – Investigation.

WSU also indicates that some types of misconduct, including that involving a 'sexual offence' is automatically categorised as Category 2. Given the above benchmarking and interviewee commentary, UTS should actively explore this recasting of penalty presentation and outcomes as part of a recommended overhaul of the *Student Rules.*

4. Addressing other concerning behaviours

UTS has an obvious deep and sustained commitment to creating a safe and supportive environment, particularly in relation to sexual harm. As TEQSA outlines in their guidance on well-being and safety, providers must ensure:

- 2.3.1 avenues and contacts for support for students if needed
- 2.3.2 availability of specific types of personal support services
- 2.3.3 ensuring that support services offered reflect the needs of student cohorts
- 2.3.4 promotion of a safe environment
- 2.3.5 management of critical incidents.

While the *UTS Student Rules* present descriptions of student behaviour that can be defined and addressed as misconduct, increasingly, university communities are responding to behaviours of concern that are not classified as misconduct. Currently UTS encourages use of the UTS Referral Grid that adopts a psychological risk framework with indictors of student behaviours, and actions staff might take. Some staff expressed concern that the Referral Grid pathologised behaviour and did not encourage appropriate responses or support. The options for actions detailed in the Grid are limited and outlines as follows:

- provision of information,
- recommendations to seek support and
- how to act on immediate threats.

While not the focus of this Review, expansion of advice for staff in this or a revised document would be of significant value as would a comprehensive communication campaign aimed at increasing accessibility and knowledge about how to respond.

It was noted that data collection processes for concerning behaviours do not systematically record instances, disclosures or requests for assistance across all concerning behaviour areas, in significant part due to the lack of suitable recording database. Academics refer students to the Director of Student Services on a daily basis and often the complexity of each case consumes significant time for staff. Some of these instances may be referred to the Counselling Service – where there is a standard one month wait time for appointments except for significant emergencies others are triaged as much as possible by Student Services staff, where in other cases faculty staff work to de-escalate.

Noting the commentary from interviewees, the most recent Student Experience Survey (SES), including the responses in relation to *Student Support and Services* questions presents useful information. Students at UTS provided a positive rating for their experience with student support services slightly higher than the average for Australian Universities (70.6%) and well ahead of Sydney University (57.4%). In the post-graduate realm, 78% of UTS students indicated a positive experience with student support services, with the sector average of 74.8%.

The comments of students within the SES Survey do highlight concerns in relation to a range of issues and behaviours, including mental health, racism and global events. Such comments emphasise the value of comprehensive prevention and response mechanisms. While further analysis of these comments is encouraged, mental health and stress continue to be the main reasons given for considering leaving UTS at 36.8% and 38.5% respectively. Students note within the survey the current wait time for an appointment with the UTS Counselling Service as too long as this indicative comment highlights:

> *I believe one of the most important is offering psychological resources. In today's society, increasing numbers of students experience anxiety or depression due to academic pressures and other external factors. This is a serious issue that should not be taken lightly. By providing mental health services and promoting awareness about these challenges, UTS can help students manage their well-being more effectively and prevent these conditions from escalating.*

Within the SES comments there are also concerns raised in relation to racism, where further preventative action and more visible response mechanisms are suggested. As one student notes:

> *Similar like consent matters, I think some class about racism elimination, awareness about it is necessary. Many of us encounter racism problem at UTS and just can't speak up*

Other comments note the importance of connected and integrated student services:

> *Sometimes it's unclear how different student support services are connected, such as linking academic support with mental health services. A more integrated approach where students are guided to the right service for their specific needs would be helpful.*

Given the pressure on counselling services, and that formal counselling may be inappropriate or undesired by many students, universities are now re-conceptualising support services to provide a range of options. These options are discussed further in the report, but an expanded focus on immediate, low barrier, multi-channel support, for the whole university community could be considered.

The University of Western Australia for example, has recently developed a *University Behaviour Policy* defining *Appropriate Behaviour, Concerning Behaviours* as well as sharply detailing behaviours that will not be tolerated. Adopting a strength based approach, the UWA model highlights how concerning behaviours may be described in accessible non-clinical language, such as the description below:

> *Concerning Behaviour means behaviour that —*
>
> - *seems unusual for that individual.*
> - *is likely an indication that that individual is experiencing difficulties.*
> - *may not be either Appropriate Behaviour or Inappropriate Behaviour.*
> - *with an early-intervention support strategy, is likely to not become Inappropriate Behaviour.*
> - *is a marked deterioration in an individual's behaviour, academic or workplace performance, appearance or conduct; and*
> - *may or may not be negatively impacting on other members of the University Community.*

UWA has also centred low barrier support services through the development of a drop in "Living Room" model co-designed and run with students, overseen by qualified mental health professionals. UWA has recently achieved professional accreditation for the Living Room and its unique approach to mental health and wellbeing services, with the Living Room 'a space that could promote, support and sustain positive mental health and wellbeing, while addressing common stressors for students and facilitating timely connection to services at times of adversity'. UTS is encouraged to review such models as part of a comprehensive response suite of initiatives. Services such as Jumbunna also provide such low barrier contact and support for students, and the exemplary practices of Indigenous support units are additional models for timely responses to mental health and other stress experienced by university students (Fredericks et al., 2024). As noted in the Accord, the creation of 'safe

spaces' for diverse cohorts should be a priority as part of a suite of comprehensive response and support mechanisms (Department of Education, 2024b, p. 137).

4.1 The Concerning Behaviour Intervention Policy

In relation to the policy environment that supports action in for concerning behaviours, the UTS *Concerning Behaviour Intervention Policy* has served an important purpose to frame the University's commitment to providing a safe and supportive environment. Reiterating the findings within the 2023 *Review of Responses to Sexual Harm*, the Policy has embedded positive cross institutional collaboration and a context for relevant staff to share information regarding student matters affecting their progress in their studies. There are, however, ongoing issues that need urgent action.

CBAIT was established to facilitate a comprehensive approach to campus safety and support for students at the university. Formalised in policy in 2020, CBAIT operates alongside several policies related to student conduct. It operates as a multidisciplinary team with membership across various departments, including Student Services, Legal Services, Misconduct, Complaints, People/HR, and Security Services, and is chaired by the Director of Student Services. Interviewees stated that the meetings, scheduled as needed, involved discussion of assessment, possible actions and sanctions that could be applied but did not follow a process to aid decision making.

The Policy in its current form, while mentioning investigations, is similar to but does not reference the *Critical Incident Response Policy.* Both policies mention investigation of incidents although there is a lack of an internal investigation team/function within UTS.

Interviewees described the systems for responding to student behaviours and at times the 'decision by committee' approach as part of the *Concerning Behaviours Assessment and Intervention Team (CBAIT*) enshrined within the Policy. The committee approach was described as cumbersome, only focusing on assessment rather than action, and at times lacked input from key areas, notably faculty staff, particularly for students registered with the Accessibility Service.

Throughout the Review it was noted that CBAIT, despite its well-meaning intentions, continues to encounter challenges. It is described as opaque and has no student facing element. This lack of transparency hinders overall confidence in the CBAIT approach. Another important issue is the nexus of handling and responding to misconduct-related matters as outlined in the Rules. These are the Student Misconduct Team based in the Governance Services Unit (GSU), Student Complaints, also located in GSU as well as the historical role of the Counselling Service. These areas operate independently and do not have access to a single source data platform capturing student misconduct and complaint concerns. Interviewees also noted the challenges in sharing information in relation to students, due to privacy concerns that some members of the CBAIT process held in focus. There was also some lack of agreement in terms of what outcomes could be shared with relevant stakeholders and how these could be communicated.

There is also a lack of clarity for CBAIT members regarding workflows, which leads to repeated agenda items as well as concern as to whether all stakeholders are appropriately equipped to be involved in the resolution or decision-making processes. The absence of a central system for recording incidents and reporting results in scattered data. Furthermore, some staff who were interviewed believe there is a lack of understanding of Intersectionality best practice as it relates to addressing discrimination and support for Indigenous students, students with disabilities, and LGBTIQA+ students.

The CBAIT Chair faces significant challenges, including a lack of adequate data and insights given dispersed systems, an expectation to know how to investigate incidents without proper support, no backup Chair, and the inability to allocate actions to CBAIT members without formal referrals. Privacy and confidentiality issues, processes for referrals to the Police and external investigation referrals were also noted as areas of concern. The team, despite its good intentions, has limited decision-making power, often resulting in an "assessment by committee" approach.

In summary, while CBAIT and the *Concerning Behaviour Intervention Policy* has played a crucial role in maintaining campus safety and supporting students, it faces several identified problems that hinder its effectiveness. Managing a complex student matter, whether it is classified as misconduct or not, where the same Committee is assessing risk, investigating or collating evidence and determining an outcome does not meet the principles of procedural fairness that the National Student Ombudsman will be expecting. Addressing these issues is essential to ensure a more streamlined and efficient approach to campus safety and student support.

4.2 Concerning behaviours and critical incident policy frameworks.

Throughout the Review it was acknowledged there are many instances where a student's health condition, behaviour or wellbeing may give rise to concerns about their fitness to study with likelihood of success. One interviewee despaired at the limitations of policies to effectively support a student with severe mental health conditions, where a student clearly needed time away from study but the only relevant mechanism for action to ensure leave from study was through temporary exclusion provisions.

Currently when students with mental health presentations disrupt University activities, the Rules governing actions to deal with behavioural misconduct are used. As an interviewee noted, misconduct and disciplinary processes address behaviours through allegations often creating a 'fight' response in students. An alternative process that could be complimentary to UTS existing Rules is a Fitness to Study Policy and Procedure. Fitness to Study policies are increasingly common in universities where the behaviour, while disruptive and distressing, is not misconduct. Such a policy and accompanying procedures are non-punitive, educative, supportive and are designed to enable students who are experiencing an acute or chronic mental health issue, to safely take a break from their studies without incurring academic or financial penalty. The focus is the earliest possible intervention to ensure the safety and wellbeing of the student and wider UTS community.

ECU's Fitness to Study Policy has been in place for 4 years with 150+ students assisted with additional support, adjustments such as taking a break or referral to specialist services, while remaining connected with the university support services and enabling them to return to their studies and succeed. Where there was significant disruption, a facilitated return to study often involves working with the cohort and staff members as well as the student to enable a respectful return to study. The Fitness to Study procedures work best as part of the governance framework for managing student conduct.

The University may also consider that a student is unfit to study when their conduct results in behaviour that might be ordinarily viewed as misconduct under the Rules. For example, if a student experiencing an acute psychotic episode, poses a threat to the health, safety or wellbeing of themselves or others and interferes with the pursuit of university activities. The incident would be managed under usual procedures then assessed once the crisis has subsided, as to the suitability of a Fitness to Study approach.

The difference between this and Misconduct is often discerned through relevant staff providing an assessment of intent, incidents in the lead up to disruption and several other factors directly related to a fitness to study concern. In such cases, the university may take actions to address these concerns, including restricting access

to facilities or requiring medical evidence of fitness to study. Advantages of this approach include an emphasis on inclusive and proactive approach to managing mental health issues, aiming to support student success through reasonable adjustments while maintaining academic and conduct standards. Students have the right to appeal decisions made under this policy on specific grounds, such as discrimination or lack of due process.

A Fitness to Study approach would highlight the importance of support and consultation with students, providing a framework for addressing difficulties through various university services. It allows students to be accompanied by a support person during meetings related to fitness to study concerns.

4.3 Ensuring appropriate policies and actions related to all behaviours

In a university committed to equity, and in the context of the National Student Ombudsman, attention to the wide range issues of student behaviour is expected. In addition to a more proactive and supportive approach to students with mental health conditions, broader issues of student safety and wellbeing within policy were considered given the emerging guidance from the *Australian Human Rights Commission* with reference to the *The Racial Discrimination Act 1975 (Cth*) and the recently published *National Anti-Racism Framework* (Australian Human Rights Commission, 2024) that highlights the importance of mapping polices that address racism.

Interviewees noted the need for further explicit policy guidance to address racism and cultural safety, including for First Nations students. The following comments in the 2024 UTS Student Satisfaction Survey echo this need:

- *Similar like consent matters, I think some class about racism elimination, awareness about it is necessary. Many of us encounter racism problem at UTS and just can't speak up.*
- *Racism issues, partnerships with genocidal states, lack of any accountability or respect to indigenous people and palestinians alike who are always being told to be quieter.*
- *My experience with the UTS* s2.2 Out of Scope *was deeply troubling, as bullying seemed to be a significant part of its culture. The mental and emotional harm I endured has led me to avoid participating in any future sporting events, and I've had similar negative experiences within the* s2.2 Out of [redacted]*. Both groups also foster a harmful drinking culture that encourages negative social behaviour among students. I believe stronger oversight and regulation from the university, independent of the* s2.2 Out of Scope *, are needed to improve these environments.*

Many universities are now ensuring their policies are updated to make explicit a zero-tolerance environment for racism, outlining actions the university will take to create safety for diverse groups. While policies provide guidance for action a policy to address racism will be ineffective without an accompanying whole-of-institution anti-racism strategy, centering antiracism as a core value, not peripheral to mission (Elias et al., 2024). Examples of the work underway in the sector, includes University of Wollongong's an *Anti-Racism and Cultural Safety Policy* and Western Sydney University now includes a *Discrimination, Harassment, Vilification and Victimisation Prevention Policy* alongside a *Motting and Hazing Prevention Policy*. These policies, as minimum, assist in the development of a language to describe an array of concerning behaviours, and support the visibility of an institution's commitment

Given debates over the utility of standalone policies in relation to discrimination and racism, the University of Queensland's *Diversity, Equity and Inclusive Behaviours Policy*, demonstrates other mechanisms for the prevention of discrimination harassment and bullying, with key accountabilities for strategies, plans programs and initiatives. Such an approach is consistent with the *Australian Human Rights Commission* guidance, in relation to anti-discrimination, human rights and vilification. Reflecting on this UQ example, UTS should look to strengthen the *Equity, Inclusion and Respect Policy* with clearer accountabilities and engagement with the

emerging frameworks from the *Australian Human Rights Commission*. At the moment the UTS *Equity Inclusion and Respect policy* attempts to capture issues that are already the subject of stand-alone policies (such as sexual harm; conflicts of interest) while touching on approaches to incidents of discrimination, vilification, victimisation, bullying and harassment.

In relation to discrimination, the *UTS Accessibility and Inclusion Policy* reflects a whole of institution statement in relation to supporting staff and students living with a disability and outlines mechanisms for complaints in relation to discrimination and clearly outlines implementation and governance roles. While the policy is clear in its intent, interviewees noted the need to give it more prominence in student conduct matters.

The Reviewers noted that the UTS Critical Incident Response Policy details several matters that are typically managed via a Safer Communities Response Team, including:

a. serious injury, illness or the threat of serious injury or illness
b. any loss of life
c. attempted suicide or self-harm or the imminent risk of such
d. overdose
e. missing people
f. assault including sexual harm, violence or robbery, severe verbal or psychological aggression
g. any mental health episode that may threaten personal safety or the safety of others

While the above may be escalated as critical incidents, the nature of the incident including the severity/consequence of an incident will determine the response required. Most incidents can and will be managed locally as part of a business-as-usual approach via a Safer Communities model. Crucial to the management of these kinds of issues is a clear escalation procedure that provides a guide for the people managing the response. The University of the Sunshine Coast provides clear procedures to manage student incidents, providing a useful benchmark.

5. Academic integrity and services within the Governance Service Unit

As noted previously, the era of generative AI has highlighted the need for new frameworks to support academic integrity. The Reviewers considered the current overarching approach to promote academic integrity and address misconduct and the extent which UTS is prepared to meet emerging requirements. There was no focus on research integrity during the Review, where the relevant governance actions are part of the Research Policy.

Interviewees noted previous reviews in relation to academic integrity. In 2018, the Teaching and Learning Committee (TLC) established a *Working Group on Academic Integrity* to develop a comprehensive response to the *Academic Integrity: Internal Audit Report* (October 2017). The Working Group. Led by Professor Maryanne Dever reported in 2020, providing 28 recommendations, some of which have been actioned, but others await resourcing.

The Dever Report and the tenor of the recently implemented Academic Integrity Policy (2023) highlight the UTS focus on fostering a 'culture of integrity', with sector leading acknowledgement of how the 'use of Indigenous Knowledges' must be respected. Staff development work is clearly underway to address the educational transformation required for AI in learning in teaching, with the adoption of a framework of *Effective Ethical Management,* and resources that guide academics to impactful use and the artificial intelligence.

The Reviewers focus on student conduct involved interviewees in wide ranging discussions about academic misconduct and the processes to educate, respond and report in relation to incidents. The *2023 Student Experience Survey* highlights student concerns about the management of academic misconduct allegations, echoing issues raised by staff:

Management of cheating using ChatGPT in Quizzes MUST improve. It is an unequal playing field for those who do not like to cheat.

A quicker process for processing misconduct allegations. Three months is a long time. It is not ideal for students dealing with four new subjects and worrying about potential misconduct. It took one month for the faculty to sign off on allegations, then another month to hear from the committee, and potentially another month to hear back after sending a denial response.

Interviewees noted that since the earlier reports and despite positive action in the last 2 years relating to Gen AI and curriculum design, there is no real ownership of the academic integrity area. As noted later in this report, the *Student Misconduct and Appeals* staff are seen as key providers of advice on the nature of academic misconduct, and have, in their remit an education role in relation to both staff and students. Interviewees were adamant that given the workload of processing academic misconduct allegations it is unreasonable to expect those staff also be responsible for comprehensive education campaign for academics, including casual academics. In 2023, the Misconduct team processed 839 cases of cheating alone, in addition to 126 cases of exam misconduct. This is in addition to the work done in the faculties – discussed later in the report. The workload, systems for processing, approach to responding and the efficacy of the current governance instruments are all areas where very significant improvements should be made, with preliminary advice detailed in the next sections.

5.1 Academic Integrity and current governance instruments

The *UTS Student Rules* contain lengthy sections in relation to misconduct in coursework programs. This includes definitions of academic misconduct dispersed across the following sections:

> 9.6.2 Misconduct during examinations
> 9.6.3 Misconduct during faculty-based examinations
> Student misconduct includes but is not limited to:
> (a) cheating or acting dishonestly in any way; or
> assisting any other student to cheat or act dishonestly in any way; or
> seeking assistance from others in order to cheat or act dishonestly; or
> attempting (a) or (b) or (c) in an examination, test, assignment, essay, thesis or any other assessment task that a student undertakes as part of the educational requirements of the course in which the student is enrolled.
> accessing or using another person's work by theft or other unauthorised means.
> using, or attempting to use, any material or equipment that is not specified on an examination paper for use in the examination; plagiarising, i.e. taking and using someone else's ideas or manner of expressing them and passing them off as their own by failing to give appropriate acknowledgement of the source to seek to gain an advantage by unfair means.

The UTS *Academic Integrity Policy* has minimal guidance in relation to *Academic Integrity Breaches*, instead referring to Section 16 the Student Rules. Cheating as one of the examples of conduct that constitute misconduct is described in Section 16 as follows:

> Examples of the different types of cheating include but are not limited to:
> - *Copying and or reworking any parts of work produced by another student and submitting as your own work.*
> - *Requesting or paying someone to complete your assessment or parts of your assessment.*
> - *Accessing unauthorised material for a quiz, examination or any other form of assessment.*
> - *Breaching an examination condition including but, not limited to interfering with the examination invigilation and not presenting identification as required.*
> - *Recycling your own previously submitted assessment or parts of the assessment.*
> - *Assisting any other student to cheat by sharing your assessment or parts of your assessment to another UTS student.*
> - *Sharing your assessment or parts of your assessment on any external platforms including online.*
> - *Providing a student or students with answers for a quiz, examination or any other form of assessment.*
> - *Manipulate an assessment to avoid the UTS detection software.*
> - *Use of a third-party service to bypass the UTS detection software.*
> - *Copying or reworking any material (e.g. text, images, music, video) from generative Al tools, and claiming this work as your own without declaring use of the relevant tool.*
> - *Using generative Al tools, unless permitted use is specified for that assessment.*

While these extensive examples are possibly helpful, a more common approach in the sector is a categorisation that assists in communicating and educating students and staff about the types of academic conduct to avoid. Deakin University, a sector leader in Academic Integrity provides the following 10 types of concerning academic misconduct, including within examinations, within their Student *Academic Integrity Policy*. The language used in the policy is the basis for education materials for both academics and students, and this alignment assists in building the culture of academic integrity across the university community.

a. ***Plagiarism*** *– a student uses the words, ideas, code, media, research findings or other material, including designs and physical artefacts, of others as their own without appropriate attribution or referencing (excluding poor academic practice eligible for early intervention). This may include materials sourced from file-sharing sites, previous students or text that has been modified through paraphrasing tools*
b. ***Contract cheating*** *– a student requests another person or service (including artificial intelligence content production tools) to produce or complete all or part of an assessment task to submit as their own work*
c. ***Collusion*** *– a student synchronously works with another student or students to submit some or all of the other student(s)' work as their own or vice versa*
d. ***Impersonation*** *– a student pretends to be someone else, or allows someone or something else to pretend to be them, for an assessment task or course requirement*
e. ***Falsification,*** *fabrication or misrepresentation of data or information – a student creates, invents or deliberately alters information that is required as part of an assessment, including, but not limited to, experimental data, survey or questionnaire outcomes, quotes and references*
f. ***Academic fraud*** *– a student seeks unfair academic advantage through fraudulent documentation supporting assessment submissions, including, but not limited to, providing false or altered information such as medical certificates and assessment submission receipts*
g. ***Non-compliance with instructions/requirements in an invigilated or supervised assessment*** *– a student acts in a manner that compromises the purpose of the task, including, but not limited to, accessing unauthorised materials during examinations, copying or attempting to copy another student's work or providing assessment information to others without permission*

h. ***File-sharing*** *– a student shares, without permission of the Unit Chair or Course Director, University resources or other material related to assessment, including completed assessment or copyrighted materials, this may include to file-sharing sites (in contravention of clause 15 c iv)*
i. ***Promoting ways to breach academic integrity*** *– a student provides other students with techniques or advice on ways to breach academic integrity or uses University resources to support others in breaching academic integrity*
j. ***Reuse of previous work*** *– a student submits, in whole or in part, work they have previously submitted to be assessed at Deakin University or any other institution, without the permission of the Unit Chair.*

Categorising types of academic breaches or misconduct as presented above then also assists with the articulation of relevant penalties. As noted previously, students find the current UTS approach of precedent penalties detailed in the Rules Schedules, cumbersome and complex.

Such is the complexity and dynamic nature of academic integrity; most universities make use of detailed procedures. UniSA, another sector leader in the academic integrity space, provides clear guidance in relation to recording cases and outcomes. Such actions, as described below, presume a robust case management system with reporting capabilities.

> *Recording information about academic misconduct*
> *35. The University will store information about academic misconduct in a central Academic Integrity Database. The information will be stored for a minimum period of seven years from the date of the last recorded incident*
> *36. All Academic Integrity Officers will have access to information in the central Academic Integrity Database for consideration when determining whether a student's actions constitute academic misconduct and determining the appropriate outcome*
> *37. From an Academic Integrity Officer's initial investigation, the following information will be recorded in the central Academic Integrity Database*
> *a. details about the students, the program, the course and the assessment task,*
> *b. the type of academic misconduct or academic integrity issue (See Academic Integrity Policy),*
> *c. the factors taken into consideration,*
> *d. the information on which the determination is based,*
> *e. the outcome and reasons for the outcome, and f. if the student agreed or rejected the proposed outcome*

Macquarie University also provides a useful benchmark for a strength-based Academic Integrity Policy, outlining acceptable academic conduct, while categorising unacceptable academic conduct, again with clearly defined categories of contract cheating, collusion, cheating, plagiarism, self-plagiarism, unauthorised use of GenAI and file sharing.

TEQSA expectations include comprehensive reporting of breach data, outlining continuous improvement actions to be taken. As several interviewees noted, UTS is yet to produce reports that enable faculties and relevant governance committees, to understand trends and continuous improvement actions. Drawing on other sector benchmarks, UTS could usefully review such reporting requirements within the *UNSW Annual integrity report*.

5.2 The work of the Misconduct and Appeals Office and Student Complaints Resolution Office

The most common theme throughout this Review was the workload of the *Student Misconduct and Appeals Office.* The *Student Misconduct and Appeals* area within the Governance Services Unit consists of a Manager, a Senior Advisor and two administrative officers. The unit manages all incidents of student misconduct, including academic and general misconduct with the support of the LEX system that is described as outdated and no longer fit for purpose.

While many universities have a single unit to administer general misconduct, the position description of the UTS *Manager Student Misconduct and Appeals*, includes the following:

> *The Manager is responsible for the resolution of all incidences of student misconduct across the University leading investigations, evidence gathering, documentation, making determinations and presenting the University's case at high level committee hearings.*

In relation to misconduct, the *Manager Student Misconduct and Appeals* position description is also noted to lead the following major functions:

- *Provide proactive leadership in the **development and ongoing improvement** of a university-wide framework (policies, rules, procedures, resourcing and support systems) for the effective and efficient management of all student misconduct and appeals (SMA) cases**.***
- ***Provide strategic and operational advice** (both internal and external to the University) on a range of complex and significant matters. Including participation on CBAIT.*
- *Lead the development and implementation of proactive, professional **communication, induction and education programs** to promote knowledge and awareness of the University's Rules relating to student misconduct, the values of academic integrity, and the availability of support services. Through these programs facilitate the reduction in incidence of student misconduct cases.*

While interviewees were unanimous in their praise of the Manager's extraordinary efforts to meet the requirements of the role, in the Reviewers' experience and as noted by numerous interviewees, the expectations for this role and unit are simply untenable. In addition to concerns raised about the timeliness of some misconduct outcomes, there are also serious issues of procedural fairness, as will be discussed later, if one area of the University, with a very small team, is to undertake all the following actions across so many misconduct cases:

- Triage allegations
- Assess and collate evidence
- Investigate or at least gather additional evidence
- Administer letters of allegation
- Make determinations
- Provide advice to delegated officers
- Oversee the Appeals process

As the Position Description accurately notes, the challenges in this role include:

- *The need to address current student academic misconduct cases, while assisting with the development of strategic solutions for recurring misconduct due to systemic issues.*

- *Stay abreast of new ways of cheating, such as Contract Cheating, and develop and implement legally sound, but practical and fair solutions.*
- *The need to predict new types of misconduct, assess the possible impacts on existing Rules, policies and practices, and implement appropriate process/ policy solutions.*
- *Investigating misconduct cases where evidence and facts are complex, incomplete or conflicting.*

In the dynamic and complex area of academic misconduct domain alone, the expectation that this small team, processing over 1200 allegations of misconduct, could also provide professional communication, induction and education programs to the wider UTS community, is unrealistic Recognising this, the DVC ES has recently asked a staff member in the Academic Language and Learning area to assist with resource development and education. The resources available to support staff understanding within the Sharepoint sites developed by both GSU staff and Language and Learning staff are thoughtful and useful. However, the lack of a search function available within SharePoint makes it time consuming to quickly find relevant information, as is the guidance provided to students on relevant websites.

The sustainability of the current model for academic misconduct matters must be seriously questioned as the conflation of administration, investigation determination and education within the one area, will not withstand scrutiny of the incoming National Student Ombudsman.

Also located within the GSU, is *the Student Complaints Resolution Office* which operates in accordance with the Student Complaints Policy (2019) and Student Complaints Procedure. The clarity of these documents serves as a good example of student-centred policy writing with clear definitions, principles, and processes, and well-articulated links to the *Student Rules.* The Office has a Senior Manager and Senior Advisor and deals only with student complaints. The Office took over the functions of the former UTS Ombud in December 2022.

Interviewees described the array of issues that come to the Office, and the active triaging processes that this entails. In 2023, complaints associated with bullying and harassment, discrimination, alongside issues with services and academic matters were received. Harnessing the potential of the Salesforce CRM since November 2020, cases are well managed with workflow processes attached. Complaints have been received in relation to delays in dealing with misconduct. While operating within the Student Rules and relevant policies, the Office describes working in an agile fashion to resolve complaints.

The 2023 annual report for the Student Complaints Resolution Office represents sector best practice outlining data, trends, and continuous improvement opportunities. In 2023 the report notes that 244 complaints were from domestic students, while 103 complaints were from international students. All complaints were responded to within the 4-day compliance deadline and resolved within the 60-day compliance timeframe. Most complaints are finalised within 2-3 weeks of lodgement. The Office is actively involved in the Australasian Universities Complaints and Ombuds Network (AUCON) and as such is well placed to benchmark service, policies and processes. The Office also collaborates with, and provides advice to, Activate UTS and UTS College in relation to complaint management and resolution.

The Reviewers had no concerns in relation to the resourcing or processes within this area, aside from the lack of investigation capacity.

5.3 Faculty roles in academic integrity

As defined in the Student Rules,

> *Responsible Academic Officer means a person appointed as such by the Vice-Chancellor or the Provost on the advice of the Dean and such other persons as the Vice-Chancellor approves.*

While having wide ranging responsibilities RAOs are responsible for:

84. *determining cases involving alleged plagiarism and imposing penalties as appropriate (Rules 16.3.1(9), 16.6.2(1), 16.10 and 16.11; Schedule 5, Student Rules; Delegation 4.12.4; Coursework Assessments Policy 4.26 and 4.27)*
85. *referring allegations of student misconduct, other than plagiarism, and allegations involving both plagiarism and other misconduct to the Director, GSU to be handled in accordance with the student misconduct rules (Rules 16.6.2(2) and (3), 16.10, 16.12)*
86. *sending a notice to the student outlining the basis of exclusion from facilities and/or participation in activities within three working days of receiving the notification from the officer of the university who excluded the student (Rule 16.9.6).*

Within faculties, responsibilities for misconduct are variously distributed amongst RAOs. The appointment of a visible network to support academic integrity within academic units represents best practice – a hub and spoke model supporting a community of practice and consistency in decision making. The *Dever Report* also recommended Academic Integrity Officer (AIO) roles to assure capability to address the misconduct workload. This recommendation was not resourced leaving in some instances, partial coverage in faculties to address academic misconduct.

While the deployment of RAOs is important, and their delegations in relation to misconduct investigations and penalties consistent with sector practice, interviewees noted a range of barriers to effective practice. These include structural barriers for casual staff and whether they are paid to collate evidence in relation to academic misconduct, the lack of clear advice to all academics in relation to the evidence required, the workload associated with the collation of evidence and submission given current systems. These challenges were exacerbated in the increasingly complex determinations associated with Gen AI. Again, the advice of the Student Misconduct and Appeals staff was highly valued with the SMA staff described as the only readily identifiable experts on academic misconduct to support judgement in relation to these matters. Such were the issues with identifying and reporting misconduct, that under-reporting, as noted across the sector, was described as the norm. As Harper and Prentice (2024, p. 4) . explain, the evidence collecting is now increasingly complex:

> *The gathering of evidence to identify and substantiate a case can require quasi-forensic processes such as linguistic and stylometric analyses […] nuanced interpretation of text-matching software reports […] scrutiny of document metadata […] and surveillance of Learning Management System traffic to leverage information on user IP addresses […]. All this occurs against a backdrop of challenging organisational conditions that include dwindling resources, increasing workloads and increasing casualisation.*

The lack of centralised user-friendly system to lodge and track all academic misconduct matters has meant one Faculty is developing their own system. The *Misconduct Allegation Manager Tool*, developed by the Faculty of Engineering and IT is in pilot mode. The system aims to

- Collect all the information required for a misconduct allegation to avoid rework
- Track the progress of allegations for Subject Coordinators
- Improved communications with Subject Coordinators, School admin team, RAO, GSU and students.

While such dispersed initiatives are proactive, they are also a response to the often-lengthy timelines for responses to students. Across the sectors there are a multitude of systems that could be referenced in the development of a university wide portal for academic misconduct reports and action. Given the workload of the Student Misconduct and Appeals team, there is an urgent need to prioritise an improved centrally coordinated academic integrity support case management system, with appropriate delegation to faculties for low level academic misconduct. Such a system has quite different requirements to reports of behavioural or harm matters. The caseload and range of responders for academic misconduct also compels a different type of reporting system, as the UTS 2024 interim report on cases of misconduct notes. Since 1 January ‘24 to 11 October ’24, there were 719 student misconduct cases opened. Of the 719 cases 670 were academic and 49 non-academic.

The type of cases academic misconduct issues is noted as follows:

- Cheating 390 cases
- Plagiarism 110 cases
- Contract cheating 4 cases
- Exams (ProctorU) 56 cases
- LMS Exams 5 cases
- Students recycling 13 cases
- Assessment uploading to 3rd party 5 cases
- Gen AI 87 cases

6. Procedural Fairness within current processes

There are numerous good practice frameworks in relation to procedural fairness for university misconduct matters, including how to centre a trauma informed approach (Jackson et al., 2009; Office of the Independent Adjudicator, 2018; Universities Australia, 2023). The basis for procedural fairness starts with clear expectations in relation to expected standards of behaviours within relevant policies. The *UTS Students Rights and Responsibilities Policy* is a good example of establishing such expectations and centring this policy in all misconduct and concerning behaviours is encouraged.

With clear articulation in relation to behaviour expectations, the various governance instruments should enable appropriate action. Simplifying procedures by dealing with separate procedures for academic and non-academic misconduct is recommended with accessible and straightforward language within governance instruments essential.

6.1 Current issues with procedural fairness

In considering the UTS approach to procedural fairness, the Reviewers noted several key issues that should be addressed as a high priority. Comments in the recent SES survey (2023) in relation to procedural fairness are noted as follows:

> *A quicker process for processing misconduct allegations. Three months is a long time. It is not ideal for students dealing with four new subjects and worrying about potential misconduct. It took one month for the faculty to sign off on allegations, then another month to hear from the committee, and potentially another month to hear back after sending a denial response.*
>
> *Additionally, handling of misconduct penalties could be more fair and transparent.*
>
> *The misconduct committee take far too long to process cases and allegations. Along with that:*
> *- the procedure was heavily biased*
> *- had conflict of interest as the staff member who made the allegation was present defending their allegation*

The Reviewers heard numerous issues and challenges with procedural fairness, Firstly, there is a critical need to separate roles in misconduct processes. Separate roles are required for all the following activities to ensure independence, and to ensure that decision makers come to matters without bias or perception of bias. The roles required can be summarised as follows:

- Receipt and triaging of complaint/incident/allegation
- Assessing each case and gathering indicative evidence from complainant
- Investigating – a 'fact finding process' where all relevant information is gathered including offering a student the opportunity to meet in person to discuss the matter.
- Application of penalty/outcome – this cannot be the investigator, as decision makers must come to 'matters without bias'.
- Provision for appeal if required

Given the size of the UTS Student Academic Misconduct team, and the lack of any formal investigation function within the University, the above roles, particularly those of assessing, investigating and providing an outcome, are most often conflated, except where an external investigator has been appointed (at least 6 student cases in 2024). The CBAIT process also conflates the above rules, effectively assessing, and recommending a penalty/outcome. This lack of separation needs to be addressed as a high priority given the expectations of the National Student Ombudsman. Concurrently, and with the potential introduction of a new IT system for case management, there is a real opportunity to clarify handover points, currently noted as confused.

Secondly, procedural fairness demands that allegations are presented in a way that students understand them, and students must be provided a fair opportunity to present their case. This includes giving students advice in plain English, as to the nature of the allegation. In the case of two parties, the student and the person bringing the allegation must have the opportunity to hear and respond to what the other has said. 'Burden of proof' and 'standards of proof' should also be clearly outlined. The Reviewers note that in their experience, the opportunity to present a case at interview is often revealing of multiple issues – for example, a student contract cheating may also be experiencing domestic violence. Ensuring students have an opportunity to present mitigating

circumstances is foundational to responses within a learning environment. There are resourcing implications for this requirement, but it is a critical component in relation to fairness in misconduct matters.

Sample letters of allegation provided to the Reviewers indicate opportunities for considerable simplification, and better articulation of the types of evidence that those responding to allegations might present. The UTS Student Association Case workers currently provide significant assistance to respondent students to interpret allegations. Interviewees also noted concerns that victim/survivors are sometimes not given the opportunity to respond to information provided by an alleged perpetrator and this is indicative of the lack of investigative capacity at present. Students should also be encouraged to seek assistance from a wider range of areas, including Jumbunna and Accessibility. As one interviewee noted, it should not be students with 'social capital' who are supported through the misconduct process, there should be readily available support for all students.

A third key element of procedural fairness relates to timeliness of resolution. The Reviewers were provided with several examples where outcomes of allegations for academic and general misconduct were significantly longer than anticipated, causing stress, missed employment opportunities, and the inability to make future plans. While complex investigations including those that may have to be referred to external agencies may take significant time, it is incumbent on the University to provide timely and regular updates as to the stage of the misconduct allegation. The role of the recently appointed Case Workers provides an excellent opportunity to improve communication to the reporter/victim- survivor while embedding the services of both the Student Association Case Workers and the Counselling service and other appropriate to cohort services. Interviewees urged the Student Misconduct Team to develop of a prioritisation protocol for dealing with misconduct cases, such as those that might impact international students with visa deadlines, or those involving multiple victims.

Finally, two additional elements that are critical to a trauma- informed approach to procedural fairness are expert support by well-trained personnel for complainants, and clear guidelines in relation to confidentiality and anonymity. Again, the newly appointed case workers present a good opportunity for wrap around support, providing an anchor point for referrals and information. Across the sector, case workers who are well integrated in the wider support services of the university offer the best opportunity for a positive experience. Support workers and all communication should include advice on provisions of confidentiality in relation to the process, and the practice of emailing information about student matters should end. No emails should be circulating if an adequate case management system is operating for all areas.

While the Student Association Case Workers described a 'consent to liaise' process embedded in their support role, not all stakeholders were clear on the ways in which protocols could be put in place to ensure appropriate sharing of information or avoiding of multiple episodes of retelling information already provided. Interviewees also cited cases where a lack of sharing in relation to information about allegations/incidents can create siloed or incomplete portrayals of the extent of harm caused by a single perpetrator.

The Reviewers commend the work of the University of Queensland Integrity Unit resources for students in relation to trauma informed investigations carried out by their Integrity Unit. This includes

advice in relation to the broad range of student behaviours and conduct now presenting within the University environment. As advised in the *2023 Review of Sexual Harm*, the La Trobe University *Sexual Harm Prevention and Response* policy also provides significant detail that supports complainants to understand the limitations and extent of information sharing that may occur following a report. These models can and should inform future policy and procedure initiatives. Clear articulation of sharing arrangements with UTS entities is also required, such as sharing back outcomes with Activate UTS and UTS Housing should also be put in place. At all times, there should be reference to requirements in relevant legislation, including and the NSW Privacy and Personal Information Protection Act 1998 (PPIPA), NSW Health Records and Information Privacy Act 2002 (HRIPA)

6.2. Referring misconduct to police

The Review highlighted the need for a protocol to identify on what basis concerning behaviours are referred to the Police, who takes this action and who oversees the process. UTS already refers matters to the Police to ensure the safety and well-being of individuals, typically a request for a welfare check. The more complex matters such as alleged criminal acts e.g. sexual assaults are less straightforward and would benefit from a clear protocol. Managing referrals to the police for off-campus welfare checks and other necessary actions should be part of the protocol. This includes having a clear process for when and how to escalate incidents to the police. Providing support for individuals admitted to hospitals, held at police stations, and during court hearings may be considered part of UTS's duty of care to students to ensure that individuals receive the necessary support throughout the process.

Referring concerning behaviours to the police is a critical step in ensuring the safety and well-being of individuals and the community. Developing a relationship with the Police should be part of the UTS support services strategy to help with understanding how they can assist students, what their processes are and any communication protocols that could assist with managing referrals. A good protocol for this process involves several key elements that work together to create a comprehensive and effective approach. This includes:

- A clear understanding of the outcome being sought by the person making a report or complaint about student behaviour. This includes ascertaining if the person wants to report the incident/matters to the Police.
- A liaison position e.g. Student Incident Manager, with an established relationship to the Police teams handling alleged assaults.
- A clear definition of what constitutes concerning behaviours. This can include the matters outlined within a Safer Communities Team - threats of suicide or self-harm, threats of physical violence towards others, alleged criminal acts such as physical or sexual assault, domestic violence, stalking, mental health concerns affecting campus services, and students reported as missing by family members
- A Safer Communities team should be convened to assess the information and decide on the actions required to respond rapidly to the situation. This involves applying the common definition and understanding of at-risk behaviours and their associated consequences. Immediate assessment and action are crucial in managing these situations effectively.

- A decision made by the Chair in consultation with the PVC Students regarding escalation to the Police.

This comprehensive approach not only addresses the immediate concerns but also provides ongoing support to individuals, helping to create a safer and more supportive environment for everyone involved. Deakin University provide a best practice example of their process for Police referrals in relation to sexual harm, as part of their Sexual Harm Response Procedure, led by the Safer Community leader.

Reporting to Police

> *(31)If a student, staff member or associate wishes to make a report to Police, or to any other third party, Safer Community will assist them to do so. Safer Community is not able to make a report to Police or to a third party on behalf of the individual.*
> *(32) There are circumstances where the University will consider reporting the matter to Police, when a student, staff member or associate does not want to report the matter to the Police themselves. A report to the Police by the University may be made by the University General Counsel following consideration of:*
>
> *a. evidence of a clear and unacceptable risk to the University or general community*
> *b. multiple disclosures, reports or complaints about the same person*
> *c. advice from Office of the Dean of Students*
> *d. advice from Safer Community*
> *e. the wishes of the person who has experienced the sexual harm.*
>
> *Safer Community will advise the person who has disclosed the sexual harm of the University's decision to report the matter to the Police.*

Embedding such a process within readily accessible and clear procedures is best practice in the sector, as acknowledged by TEQSA within the Good Practice Note: Preventing and responding to sexual assault and sexual harassment in the Australian higher education sector.

7. Revising current operational models

Contemporary approaches to student conduct and behaviour are frequently cited within an approach of 'wellbeing' and 'safety' in a university community. Such approaches align messages including through governance instruments, primary prevention activities and response mechanisms that support ongoing cultural change across the broader University community. This includes establishing parallel aspirations for staff and students, and clear agreements for contractors, visitors and members of the community accessing campuses and events.

Given the complexity of the higher education environment, universities that succeed in creating positive cultures exhibit high levels of internal collaboration, adopting a 'one- team working' approach that prioritises stakeholder engagement to address:

> *hurdles stemming from existing systems, processes, local ways of working or organisational bottlenecks associated with funding and finances, new technologies or work-loading processes.*

Indicators of best practice whole of institution models include:

- A single reporting portal for all non-academic concerning behaviours, often including complaints. Increasingly, such portals are for both staff and student matters. While acknowledging that matters of harm and misconduct are reported in multiple locations, and

a 'no wrong door' approach must remain, all disclosures and reports should eventually be lodged in a single portal.

- A dedicated triaging team that is expert in the internal operations of the university for both staff and students, with the ability to escalate to external agencies if required with accountability for timelines and prioritisation.
- A layered approach for support in relation to reported student behaviours. This can include psychological counselling but as an option, not a mandate. There are real risks to a therapeutic model – such as focussing victim/survivors on engagement to counselling services.
- Approaches that promote low barriers to access for support and proactive trauma informed case management for wide ranging concerns recognising the need for these to be well integrated into the support services of the university.
- Dedicated experts in a range of conduct matters, integrated in one visible team, with active internal and external networks, including with human resource areas.
- Sufficient resources that are organised to ensure procedural fairness, including internal investigation capacity.
- 'Always on' messaging and communication strategies to promote appropriate behaviours and response options to students, staffs and the broader community – leading prevention and cultural change.
- A robust case management and workflow IT platform that integrates with key student and staff systems with distinct systems for academic misconduct matters and general misconduct matters.
- Comprehensive and incisive reporting that gives the University community the opportunity for insights into trends and options for action.

Aligning staff and student response models is not without challenge and best practice models from around the sector note the distinctive population size and needs. Collaboration across senior executive positions in a university is required, noting that Universities generally have enshrined roles to lead the student experience, and such executive roles, usually the DVC Education/Academic are best placed and positioned to oversee student misconduct matters.

Returning to the 2023 Review of Sexual Harm, the following guidance was provided:

> *Sector benchmarking and the recent UA Guidelines note the desirability of a single point of contact but recommend that a 'Safer Community Unit or Integrity Unit' is best for such coordination. Critically, such teams should be staffed with multi-disciplinary experts, with all staff well trained in person-centred, culturally safe responses.*
>
> *With a clear front door for students, the 'Safer Community Model' can also be the referral point for staff who are concerned about students. Examples of such a model that may be useful for UTS to review include:*
>
> - *Monash University (the initiators of the safer community approach): https://www.monash.edu/students/support/safety-security/safer-community-unit.*
> - *Deakin University: https://www.deakin.edu.au/students/student-life-and-services/health-wellbeing-and-safety/safety-security/safer-community.*

- *La Trobe University: https://www.latrobe.edu.au/students/support/wellbeing/services/safer-community.*
- *The University of Adelaide: https://www.adelaide.edu.au/safer-campus-community/reporting-options.*

Over the last year, prevention and response models to concerning behaviours (outside of academic misconduct) have continued to evolve, given the findings of the University Accord, the increased focus on issues of cultural safety, and the expectations of 'wraparound services' for all students while also tailored for equity students.

Emerging models that UTS could usefully benchmark, in addition to those highlighted throughout this document include:

- Reframing single focus response teams such as those for sexual harm, to be incorporated in expert response teams, signalled by for example, by ANU's recent move from 'Respectful Relationships' to 'Respectful Communities' reporting to the DVC Academic.
- Recognition that the 'cognitive' load of multiple reporting portals is burdensome for staff and students, and that there are now systems that enable a single reporting portal for behaviour and general misconduct matters, including complaints. Examples of these **single portals** and their positioning in relation to prevention and response include:
    - Griffith University – Report a Concern and Flow charts to provide clarity around options and procedural matters within an overarching Respectful Campus Community model.
    - University of Western Australia – Online Report Form with exemplary low barrier support for student mental health through The Living Room, with triaging to Incident Support and Counselling within a Safe and Respectful Community model.
    - La Trobe University – Report an Incident within a whole of institution Safer Community Service Model
    - Deakin University – all-encompassing Safer Community model and single Support Service Request

The above examples are presented to model practice in the sector, but also in relation to interviewees' expressed unease about the potential siloed approach to gender-based violence responses that may be emerging at UTS. The 'jostling' in relation to resourcing for adequate responses to the multitude of concerning behaviours and misconduct, appears related to the lack of a joined-up approach to managing student behaviour concerns. Any future solution should address how staff and student services can function to prevent and respond to broad ranging issues and do this with appropriate expertise and procedural fairness. The Reviewers did not interview representatives from the People Unit and to this end, the Reviewers present options for alternatives for UTS to consider in a time of resourcing constraints, the current case load in the Student Misconduct Office and the procedural fairness issues that must be addressed in responding to issues of concern.

In relation to academic integrity and concerning behaviours of academic misconduct, sector benchmarks are worth exploring. Most universities embed educational expertise, and a whole of institution approach for education of staff and students with coordinated response models for

misconduct. A single contact point for academic staff who have a need for advice in relation to academic integrity matters is a feature of these university models as noted below.

- University of South Australia with education and response situated in the Teaching Innovation Area
- Deakin University where the Office of the Dean of Students supports faculties in meeting their obligations under the Student Academic Integrity Policy.
- Edith Cowan University where education, prevention, support and response is situated in the Centre for Teaching and Learning with high levels of collaboration with the University of Library.

7.1 A UTS Safe and Respectful Communities Team Model

To address these issues noted in this Review, it has been proposed to disestablish the *Concerning Behaviour Intervention Policy,* revise the CBAIT approach and replace with a *Safe and Respectful Community Team* (SRCT) Model embedded in a range of policies, including the Critical Incident Response (CIR) Policy. The SRCT Model was originally developed by Monash University following the tragic incidents on their Clayton campus in 2002.

Establishing a whole of institution safer community model might be tackled in two stages, especially given the current siloed approach to staff conduct matters at UTS. Stage 1 could focus on the establishment of a Safe and Respectful Community Team (including some new positions) focussed on responding to all incidents of student behaviour, and a Student Critical Incident Response (existing positions) focusing on critical student incidents affecting the wider UTS community, Stage 2 could reflect the incorporation of staff matters and prevention activities.

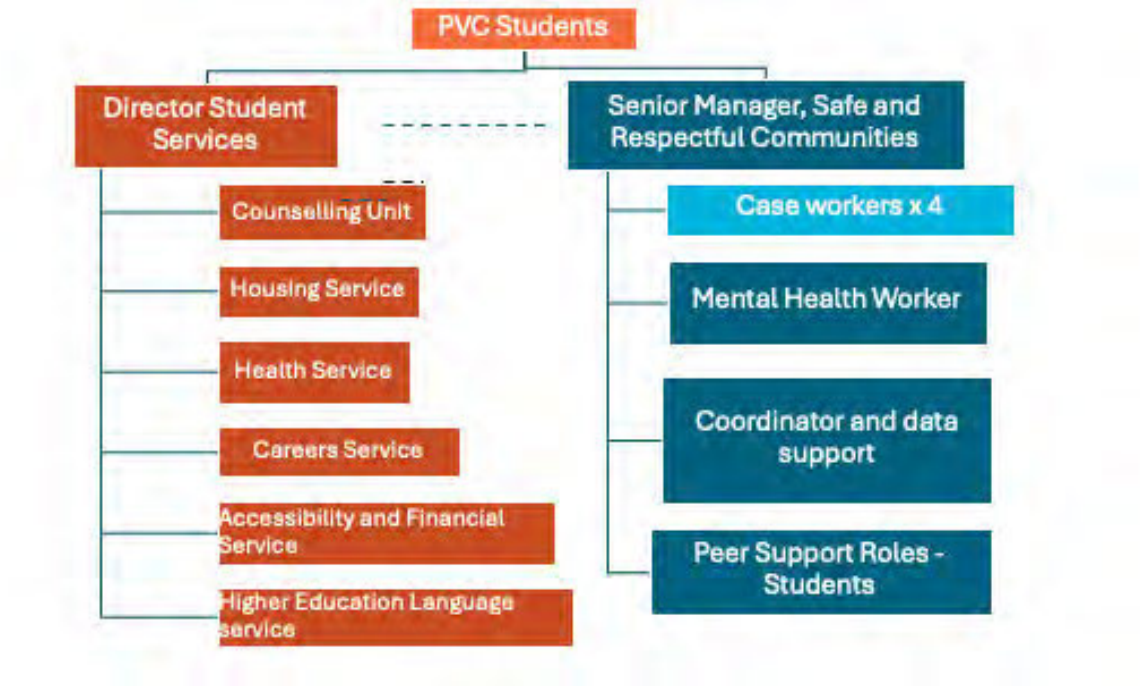
An essential component of stage 1 is clearly positioning and branding the SRCT Model outside of the Counselling Service. As highlighted previously, a clinical model of responding to student behaviour presents too many barriers for effective action and detracts from the purpose of having a confidential Counselling Service. Consistent with UTS' ambitions for student co-design, the proposed structure for stage 1 as articulated in Figure 3 below includes 5 new roles, in addition to student/peer leaders, to complement the 2 recently appointed case workers, and is proposed to be located within the PVC Students portfolio.

Implementation of a Safe and Respectful Communities Team model would have the following elements:

- Coordinate the response to personal safety and wellbeing matters and initiatives on UTS campuses.
- Respond to concerns regarding students who are perceived to have a higher risk of concerning behaviour, and those who are affected/likely to be affected by this behaviour.
- Identify, assess, and enact appropriate case management support to prevent further escalation.
- Provide advice and support for staff members regarding appropriate actions to take.
- Provide expert advice to senior managers regarding urgency of response.
- Proactive liaison with UTS Student Association, UTS Activate and UTS Housing.

The proposed structure of the team is described in Figure 3 below

Figure 3: Stage 1 UTS Safe and Respectful Communities Team



A UTS Safe and Respectful Communities Team (indicative name only) represents a multidisciplinary approach, including a mental health professional (nurse or social worker) established as a standalone team drawing on sector examples such as those at Latrobe University.

The team would also work closely with UTS's first responder function i.e. Security and Emergency Services, like that at Curtin University, with an immediate referral route to a rapid response multidisciplinary team drawn from various support services. Security Teams, due to their 24/7 remit are usually the first point of contact especially for out of hours/weekends/public holiday. The Australian National University – SCRIT (Student Critical Incident Response Team) procedures for incidents involving students is a useful example given the direct link to their Critical Incident Response Team.

The Safe and Respectful Communities Team operates with clear protocols for sharing confidential information about concerning behaviours, allowing for early identification of risks and threats to safety. As distinct from the Counselling Unit, where the clinical setting can create a therapeutic relationship with a complainant and associated privacy issues, the Safe and Respectful Communities Team would be physically located separately from the Counselling and Health Services with the focus is on taking timely action and appropriate support for affected students and staff aligned with a trauma informed approach.

To be successful, a process for referring students with a perceived risk of harm needs to be known and utilised by all UTS community. Any student or staff member can share information with the Safe and Respectful Communities Team via a single point of contact, usually a dedicated email address, especially about concerning behaviours to enable early identification of risks/threats to safety. Ideally,

the Associate Dean Teaching and Learning in each faculty, or other designated faculty role focussed on the student experience would be the faculty champion and key contact person to support academic staff, including casual academics, highlighting the work of the Safe and Respectful Communities Team and supporting timely referrals.

In addition to the visible and ever present Safe and Respectful Communities Team, a response function needs to be enacted when reports about significant concerning behaviour or incidents affecting the wider community, are received. To replace CBAIT, the Student Critical Incident Response Team (SCIRT) would be convened by the PVC Students or nominee to assess information and decide on the actions that are required to be taken to respond rapidly to a situation including escalating the matter to senior executive. A clear framework for assessment of information is used including a common definition and understanding of at-risk behaviours and associated consequences.

Potential Critical Incidents that are usefully classified according to a matrix – significant, major or critical, include:

- Threats of suicide or self-harm.
- Threat of physical violence towards others.
- Alleged criminal acts including physical/sexual assault, domestic violence, stalking.
- Mental Health concerns affecting campus services, students, staff or any off campus. University sanctioned activity e.g. WIL, placements, fieldwork or camps.
- Students who have been reported as missing by family members.

While this Response team would focus on incidents that are ‘significant’ or ‘major’. Membership of the Student Critical Incident Response Team would be kept small with the ability to invite other people as required.

Standing positions are:

- PCV Students – Chair
- Director Student Services – Deputy Chair
- Senior Manager Safe and Respectful Communities – Deputy Chair
- Head of Counselling Services – member as required
- Practice Manager Health Services – member as required
- Head of Security and Emergency Services – member
- Caseworkers as required

Invited positions as needed include:

- Faculty members
- Director, Student Administration
- Head of Residential
- Executive Director People and Culture or nominee
- University Librarian or nominee
- Properties and IT staff
- Legal Counsel
- Chief Risk Officer/Director- Risk and Insurance or nominee
- [Representative from the investigative function (Student Complaints etc)]

The SCIRT will usually operate when required, have a templated agenda and follow a format that facilitates rapid decision-making and allocation of tasks. To facilitate efficient meetings, information

will be sought/gathered by caseworkers/Incident Manager where possible prior to the meeting to enable clarity re decision-making and a fast response. The agenda follows a set sequence with the Chair providing clarity for all attendees regarding which cases are for decisions and which are for information only. A clear framework for assessment of information is used including a common definition and understanding of at-risk behaviours and associated consequences. Protocols are set and agreed by the Chair and Managers of services, for the sharing of information between a range of relevant support areas which ensures confidentiality of information.

Meetings can be held more frequently depending on incidents to ensure that students who are perceived to have a higher risk of concerning behaviour, and those who are affected by this behaviour, are identified, assessed and provided with flexible, timely and appropriate support. Decisions can be made outside of the SCIRT by relevant team members with a clear line of accountability to the PVC Students. Urgent actions will have been taken outside of the meeting as per delegations.

Information from relevant support services and Faculties will be shared at the SCIRT meeting, using agreed protocols for provision of confidential information. For Counselling and Health Services this will typically be involve a 'one-way' information track with UTS's established, recognised procedures to safeguard individuals and the UTS community. Informed assessment is made based on the appropriate support and management of each student / staff's perceived needs. Feedback between meetings would be managed via a Student Incident Manager role as described below.

This collaborative approach ensures that relevant people are aware of a situation as it develops and that an appropriate campus wide management response plan is activated to minimise or prevent further escalation. All meetings will be serviced by a relevant administrative position with information and actions recorded in a system for the timely recording and sharing of information. This would typically be an existing student system with a casework function that can be accessed on a need-to-know basis by relevant staff.

It is recommended that a new role of Senior Manager, Safe and Respectful Communities would be appointed to provide expert advice, coordination, and resolution of complex student incidents. This would enable advice to be provided to the Director Student Services and PVC Students regarding multiple issues, allowing them to make objective decisions and escalate matters as needed. Close liaison with the proposed Misconduct and Complaints area would also be critical.

The Senior Manager, Safe and Respectful Communities would oversee the work of the Caseworkers and provide advice and assistance to all members of the University in dealing with student discipline issues, complaints and Fitness to Study matters. The Senior Manger provides the following services to the Student Critical Incident Response Group:

- Student incident and support case management and oversight of the collection of evidence to facilitate the investigation of incidents or concerning behaviour that may or may not result in Misconduct.
- Sharing relevant information to minimise threat to individuals and the University community and advice on issues of duty of care.

- Referrals to appropriate internal support services with agreed protocols for sharing and receiving confidential information.
- Management of referrals to external services such as health services, psychiatric hospitals and community services.
- Providing individual and confidential consultation with social wellbeing concerns.
- Support in creating a management response plan focusing on desired outcome, ways to reduce or prevent social wellbeing issues and welfare concerns.
- Managing referral to the Police for off campus welfare checks.
- Managing Support for students admitted to hospital, held at police stations and court hearings.
- Sharing relevant information to minimise threat to individuals and the University community.
- Advice on the practical application of the Misconduct and Fitness to Study processes.
- Liaison between the SCIRT and Faculties as required.
- Liaison between the SCIRT the Legal Services team as required.
- Coordinating responses and liaising with external agencies.
- Liaison with Misconduct and Complaints Team

With the recent appointment of two case workers, it is recommended that the Safe and Respectful Communities Team include a Mental Health Worker (nurse or social worker) to actively engage with the mental health presentations and refer to Counselling as required or requested. The Case workers may have areas of expertise – such as sexual harm, but critically, all are experts in trauma informed responses. Student peer leaders should be deployed to provide a low barrier access, front door function and support promotion of response mechanisms to the broader community, utilising established student networks.

7.2. Revised Misconduct and Complaints Unit within the Office of the General Counsel

Addressing procedural fairness issues and the workload of the current model of misconduct administration, it is proposed to establish a revised operating model within the Office of the General Counsel while retaining the Appeals function within the GSU. The model assumes the development of a single portal for 'matters of concern' initially for students, but perhaps later in relation to all integrity matters in the UTS Community (staff grievances, staff complaints, third party investigations and coordination of staff disciplinary matters and conflicts of interest). In the scope of the review not all these broad integrity areas were scrutinised, but the restructuring of the current Misconduct and Complaints area may be regarded as stage 1 of a broader integrity unit.

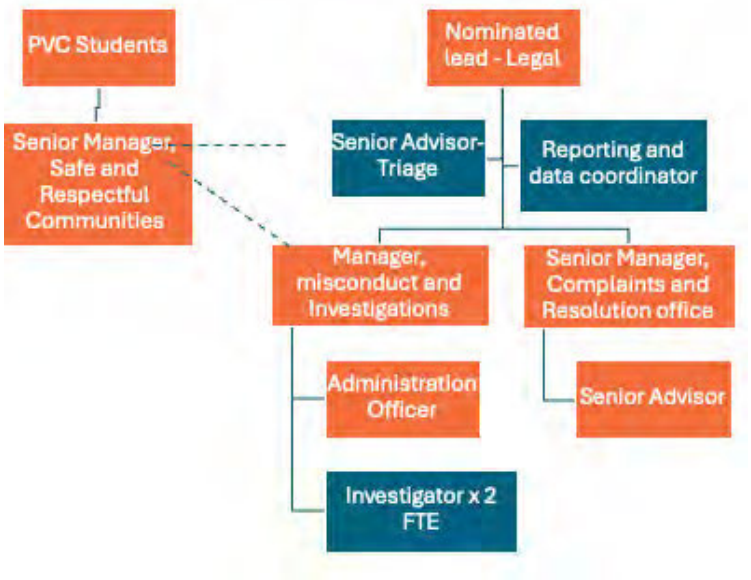
The proposed functions of the initial area would include:

- Triaging of the single portal for reports of concern
- Investigation capacity
- Reporting and data coordination
- Liaison with the incoming National Student Ombudsman
- Administration of General Misconduct (indicative 49 cases in 2024)
- Providing input to SCRIT as required
- Making insurance notifications to OGC-Risk and Insurance unit

Four new roles are proposed for this area, including 2 investigators, a Senior Advisor to triage concerns from a new portal (indicative numbers of concerns are not easily discernible, but this could be up to

350 disclosures/reports annually), most that would be referred directly to the Senior Manager, Safe and Respectful Communities. A position to coordinate reporting systems and data collection is also proposed in Figure 4 below.

Figure 4: Proposed new Misconduct and Complaints (Integrity Team)



7.3 Revised approach for Academic Integrity

Given the firm advice in the sector to transition the focus on academic misconduct to an assurance of learning, and consistent with the concerns issues noted in the current academic integrity, it is proposed to establish an Office of Academic Integrity within the PVC Education with the following functions:

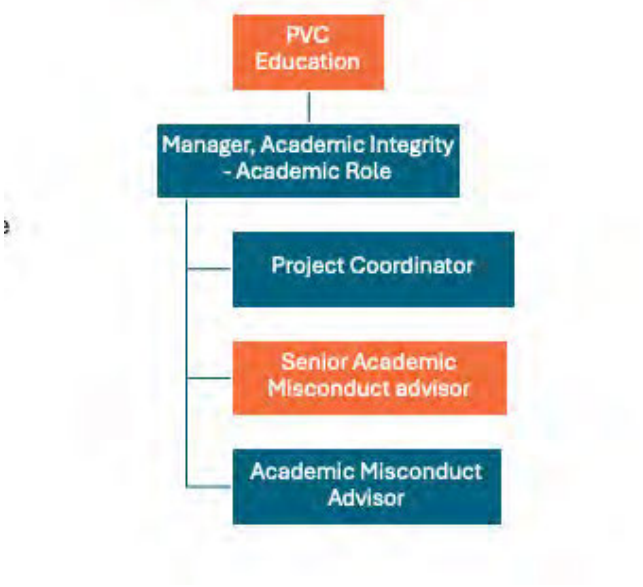
- Oversight of policy and procedures related to academic integrity and misconduct.
- Design and deliver appropriate education in relation to academic integrity for students and staff.
- Lead the support for the network of Responsible Academic Officers in relation to misconduct matters.
- Provide advice to academic staff and RAOs in relation to academic misconduct matters.
- Administer the academic misconduct allegations while collaborating with the proposed Misconduct and Complaints Unit, including leveraging their investigative capacity as required for serious breaches.
- Oversee the Academic Misconduct Management system and prepare reports and continuous Improvement actions, with advice to the PVC Education.

It is recommended that the function of appeals remain with the GSU.

While close collaboration with the proposed Misconduct and Complaints area would be essential, except for the most serious cases, the team should be structured to manage the workflow of all matters of academic misconduct, while supporting the faculties to actively resolve low level breaches.

Leveraging the existing roles of the faculty Responsible Academic Officers, the team should be enabled by a revised system for workflow and case recording - there are several low-cost systems including those used by Edith Cowan University (Microsoft Forms) that should be implemented to support the team. Figure 5 notes the proposed structure of the team, with an anticipated transferring of one or both of current Manager, Student Misconduct and Appeals or Senior Advisor, to this new area given their experience with academic misconduct. It is likely that this team would require 3 FTE including an overarching lead who is in an academic role.

Figure 5: Proposed Office of Academic Integrity



Further analysis of appropriate resourcing and position descriptions should be completed, but the above structures represent the core elements of a revised operational model.

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Appendix A – Terms of Reference

Review of Student Rules in relation to Student Conduct and Behaviour
University of Technology Sydney

Notice on use of language

Please note that the subject matter of this review is sensitive, and it is possible that the content could be distressing for some. If you would prefer to discuss the content with support, or would like to delegate your involvement, please contact **Sarah.Lok@uts.edu.au**

Background

The University of Technology Sydney (UTS) has prioritised ongoing improvements for the student experience including responses to student behaviour that are evidenced, informed and reflect sector best practice.

Such a focus is critical in the context of legislative changes and scrutiny impacting the sector, including the following:

- Amendments to the *Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Act 2023*.
- Recommendation 18 of the *Final Report – Australian Universities Accord* proposing the establishment of a National Student Ombudsman to respond to student complaints about institutional processes.
- The *Action Plan Addressing Gender-based Violence in Higher Education* enshrining student co-designed intersectional approaches.
- TEQSA guidance in relation to academic integrity in an era of generative AI as a catalyst for higher education institutions to review how misconduct processes are considered and managed.

Within UTS, the DVC Education and Students has recently noted the need to clarify the processes for temporary exclusion of students, including the process for investigation, the decision-making process and the rights of appeal. Additionally, recommendations from a recently completed review (External expert review of sexual harm response for students, 2023) noted that further consideration to both governance and operational matters were warranted as highlighted in the following recommendations:

- *Given the centrality of the Student Rules in responding to sexual harm, consider revisions to Section 16 to:*
  - *include an explicit reference and definition of sexual harm that makes clear to all parties the nature of conduct that can be managed through the student misconduct process.*
  - *Clarify how UTS identifies an appropriate investigator for general misconduct.*
  - *Make clearer the mechanisms for natural justice and procedural fairness, including the separation of support staff for the victim survivor, and alleged perpetrator, and opportunities for the alleged perpetrator to be interviewed by an appropriate panel as part of the process.*
  - *Revising the range of people involved in applying a penalty for sexual harm to ensure current practice meets with sector expectations.*
- *Revise the role of the CBAIT process, including the policy, to adopt a more student centred, strength-based and proactive process that is transparent to students and staff,*

aligned to a safer communities approach, and engages all areas of the University as appropriate to address sexual harm incidents.

Scope of the Review

Given the above, this Review focuses attention on the following:

- The appropriateness of University's governance framework (Student Rules, policies, and guidance materials) as they relate to students' behaviour.
- The suitability of existing suite policies that relate to student behaviour and general misconduct to determine the extent to which they support UTS ambitions for a safe and supportive student learning environment.
- The processes and mechanisms, including timelines that assist with management of student behaviours and the application of the current governance framework, including appropriate involvement of external agencies.
- The role and effectiveness of the current Concerning Behaviour Assessment and Intervention Team (CBAIT).
- The organisational location of relevant personal to support the management of student conduct matters, and the resourcing needs to effectively and efficiently manage these issues.
- The suitability of the current overarching framework to address academic misconduct, and the extent to which the current governance framework meets current and emerging sector requirements.

Deliverables

Findings from the above will be summarised in a report including:

- Recommendations for changes to Rules, policies and procedures related to student behaviour.
- Prioritisation matrix to highlight short term and medium term recommended changes.
- Recommended resourcing and operational model for addressing student behaviour issues, including high level implementation plan.
- High level recommendations in relation to the nature of responses to academic misconduct.

Reviewers

Professor Angela Hill (PhD, GAICD. PFHEA) is an experienced academic leader, who held the position of Deputy Vice Chancellor, Education at Edith Cowan University, until July 2022. Professor Hill is a registered expert in academic governance with TEQSA and has completed reviews in international and national contexts. Ms Michelle Rogers, former Director of Student Life, Edith Cowan University, has led national and institutional initiatives to operationalise responses to student conduct matters.

Timeline

Commencement: 4th November 2024
Submission of report: 15th December 2024

Appendix B –Steering Committee

Steering committee members

Professor Kylie Readman, Deputy Vice Chancellor, Education and Students
Sarah Lok, Director of Student Services
Kylie Gould, General Counsel and Executive Director- Risk and Compliance
Jacqui Wise, PVC Students
Bill Patterson, Director of Governance Unit and University Secretary

Appendix C – Brief commentary in relation to the core UTS policies to support student conduct matters

Policy	Recommended action	Reference in revised Rules on misconduct -
Academic Integrity Policy	Revise policy as recommended in review with a clearer focus on categories of academic breaches. Develop separate Student Academic Misconduct Procedure to clearly outline processes for misconduct proceedings. Procedures for managing academic misconduct breaches should be removed from Rules (Schedules) and placed in procedures – consistent with current approach to Student Complaints.	Yes – definitions, types, penalties, appeals
Support for Students Policy	Mandated stand-alone policy	
Concerning Behaviour Intervention Policy	Dis-establish as per recommendations for recasting UTS approach to a Safe and Respectful Communities Team and associated Safe and Respectful Communities Response Team.	
Accessibility and Inclusion Policy	Well drafted and clear procedure – Student Accessibility Procedure. Should be referenced more clearly in other policies, particularly Student Rights and Responsibilities. Should reference 'fitness to study' type policy.	Yes, as part of Student Declaration and responsibilities/availability of support.
Fraud and Corruption Prevention Policy	This is largely a staff facing policy, despite the scope statement indicating relevance to students. There is a specific heading 'culture, behaviour and staff responsibility' but no corresponding advice for students. If the policy has relevance for students, it should be clear on roles and responsibilities. Training requirements are outlined for staff but not for students.	
Health, Safety and Wellbeing Policy	Contains small section in relation to student responsibilities – cross reference to Student Rights and Responsibilities. Provides a requirement for reporting of concerning behaviours as risks – in one coordinated place. Such coordinated presentation of concerning behaviours and behaviours/general misconduct is the sector norm – to Risk Committee and Council. May need to link to any 'Fitness to Study' process.	Potentially
Privacy Policy	Sets the policy framework for sharing information in relation to misconduct/concerning behaviours. Could usefully refer to privacy within a trauma informed approach. Should be the framing information in relation to confidentiality information in relation to misconduct proceedings. See good practice example in UoW Privacy Policy section 4, 15. https://policies.uow.edu.au/document/view-current.php?id=145 and section 8, Disclosure of information.	Potentially in relation to procedural fairness.
Student Complaints Policy	Well drafted and clear procedure. Links to other policies consistently. Clear roles for staff and students.	Yes, as part of procedural fairness commitment.
Student Rights and Responsibilities Policy	This is a foundational policy and should be linked consistently. This should be the main policy promoted to students. The behavioural standards and expectations for student conduct should be comprehensive.	Yes – expected standards of behaviour

Policy	Recommended action	Reference in revised Rules on misconduct -
	Student responsibilities and behavioural expectations section should reference the Accessibility and Inclusion Policy. In section 2, there should be careful cross-referencing of emerging issues. Currently section 2 references the Student Rules, the Equity, Inclusion and Respect Policy, the Academic Integrity Policy and the Research Policy. There should be an addition in the Scope relating to Academic Freedom and Freedom of Expression Policy and Campus Policy.	
Academic Freedom and Freedom of Expression Policy	Consider cross referencing information in Campus Policy demonstrations, including issues around filming and photography.	Yes – expected standards of behaviour
Temporary Exclusion Policy	This is a process for managing the temporary exclusion of a student from specific facilities and/or activities. A procedure or internal protocol is more appropriate.	
Acceptable Use of Information Technology Resources Policy	Assists in understanding types of misconduct associated with technology – see section 4.9. Should be highlighted in conjunction with Campus Policy.	Yes – types of misconduct.
Staff and Students with Carer Responsibilities Policy	This policy presents a statement of commitment to carers, with expected behaviour of staff. Should be linked to Students Rights and Responsibilities policy.	
Equity, Inclusion and Respect Policy	This Policy is a statement of the University's aspirations for an inclusive culture – linked to the commitment section of the UTS Strategy – Social Justice and Accessibility. The policy does not include definitions of racism. This is needed for effective action – see recent Human Rights Commission and example of UoW Anti-Racism and Cultural Safety Policy that clearly links definition of racism to UoW strategy. The alignment of expected standards of behaviour (section 4) in the Student Rights and Responsibilities Policy should be prioritised. The policy could be usefully redrafted to indicate the Institutions' obligations, staff obligations, student obligations etc.	Yes, subject to revisions
Sexual Harm Prevention and Response Policy	Mandated stand-alone policy. See comments in 2023 Review.	Yes - definitions, types, penalties/actions,
Child Protection Policy	Provides guidance on how to conduct a child- rated activity and expected behaviour with children. The Managing and investigating child Abuse section should be aligned in misconduct investigations process.	Yes – in relation to matters that will be investigated.

Policy	Recommended action	Reference in revised Rules on misconduct -
Campus Policy	Key policy for managing demonstrations and protests on campus. Ongoing review of this policy to address emerging issues will be required.	Yes
Critical Incident Response Policy	The proposed Safe and Respectful Communities Response Team would need to be considered in relation to this policy. The Reviewers are more familiar with a 'critical incident classification' framework – Significant, Major and Critical depending on impact on university wider operations and the CRICOS expectations. In relation to Student Matters, the PVC Students or Director of Students Services would lead the response, through the proposed Safe and Respectful Communities Response Team in the context of Significant and Major incidents, harnessing relevant members of the University community as required.	Yes -critical information for staff in relation to matters that will be responded to.

Appendix D – Annotated Student Rules

UTS Rules

Changes to UTS Rules

The following changes to the UTS Rules - Student Rules and General Rules - were made in 2024.

Rule	Changes	Authorisation	Approval date	Effective date
Sch G2	Amendment to reflect new title of Deputy Vice-Chancellor (External Engagement and Partnerships).	Deputy Director, Governance Support Unit	19.09.2024	23.09.2024
section 18	Administrative amendment to rule 18.1 to reflect the change of company name from 'Insearch Limited' to 'UTS College'.	Deputy Director, Governance Support Unit	06.09.2024	09.09.2024
section 11	Changes to reflect period of candidature in effective full-time study load (EFTSL) and the removal of the review of progress process.	Council	14.08.2024	26.08.2024
Sch G2	Amendment to provide the Director, Policy and Governance (HTI), Director, Strategy and Operations (HTI) and Director, Technology (HTI) with Band 4 general expenditure financial delegations.	Vice-Chancellor	03.06.2024 and 05.08.2024	26.08.2024
Rule G3 Division 1	Amendment to reflect new title of Director, Teaching Learning and Curriculum.	Deputy Director, Governance Support Unit	20.06.2024	28.06.2024
section 3	Administrative amendment to correct the reference to repealed rule 16.9.7 to refer to rule 16.9.	Deputy Director, Governance Support Unit	07.06.2024	19.06.2024
Rule G3 Division 1 Sch G2	Amendment to reflect new title of Pro Vice-Chancellor (Students).	Deputy Director, Governance Support Unit	03.06.2024	07.06.2024
Sch G2	Amendment to provide the Distinguished Professor (Director, Global Big Data Technologies Centre (GBDT) and the Technical Director, Connectivity Innovation Network (CIN)) with Band 4 general expenditure financial delegations.	Vice-Chancellor	27.03.2024	02.05.2024
Sch G2	Amendment to reflect the correct position title of the Head of Technology Transformation and Management.	Deputy Director, Governance Support Unit	15.02.2024	27.02.2024
section 2	New statements to reflect requirements regarding Unique Student Identifier.	Council	29.11.2023	12.12.2023
section 11	Amendments to reflect the process changes to apply for a thesis embargo.	Council	29.11.2023	12.12.2023
Sch 1	Consequential change as a result of the Academic Integrity Policy.	Council	29.11.2023	12.12.2023

Rule	Changes	Authorisation	Approval date	Effective date
Student Rules	Amendments to reflect name change of Higher Degree Research Board to Higher Degree Research Committee and new Graduate Research School Board.	Deputy Director, Governance Support Unit	22.09.2023	08.12.2023
Rule G3 Division 3	Amendments to reflect name change of Higher Degree Research Board to Higher Degree Research Committee and new Graduate Research School Board.	Deputy Director, Governance Support Unit	22.09.2023	08.12.2023
Sch 2	Amendments to remove the position titles of Head of Enterprise Architecture and IT Governance and Head, IT Change and Communications (ITU).	Deputy Director, Governance Support Unit	25.09.2023	25.09.2023
Sch 2	Amendments to reflect the changed position titles of the Head of Cloud and Infrastructure, the Head of Enterprise Platforms, the Head of Operations Technology, the Head of Research Technology, the Head of Teaching and Learning Technology and the Head of Technology Management and Transformation.	Deputy Director, Governance Support Unit	14.09.2023	25.09.2023
Sch G1	Administrative amendment to include a reference to the newly published Conflicts of Interest Disclosure Policy to acknowledge the role of the policy in the management of conflicts of interest.	Director, Governance Support Unit	07.07.2023	08.08.2023
section 11	Changes to approval authority for various change of candidature processes to provide the faculties with greater autonomy and oversight over student candidature.	Council	21.06.2023	01.07.2023
Sch G2	Administrative amendments to correctly reflect the title of the Infrastructure Committee and remove the titles of disestablished committees.	Deputy Director, Governance Support Unit	15.06.2023	01.07.2023
Student Rules	Administrative amendments to reflect the title change of the Graduate Research School Board to the new title of Higher Degree Research Board and a punctuation change in rule 13.3.1.	Deputy Director, Governance Support Unit	14.06.2023	16.06.2023
section 13	Administrative amendments to refer to the revised Award Course Nomenclature and Issuance Policy as the authority for official award nomenclature.	Director, Governance Support Unit	25.05.2023	16.06.2023
Sch G2	Amendment to provide two new Director positions in the Lifetime Learner Experience Unit with Band 4 General Expenditure financial delegations.	Vice-Chancellor	21.04.2023	16.06.2023
Student Rules	Administrative amendments to reflect the new Director, Student Administration position.	Director, Governance Support Unit	18.04.2023	16.06.2023

Rule	Changes	Authorisation	Approval date	Effective date
Rule G3 Division 3	Administrative amendments to reflect the new Director, Student Administration position.	Director, Governance Support **Unit**	18.04.2023	16.06.2023
Student Rules	Additional administrative amendments to reflect the new Director, Student Administration position.	Deputy Director, Governance Support **Unit**	10.05.2023 and 17.05.2023	16.06.2023
Sch G2	Administrative amendment to correctly reflect the title of Internal Audit Director.	Deputy Director, Governance Support **Unit**	25.05.2023	16.06.2023
Rule G3, Div **1**	Amendment to replace the Director of Student Administration with the Executive Director, **LLE** as an ex-officio member of Academic Board.	Director, Governance Support **Unit**	07.06.2023	16.06.2023
Sch G1	Consequential changes to the new Conflicts of Interest Disclosure Policy.	Council	19.04.2023	21.04.2023
section 16	Amendment to provide examples of different types of cheating.	Council	19.04.2023	21.04.2023

Student Rules

Section 1 - General

1.1 General

1.1.1 These Rules shall be known collectively as the 'Student Rules' and are made pursuant to section 29 of the University of Technology Sydney Act 1989 (NSW) and clause 44 of the University of Technology Sydney By-law 2005 (NSW).

1.1.2 Rules take effect in accordance with section 29(2)(c) of the Act and are promulgated in accordance with clause 46 of the By-law.

1.1.3 For the purposes of these Rules, unless the contrary intention is apparent, the definitions in Schedule 1 apply. Specific definitions may also be contained within a section of the Rules.

1.2 Application of these Rules

1.2.1 General

Subject to the provisions of Rules 1.2.2 and 1.2.3, these Rules apply to all students of the University who are admitted to award course(s) or non-award study including those course(s) and study conducted by, or in partnership with, another institution.

1.2.2 Conduct of students and other persons

These Rules apply to the conduct of a person that occurs while he or she is a student of the University. There are circumstances in which some of these Rules also apply to the conduct of a person who is an applicant and/or former student.

1.2.3 Course conducted in conjunction with another institution

(1) The provost may exclude the application of some or all of these Rules in the case of students who are enrolled in a UTS course which is conducted in conjunction with another institution of an appropriate standing whether in Australia or offshore.

(2) Students must comply with all requirements including, without limitation, the rules, guidelines and code of conduct of the other institution for the duration of their studies at the other institution. Students who transfer to UTS to continue their study will then be subject to these Rules from the time of transfer.

1.3 Designation

1.3.1 The Vice-Chancellor may make a written designation that an organisational unit, position or body is equivalent to a 'faculty', 'Dean' or 'Faculty Board', respectively, for the purposes of these Rules. The designation may be for the purpose of specific Rules, groups of Rules, or these Rules generally. Any such designation will be recorded in a register maintained by the University Secretary.

Section 2 - Student requirements

2.1 General conduct

2.1.1 Each student has individual responsibility to comply with the Act, the By-law, these Rules, and the codes of conduct, policies, procedures, directives, guidelines and any other form of regulation of the University and relevant external authorities. Each student is required to acknowledge, by means of a signed statement or electronic confirmation, his or her agreement to comply with them.

2.1.2 Each student is required to maintain a standard of conduct acceptable to the University at all times whilst on University premises or undertaking any work in relation to his or her University course, or engaged in any activity related to his or her study at or through the University, and in relation to both academic and non-academic matters.

2.1.3 For the purposes of Rule 2.1.2, a standard of conduct acceptable to the University includes, without limitation, a standard of conduct that does not prejudice the good name or academic standing of the University.

2.1.4 While on the premises of the University, or undertaking any work in relation to his or her University course, or engaged in any activity related to study at or through the University, a student shall comply with any reasonable directive from an officer of the University.

2.1.5 A student undertaking an offshore course, or participating in a period of offshore study as part of an international studies program or overseas exchange program, or participating in other offshore activities related to their studies, must comply with the conditions of participation as determined by the University and with all requirements including, without limitation, rules, regulations, policies, procedures, directives, guidelines and codes of conduct of the host institution or place of business.

2.1.6 A student participating in clinical practice, fieldwork, internships, industry or other practical experience must comply with all requirements including, without limitation, rules, regulations, policies, procedures, directives, guidelines and codes of conduct relating to such participation as determined by the University.

2.1.7 A student participating in learning experiences that are part of a course and that involve laboratories or similar University facilities or situations must comply with any code of conduct relating to such facilities or situations as determined by the University.

Commented [AH1]: Opportunity to considerate this into one statement -and place up front that (as per UoW Student Conduct Rules)

(12) Where alleged misconduct becomes evident after a student's period of enrolment, action may be taken at the University's discretion

Commented [AH2]: This is a statement of interpretation - and is inconsistent with sector benchmarking. Suggest remove

Commented [AH3]: The Designation information should be referenced here

Commented [AH4]: This is the key statement for Student Conduct - retain,

Commented [AH5]: These matters should all be related to policies. Subject to these Rules, and list relevant policies.

Commented [AH6]: Scope statement - should be in Section 1

Commented [AH7]: All statements broadly of scope, consolidate in Section 1 - Application and Scope

2.1.8 A student, potential student or person who is acting on behalf of or in relation to a student or potential student must not knowingly submit to the University a document or any item that:

(1) is falsely signed; or

(2) contains any forged signature; or

(3) contains any false, untrue or misleading statement or information.

2.1.9 If the Vice-Chancellor (or the Vice-Chancellor's nominee) reasonably considers that a student's conduct may interfere with the freedom of other persons to pursue their studies, carry out their functions, participate in University life or otherwise negatively impact the University, the Vice-Chancellor or the Vice-Chancellor's nominee may (irrespective of or in addition to any misconduct proceedings) require the student to comply with specific attendance or participation conditions as notified to the student in writing.

2.1.10 Failure to:

(1) comply with the Act, the By-law, these Rules, and the codes of conduct, policies, procedures, directives, guidelines and any other form of regulation of the University or relevant external authorities; or

(2) maintain a standard of conduct acceptable to the University; or

(3) comply with conditions set by the Vice-Chancellor or the Vice-Chancellor's nominee under Rule 2.1.9; or

(4) comply with any reasonable directives from an officer of the University; or

(5) comply with any other provision of Rules 2.1.1 to 2.1.8;

may be an act of misconduct and may be dealt with under the provisions of Section 16 (Student misconduct and appeals).

2.2 Identification

2.2.1 Student Identity Card

(1) Students shall each be issued with a Student Identity Card showing their University Student Identification Numbers and photographs.

(2) A student will retain the same UTS Student Identification Number during all periods of study at the University.

(3) Student Identity Cards remain the property of the University and are not transferable.

(4) Students are under an obligation to take reasonable steps to ensure that the Student Identity Card issued to them is held in a secure way and is not made available whether deliberately or inadvertently for any other person to use.

(5) A student who takes leave of absence, ceases to attend or withdraws from all study must return his or her Student Identity Card to the University.

(6) A student must carry his or her Student Identity Card at all times while on University premises and at such other locations as may be prescribed in the requirements of his or her course.

(7) A student must produce his or her Student Identity Card on demand of an officer of the University, including but not limited to when:

(a) gaining entry to an examination room;

(b) gaining entry to and borrowing books from the University Library;

(c) borrowing University equipment;

(d) proving his or her identity as a student of the University with current entitlement to, access to, and use of, the University's facilities, equipment and amenities.

(8) A student who has lost or otherwise misplaced his or her Student Identity Card must arrange for a replacement card at the earliest practicable opportunity. A fee will apply for replacement of a lost Student Identity Card.

(9) Misuse of a Student Identity Card may constitute misconduct under Section 16 (Student misconduct and appeals).

2.2.2 Student access to controlled areas and facilities

(1) A student may be issued with Student Security Identification (SSI) which means a Student Personal Identification Number (PIN), password, swipe card and/or any other form of access control device. A SSI is used to control access to specific areas of the University and facilities directly related to the student's current subject enrolment.

(2) Each student is responsible for maintaining the confidentiality of his or her own SSI, and must take reasonable steps to ensure that it is not made known to any other person whether deliberately or inadvertently.

(3) If a student becomes aware that his or her SSI has been compromised he or she must take steps immediately to have the compromised SSI deactivated and a replacement issued.

(4) The SSI is to be used in accordance with its current terms and conditions.

(5) Misuse of a SSI or the University access control system may constitute misconduct under Section 16 (Student misconduct and appeals).

Commented [AH8]: These are examples of misconduct - that should be referred to in policy and may not be needed in Rules - and again the scope outlined in first section should indicate application

Commented [AH9]: A key statement for the Student Rules - consider 'in accordance with procedure' outlined in proposed exclusion policy.

Consider auditing: any conduct that threatens the health, safety or welfare of any individual; See UoW Campus Access and Order Rules

any conduct which impairs the reasonable freedom of other persons to pursue their studies, research, duties or lawful activities in the University or to participate in the life of the University;
any conduct that threatens the health, safety or welfare of any individual;
wilful failure to obey any reasonable direction of an Authorised Person or Supervising Staff Member; failure to furnish or provide appropriate identification on request by an Authorised Person;
wilfully entering University Land which the person is forbidden by an Authorised Person, bylaw, rule, order or University Council resolution to enter;
wilfully littering University Land or damaging, defacing, or wrongfully dealing with any property on University Land;
any conduct that may be regarded as offensive or breaches local, state, or federal law;
any other unreasonable conduct disrupting the normal activities of the University, including its events; any action that compromises the security or integrity of University facilities or systems; and/or
failure to comply with emergency procedures or evacuation protocols.

Commented [AH10]: Should refer to consequences only - the list is not required.

Commented [AH11]: These are procedural matters - should not be included. Such matters are not referenced in this detail benchmark rules. These matters appear covered in the Student Declaration.

See UoW
Eligibility for Access
(9) The University welcomes all Entrants who have a legitimate reason to access University Land;

(10) Any individual who, without a legitimate reason, enters onto University Land without the consent of the University or who remains on University Land after being requested by an Authorised Person to leave, may have their access to University Land revoked/or terminated by way of a Limitation of Access Notice.

All Entrants must show their identification in response to any reasonable request from an Authorised Person.

e

Commented [AH12]: Example of misconduct and should be covered by broad ranging definition.

Commented [AH13]: Benchmark to See if this is part of rules in other institutions

2.2.3 Commonwealth Higher Education Student Support Number (CHESSN)

(1) Under the provisions of relevant legislation, specified students will be allocated a Commonwealth Higher Education Student Support Number (CHESSN) (or such other equivalent number of identifier allocated by the Commonwealth from time to time).

(2) This CHESSN will:

(a) only be activated if the student accesses Commonwealth higher education assistance;

(b) be limited in its use to uses provided for in the relevant legislation;

(c) have its use protected under the relevant legislation.

(3) A student who is required to provide a CHESSN and fails to do so, or who provides a number that is invalid or false, may have his or her admission to or enrolment in the course cancelled or changed to another status.

2.2.4 Tax File Number (TFN)

(1) Under the provisions of relevant legislation, students who are eligible to make payments for fees, loans or other contributions through the Australian taxation system, may be required to provide the University with a Tax File Number (TFN).

(2) This TFN will:

(a) be limited in its use to the reporting of financial liability to the relevant Commonwealth offices;

(b) have its use protected under the relevant legislation.

(3) A student who is required to provide a valid TFN and fails to do so, or who provides a number that is invalid or false, may have his or her admission to or enrolment in the course cancelled or changed to another status.

2.2.5 Unique Student Identifier (USI)

(1) Under the provisions of relevant legislation, students who are eligible for a commonwealth supported place and commonwealth financial assistance (HECS-HELP, FEE-HELP, OS-HELP) are required to provide a Unique Student Identifier (USI) on their electronic Commonwealth Assistance Form (eCAF). All remaining students, including graduate research students, are required to provide a USI prior to their final session.

(2) This USI will:

(a) be limited in its use to the reporting to the relevant Commonwealth offices;

(b) have its use protected under the relevant legislation.

(3) A student who is required to provide a valid USI and fails to do so, or who provides a number that is invalid or false, may have their admission to or enrolment in the course cancelled or changed or degree conferral and award held. In

2.3 Communication

2.3.1 Official University notices shall be displayed at the direction of the University Secretary on the official noticeboard on the UTS website.

2.3.2 The University will make a student system account including a UTS email address available to each student. Email from the University to a student will be sent to the student's UTS email address. Email sent from a student to the University must be sent from the student's UTS email address.

2.3.3 The University may in its absolute discretion communicate with students using any of the following:

(1) the UTS email address;

(2) Short Message Service (SMS) by voice or text to a telephone number provided by a student; and/or

(3) mail.

2.3.4 Notices sent by mail to the mail address provided by a student, whether standard or registered mail, by email to a student's UTS email address or by SMS will be deemed to have been received by the student as follows:

(1) by mail, two working days after posting for domestic mail and 10 working days after posting for international mail;

(2) by email or SMS, at the time sent by the University.

2.3.5 Students have a responsibility to access University notices and correspondence communicated via the official noticeboard, the UTS email address, the student system account, SMS and/or mail. Failing to read notices or correspondence, or misreading or misunderstanding notices or correspondence will not be accepted as a reason for students being unaware of material contained in them.

2.3.6 Students have a responsibility to respond to communication from the University in a timely manner.

2.3.7 Students should quote their Student Identification Number in all communications.

2.3.8 Students have a responsibility to make and retain a copy of all documents, forms and correspondence lodged with the University, including copies of electronic transactions.

2.3.9 Students must notify Student Administration of any change in their contact details as soon as possible, by online access to MyStudentAdmin on the student system account and/or by other designated mode of written or electronic notification to student administrative services or support as prescribed by the Director, Student Administration from time to time. The University will not accept responsibility if communications fail to reach a student who has not so notified Student Administration of a change of contact details.

Commented [AH14]: Not referenced in benchmarked universities

Commented [AH15]: Should be covered by a broad definition of misconduct

Commented [AH16]: Something a student might acknowledge as part of admission.

Commented [AH17]: Again should be covered under a broad definition not a specific example

Commented [AH18]: Unlikely to be required in the Rules - could be a broad category of misconduct - not visible in benchmark comparators.

Commented [AH19]: Again, this whole section is not apparent in benchmark documents.

Commented [AH20]: This whole section is guidance to students - some important elements could be included in the Student Rights and Responsibilities Policy.

2.4 Relevant documentary evidence

2.4.1 In particular circumstances students are required to provide relevant documentary evidence in support of requests, including but not limited to requests for special consideration.

2.4.2 Medical or other professional certificates alone do not constitute adequate supporting evidence for such requests. Medical or other professional evidence must be provided by the relevant authority on the professional authority form (or other form) as prescribed by the Director, Student Administration from time to time.

2.4.3 The submission of falsified medical or other certificates or of false statements on relevant official University request forms will be treated as a matter of student misconduct and handled in accordance with Section 16 (Student misconduct and appeals).

Commented [AH21]: This could be a procedure within the Inclusion Policy or proposed Fitness to Study, or as part of the Assessment Policy/procedures.

Commented [AH22]: Again - a single broad classification - false documents - is sufficient within the Rules.

2.5 Study management

2.5.1 Each student has responsibility for completion of all requirements associated with admission, enrolment, assessment and academic progression in compliance with the relevant specific Rules, including, but not limited to:

(1) provision of all relevant personal information to the University or its agents, including statistical information, contact information and a current mailing address;

(2) disclosure of all previous academic information;

(3) payment of fees and charges by the due date;

(4) re-enrolment at the University each year or at other times as required; and

(5) submission of an appropriate enrolment program and rectification of any known discrepancies with the enrolment program in the required timeframes.

2.5.2 All students must comply with any requirements for enrolment or study at the University including but not limited to obligations and/or restrictions that may apply under relevant legislation. International students must also comply with legislative requirements relating but not limited to:

(1) any requirements relating to attendance or study mode;

(2) any conditions for enrolment and progress through an award course;

(3) any conditions relating to student load; and

(4) any conditions relating to leave of absence.

Commented [AH23]: Fee payment and consequences are matters for the Rules, the other matters relate to Progression and Success and should be referenced in relevant policies.

Section 3 - Course and subject requirements

3.1 Availability of courses and places

3.1.1 Courses of study are made available by the University under the authority of the Council and Academic Board, pursuant to the UTS Act and By-law.

3.1.2 The University will publish details of approved courses of study in the UTS: Handbook and other official publications of the University from time to time. Such publication does not constitute an offer or undertaking of the availability of any course at any particular time.

3.1.3 The University reserves the right not to make offers of admission to any course for either a specific or indeterminate period of time.

3.1.4 The University reserves the right to phase out, discontinue, review or vary courses, arrangements for courses or staff allocations at any time without notice.

3.1.5 Available places in courses are limited and also subject to the availability of resources, facilities, staff and supervisors. It may not be possible to make offers of admission to all applicants who satisfy the requirements for admission. Where this is the case, the University will take reasonable measures to ensure that admission is made on the basis of academic merit, comparative aptitude and such other criteria as are approved and published from time to time.

3.2 General course requirements

3.2.1 Academic Board will approve in principle the languages other than English in which coursework programs of the University may be offered. Where a course has been approved for delivery in a language other than English, course and subject information and other relevant information as prescribed by the Provost will be provided in the language approved for delivery of the course.

3.2.2 Course requirements, including admissions standards, course structures, inherent requirements and arrangements for courses, are published in the UTS: Handbook and are authoritative as at the time of publication. The University reserves the right to phase out, discontinue, review or vary course requirements, admissions standards and arrangements for courses at any time.

3.2.3 Course and subject information provided to students and prospective students by faculties and other academic units of the University will be consistent with and, wherever possible, cross referenced to and linked online to the course and subject information published in the UTS: Handbook.

3.2.4 Each subject, and the associated details about it to be included in the official publications of the University, must be approved by the relevant Faculty Board before publication of those details takes place.

3.2.5 In addition to, or as part of, specific course and subject requirements, the Provost or the Deputy Vice-Chancellor (Education and Students) may approve mandatory training as part of the University's role in supporting students to develop further awareness or technical training, enhance literacy and numeracy proficiency, or to manage student safety and health.

3.2.6 Mandatory training approved under Rule 3.2.5 may be considered a progression requirement for all students or identified student cohorts and subject to Section 10 of the Student Rules.

3.3 Legislative requirements

3.3.1 Special conditions may need to be specified in respect of certain courses offered by the University because of legislative requirements.

3.3.2 For students undertaking an internship that involves direct contact with people under the age of 18, the following conditions will apply:

(1) all students admitted to these courses must complete required declarations and have required personal information checked by government authorities;

(2) eligibility for commencement and continuing participation in these courses is determined on the basis of information obtained through these checks;

(3) the provision of inaccurate or unsatisfactory information, the receipt of unsatisfactory information or the refusal to undergo these checks may result in withdrawal of an offer of admission to that course and/or cancellation of enrolment.

3.4 Internship requirements

3.4.1 A number of courses offered by the University require students to undertake internships or internship-like experiences (hereafter internships) in line with the requirements and definitions outlined in these rules and the Internships Management Policy.

3.4.2 The University and the provider of the internship must follow the provisions outlined in the Internships Management Policy.

3.4.3 While undertaking an internship, a student may be summarily excluded from facilities and/or from participation in activities in accordance with Rule 16.9.

3.4.4 If, while undertaking an internship, a student is summarily excluded from facilities and/or from participation in activities then under Rule 16.9 the relevant circumstance or incident may be referred to the Director, Governance Support Unit as an allegation of student misconduct; or referred to the Vice-Chancellor or Vice-Chancellor's nominee to be handled under Rule 2.1.9; or dealt with under Rule 3.4.5.

3.4.5 If a student is identified as not ready to proceed with an internship, or it has been determined that the student does not meet relevant suitability requirements to proceed with or continue the required internship, the student may be unable to complete the course requirements. The following process will apply:

(1) The Responsible Academic Officer, in consultation with the external supervisor (if any), will assess whether a student is ready to proceed with or is suitable to continue, any part of the required internship on its scheduled commencement, and the Responsible Academic Officer may defer or reschedule the student's participation;

(2) The Responsible Academic Officer must advise the student and the Dean in writing of the decision within three working days of making it.

3.4.6 Where the deferral of a student's participation in any part of the required internship would have the effect of preventing the student from continuing their course the Responsible Academic Officer, with the agreement of the Dean, will refer the matter, with an appropriate recommendation, to the Deputy Vice-Chancellor (Education and Students), who will take action and make a decision as deemed appropriate. A decision may be made that a student is unsuited for further internships and where necessary, their enrolment will be withdrawn.

The withdrawal of a student's enrolment will take effect from when:

(a) a student does not lodge an appeal under Rule 3.4.8 - the date on which the deadline to lodge the appeal passed (taking into account any extensions granted under Rule 3.4.10); or

(b) a student lodges, but subsequently withdraws an appeal under Rule 3.4.11 - the date on which the appeal was withdrawn; or

(c) an appeal lodged by a student is referred to the Internships Appeals Committee under Rule 3.4.13 and the Committee dismisses the appeal under Rule 17.7.2(4) - the date on which the student is notified of the Committee's decision.

3.4.7 The Deputy Vice-Chancellor (Education and Students) must notify the student in writing of any decision he or she makes within three working days of making it.

3.4.8 A student may appeal to the Internships Appeals Committee against any decision made by the Deputy Vice-Chancellor (Education and Students) pursuant to Rule 3.4.6 (refer Rules 3.4.9 to 3.4.15).

3.4.9 An appeal must be in writing, specify and substantiate the grounds of the appeal (refer Rule 3.4.12) and be lodged with the Director, Governance Support Unit within 20 working days of the date of notification of the decision.

Commented [AH24]: These are largely circular references to fitness to study or suitability for professional placement. There should be policies for these matters and relevant procedures. They should also be recast in a more strength based format - as part of coursework requirements and what the University will do and what a student should do if they are unfit or unsuitable for the work integrated component should be presented clearly in policy and procedures.

3.4.10 A student may request an extension of time in which to lodge an appeal under Rule 3.4.8. The request must be made in writing to the Director, Governance Support Unit within 15 working days of the date on which the student was notified of the decision of the Deputy Vice-Chancellor (Education and Students). The decision to grant an extension, and the length of the extension, is at the discretion of the Director, Governance Support Unit.

3.4.11 At any stage of the appeal process, a student may withdraw their appeal by advising the Director, Governance Support Unit in writing.

3.4.12 The grounds for appeal are:

(1) procedural irregularities in the decision-making process of a type and to an extent that are likely to have had a significant negative impact on the decision;

(2) mitigating circumstances, that directly and significantly affected the student's performance and were not known at the time of making the decision. The mitigating circumstances need to be of a type and to an extent that make it likely that the student could complete the internship in the future and must be supported by documentary evidence;

(3) the decision was based on factual errors of such magnitude as to invalidate the decision; and/or

(4) the conclusion as to the student's suitability for further internship placement was manifestly unreasonable, taking account of all the circumstances of the matter and the relevant professional standards and practices.

3.4.13 The Director, Governance Support Unit will refer the student's appeal to the Internships Appeals Committee, constituted under Rule 17.3, for consideration and decision. The student will be given the opportunity to address the Committee in person.

3.4.14 Where the Internships Appeals Committee dismisses an appeal lodged by a student under Rule 3.4.8, the student's enrolment will be withdrawn.

3.4.15 Where the Internships Appeals Committee upholds, in full or in part, an appeal lodged by a student under Rule 3.4.8, the faculty will contact the student to advise the next steps with respect to the student's enrolment.

Commented [AH25]: There should be a single appeal section in the Rules covering all appeals.

3.5 Professional requirements

3.5.1 A number of courses offered by the University require students to obtain suitable concurrent professional experience as one of the courses inherent requirements. In these courses progression beyond the first year is normally dependent on the student being in suitable employment. In special cases, consideration will be given to experience obtained prior to admission to a course.

3.5.2 Where students have not satisfied the required professional requirements prescribed for the particular course within the time limits for completion, or as otherwise specified for that course, the matter will be considered in the first instance by the relevant Responsible Academic Officer for an appropriate recommendation to the Dean who will take action and make a decision as deemed appropriate. The decision may include that the student's enrolment will be withdrawn.

3.5.3 The Dean must notify the student in writing of any decision made within three working days of making it.

3.5.4 The Dean's decision is final and there is no appeal.

3.6 Changes to courses

3.6.1 Academic Board and Executive Committee of Academic Board have authority to approve the phasing out, discontinuation, revision or variation of an existing course.

3.6.2 When Academic Board or Executive Committee of Academic Board exercises its authority under Rule 3.6.1, it must ensure that the approved course documentation:

(1) states the reasons necessitating such a change;

(2) in the case of a revision of a course structure:

(a) specifies the revised course structure;

(b) states whether students shall be given the option to complete the existing version of the course or shall be obliged to transfer to the revised version of the course;

(c) in the case where students are given the option to complete the existing version of the course specifies the time period in which students must complete the course in accordance with the existing course structure;

(3) in the case of the phasing out and discontinuation of a course specifies the period for which students enrolled in the course will be able to continue their studies in accordance with the existing course structure.

3.6.3 Faculty Boards have the authority to approve changes to a course once a course has been accredited by Academic Board or Executive Committee of Academic Board, in accordance with the relevant Board's course change approval procedures, except for the following types of course changes which must be approved by Academic Board or Executive Committee of Academic Board:

(1) courses that involve an external partner, an offshore course, or a new offshore location for an existing course;

(2) the introduction of a new language version of an approved onshore course offered in languages other than English (LOTE); or

(3) changes to the total credit point value of a course.

3.6.4 If a student is required to undertake a revised version of a course, the relevant Responsible Academic Officer, in consultation with the student, must provide transitional arrangements for the student which will satisfy the requirements of the revised version of the course. Details of these arrangements must be provided to the Director, Student Administration who shall ensure that they are recorded and the University shall use these arrangements as the basis for determining the student's academic progress and completion of course requirements.

3.6.5 If a student who is enrolled in a course that has been approved for discontinuation does not complete the course within the approved phasing out period, the relevant Responsible Academic Officer will provide advice to the student on alternative arrangements that the student may wish to pursue at the University or elsewhere.

3.7 Subject requirements

3.7.1 Faculty Boards have authority to approve subjects and changes to subjects in faculty offered courses.

3.7.2 Deans have authority to approve processes for approval of subject outlines.

3.7.3 Deans, Responsible Academic Officers or Subject Coordinators (as appropriate) shall ensure that enrolled students have access to a subject outline consistent with the UTS: Handbook for that subject by the deadline approved by the Provost and published online for the relevant teaching session.

3.7.4 If it becomes necessary after teaching has commenced for the University to change major subject and/or assessment requirements, the change shall:

(1) be reasonable in all the circumstances;

(2) be submitted to the Responsible Academic Officer, who shall determine requests from Subject Coordinators to change assessment requirements for a subject after the first week of the teaching period;

(3) be confirmed in writing by the Subject Coordinator to all students enrolled in that subject.

3.7.5 For all UTS subjects, the credit point value must be a whole number and must be delivered in a single teaching period (as defined in Schedule 1), noting that teaching periods do not include the completion of related administrative matters (including finalisation of grades and appeals or internships (also called professional practice placements) that extend beyond a teaching period).

3.7.6 In determining the credit point value for each subject, faculties will take account of the total student workload (in the form of the various teaching and learning requirements) of the subject, including all online and face-to-face participation, projects, essays, independent and library study, preparation for class, collaborative work and any other teaching/learning strategies appropriate to the given discipline or subject.

3.8 Attendance and/or participation requirements

3.8.1 If there are any attendance and/or participation requirements for a subject, they must be prescribed in the relevant subject outline.

3.8.2 If a student does not satisfy the prescribed attendance and/or participation requirements for a subject, the Responsible Academic Officer may:

(1) refuse permission for the student to be considered for assessment;

(2) refuse permission for the student to attempt an assessment task;

(3) refuse permission for the student to undertake an examination in that subject;

(4) record a final result of 'Fail' for the student's enrolment in that subject.

3.8.3 If a student is prevented from meeting prescribed attendance or participation requirements as a result of illness or other circumstances beyond the student's reasonable control, the student may lodge an application for special consideration under Rule 8.3 for consideration of alternative arrangements.

3.8.4 Where appropriate, the Responsible Academic Officer in consultation with the Subject Coordinator may approve suitable alternative arrangements.

3.8.5 Approval of alternative arrangements for attendance and/or participation does not imply exemption from payment of any fees or charges, nor does it imply exemption from, or concessions relating to, assessment or examinations. Alternative arrangements will be subject to normal assessment grading.

Commented [AH26]: In the main these are coursework requirements - outlining Universities obligations and constraints on course offerings.

3.9 Retention of students' work

3.9.1 The University reserves the right to retain the original or one copy of any work executed and/or submitted by a student as part of the course including, but not limited to, drawings, models, designs, plans and specifications, essays, programs, reports and theses, for any of the purposes designated in Rule 3.9.2. Such retention is not to affect any copyright or other intellectual property right that may exist in the student's work.

3.9.2 An item of a student's work may be retained by the University for any internal or external purpose including, but not limited to, the following:

(1) evaluation, assessment and/or marking;

(2) teaching case study material;

(3) review of final assessment results (pursuant to Rule 8.6);

(4) checking for plagiarism or other forms of academic misconduct, either by the student submitting the work or by any other student;

(5) student misconduct proceedings (pursuant to Section 16 Student misconduct and appeals);

(6) where otherwise necessary to satisfy the University's quality assurance requirements;

(7) accreditation, quality assurance and external examination;

(8) exhibition, publication, promotions (subject to the University's Intellectual Property Policy);

(9) where otherwise necessary to protect the legal interests and obligations of the University.

3.9.3 In cases where the University exercises, or wishes to exercise, its right under Rules 3.9.2(2) or 3.9.2(8), the student shall be given sufficient notice and the opportunity to consent or object to such use of the student's work. Notice to the student is deemed sufficient whether contained in the subject outline or by way of an individual written notice if it provides notice of the intended period of retention of the student's work; notice of the specific Rule 3.9.2 purpose, or purposes, for which the work may be retained; notice and details of any particular exhibition, publication or promotion; and the opportunity and mechanism to consent or object to the use of the student's work.

3.9.4 In cases where a student objects to the retention of an item of work for any purpose, and the University still wishes to exercise its right to retain the work, the student's objection shall be referred to the Responsible Academic Officer or Dean of the relevant faculty for resolution.

3.9.5 Except in the case of examination scripts or other work identified by the relevant faculty from time to time, the University will make available the student's work for return to the student when it is no longer required for the purposes of Rule 3.9.3, and will provide a reasonable opportunity to the student to collect the work.

Commented [AH27]: These detailed requirements are not apparent in benchmark universities. They could be a part of assessment procedures or declarations signed by students on admission.

Section 4 - Fees, charges and other financial obligations

4.1 Liability for payment

4.1.1 A student is liable for and required to pay all due fees, charges, debts and any other specified amounts properly incurred, including but not limited to:

(1) for Commonwealth supported students and within the provisions of relevant legislation, any part of the student contribution amount that the student has elected to pay directly to the University;

(2) course tuition fees;

(3) non-award study single subject tuition fees;

(4) student service fees and charges, including any components for membership of student organisations;

(5) any charge for administrative services;

(6) any loan made by the University;

(7) any amounts payable under Section 18 (Use of the University Library);

(8) any amounts payable under Section 16 (Student misconduct and appeals);

(9) any amounts payable under Section 15 (Equipment loans);

(10) penalty or other fines under Rule 4.4.1;

(11) University Housing or other accommodation fees and charges.

Under section 30 of the Act, these amounts are debts due to the University and may be recovered by legal process.

4.1.2 An applicant for admission, user of the Library, former student or other person is liable for and required to pay all due fees, charges, debts and any other specified amounts properly incurred, including but not limited to:

(1) any charge for administrative services;

(2) any specified amount determined under Section 18 (Use of the University Library);

(3) any specified amount determined under Section 16 (Student misconduct and appeals).

Under section 30 of the Act, these amounts are debts due to the University and may be recovered by legal process.

4.1.3 In exceptional circumstances and subject to regulatory requirements the Director, Student Administration may waive liability for payment of a particular fee or charge.

4.1.4 Course tuition fees are published on the fees and payment section of the University's website for the current (calendar) year (in line with the provisions of the Award Course Approval Policy) and are revised annually. Fees published for future year(s) are estimates only and the University reserves the right to vary fees for future year(s) at any time.

Commented [AH28]: There are more direct ways of framing the requirement to pay fees:

ECU
The relevant Executive Dean or Director, Student Administration may refuse an application for admission or enrolment, or Suspend or Cancel an existing enrolment, in a Course or Unit, where:

the applicant or Student has failed to pay any amount owed by them to the University by the due date;

4.2 Payment due date

4.2.1 A Commonwealth supported student is required to discharge his or her responsibility for payment of the student contribution amount in accordance with relevant legislation.

4.2.2 All other fees, charges, debts and any other specified amounts must be paid on or before the due date specified by the University.

4.2.3 Delay in notification or payment to the student of any scholarship or other form of financial support does not alter the student's responsibility for payment of all due fees, charges, debts and any other specified amount by the due date.

4.2.4 In exceptional circumstances and subject to legislative requirements the Director, Student Administration may grant an extension of the payment due date. Applications for such an extension must be directed to Student Administration and must be received prior to the payment due date, state the reasons why payment cannot be made by the due date and be accompanied by such relevant documentary evidence of the exceptional circumstances as is required by the Director, Student Administration. Only in exceptional circumstances will the Director, Student Administration accept such an application after the payment date.

4.3 Allocation of payment

4.3.1 The University will allocate payments received in accordance with the payment allocation schedule determined by the Provost. The payment allocation schedule will be published in the appropriate official publications of the University.

4.4 Failure to pay

4.4.1 If a student (and for purposes of this Rule, a student may include an applicant for admission, former student or user of the UTS Library as defined in Rule 18.2 or other UTS facilities) has not paid all due fees, charges, debts and any other specified amount by the due date for payment or has not been granted an extension of time to pay in accordance with Rule 4.2.4, the Provost (or nominee) may, or when required by legislative requirements must:

(1) require the student to pay a fine for late payment as determined by the Provost (or nominee) from time to time; or

(2) take steps to initiate debt recovery action; or

(3) exclude the student from any examination; or

(4) exclude the student from any class; or

(5) exclude the student from the University Library or any other facility of the University; or

(6) withhold from the student the results of any examination or other assessment; or

(7) withhold from the student the student's official academic records; or

(8) withhold eligibility for the conferral of an academic award including deferral or withdrawal of permission to attend a graduation ceremony; or

(9) cancel the student's enrolment in a course; or

(10) refuse to admit an applicant to any course; or

(11) refuse access to any UTS facility; or

(12) do any combination of those things until the debt has been discharged or the repayments or payments made or alternative arrangements have been made to the satisfaction of the Provost (or nominee).

4.4.2 A student may request reconsideration of a decision taken pursuant to Rule 4.4.1. Such requests must be in writing, state the grounds for the request and be lodged with the Provost (or nominee). The Provost (or nominee) may take such action as he or she thinks fit.

4.4.3 Where an administrative charge is payable for a service requested and the person requesting the service fails to make payment by the due date, officers of the University are under no obligation to provide the requested service.

4.5 Refund of tuition fees and charges

4.5.1 Where a student withdraws from enrolment in a course or part of a course the University may retain all or a proportion of fees paid by the student as a charge for cancellation of enrolment, and may impose different cancellation charges for different categories of students.

4.5.2 The Director, Student Administration has authority to approve a refund of fees and charges.

4.5.3 A student who wishes to request a refund of fees must apply in writing by the date specified by the Director, Student Administration.

4.5.4 Decisions relating to eligibility for a refund, the amount of any refund and other related matters will be made in accordance with relevant legislation and regulations and with the University's Statement of Protocol on Refund of Fees for international students and the procedures outlined on the Refunds and Remissions webpage as approved from time to time.

4.6 Refund of student contribution debt

4.6.1 In circumstances prescribed by law, a Commonwealth supported student may apply for a refund of a student contribution amount paid to the University or for remission of a debt to the Commonwealth Government. An application must be made following the instructions outlined on the Refunds and Remissions webpage within the required timeframes. A decision will be made in accordance with the provisions of the relevant legislation.

The Director, Student Administration or nominee has authority to approve a refund or remission of a student contribution debt in accordance with the relevant legislation.

4.6.2 A student may apply for a review of the decision made under Rule 4.6.1. An application for review must be submitted in accordance with the instructions outlined in the Reviews section of the Refunds and Remissions webpage.

Section 5 - Admission

5.1 General

5.1.1 Subject to these Rules, admission to courses will be made in accordance with:

- Admissions and Recognition of Prior Learning Policy
- Admissions Procedure
- Recognition of Prior Learning Procedure
- English Language Policy, and
- Register of Admissions Standards (approved by Academic Board from time to time).

5.1.2 UTS outlines its general admission and readmission requirements in the Admissions and Recognition of Prior Learning Policy and the Admissions Procedure.

5.2 Application for admission

5.2.1 An application for admission to a course shall be made on the prescribed application form and shall be lodged in accordance with directions on that form by the specified closing date, as published by the University from time to time.

5.2.2 Applicants for admission to a course are required to provide true, accurate and complete information, including without limitation disclosure of personal information and all their previous academic information and study as required on the application form. Applicants who fail to do so may have their application refused, the offer withdrawn or their admission and enrolment cancelled (refer Rule 5.6).

5.2.3 An applicant to an undergraduate course, who has a record of exclusion on academic grounds at this University (refer Rule 10.4.1) or at another tertiary institution, is encouraged to provide a statement and supporting documentation to demonstrate why he or she should be considered for admission to a course at the University and, in particular, provide documentation that is relevant to the assessment of the applicant's chances of successfully completing the course (refer Rules 5.7 and 5.9).

5.2.4 An applicant who has been previously excluded for misconduct (or other non-academic grounds) at this University (refer Rule 16.3.1(4)), or at another tertiary institution, must provide adequate details of the reason for exclusion and a statement and supporting documentation to demonstrate why they should be considered for admission to a course at the University (refer Rules 5.7 and 5.9).

5.2.5 Acceptance by the University, or its agents, of an application for admission to a course, is not to be taken as an offer of admission or an undertaking of availability of that course in any particular year.

5.3 Offer of admission

5.3.1 A valid offer of admission to a course can only be made in writing by the University's authorised delegates.

5.3.2 The University may make an offer of admission to an applicant for a course that is different from the course for which the application was made.

5.3.3 Unless stated otherwise in the offer document, an offer of admission to a course will lapse on the date the Provost specifies for the teaching period for which the offer was made unless the University is notified in the prescribed way that the offer has been accepted (refer Rule 5.4).

5.3.4 Any offer of admission to or enrolment in a course that is made conditional upon the provision of relevant academic or personal information (including information relating to a student's status as a Genuine Temporary Entrant and Genuine Student as required by the Department of Home Affairs) may be withdrawn in accordance with Rule 5.6 if the required information is not provided to the University within the time specified by the University.

5.4 Acceptance of offer

5.4.1 Applicants who wish to accept an offer of admission to a course must do so in the way prescribed in the offer document. For domestic students, when that acceptance is received by the University, the student will be deemed to have been admitted to the course and will be provided with information on enrolment procedures. For international students, when the acceptance is confirmed by the University, the student will be deemed to have been admitted to the course and will be provided with information on enrolment procedures.

5.4.2 If an applicant who has accepted an offer of admission does not enrol in the specified enrolment period, he or she will be deemed to have forfeited the place in the course for which the offer has been made, unless he or she has applied for and been granted an extension of the time to enrol or a deferral of commencement (refer Rule 5.5).

5.5 Deferral of commencement

5.5.1 Unless Academic Board has resolved otherwise in respect of a particular course, an applicant who has been offered a place in an undergraduate or graduate coursework course will be eligible to apply for deferral of commencement of studies for a period no greater than 12 months.

5.5.2 Unless Academic Board has resolved otherwise in respect of a particular course, deferral of commencement of study is not available for Bachelor Honours degrees or non-award study.

Commented [AH29]: Each section of the rules should commence with this link to relevant policies.

Commented [AH30]: It is not common to put suggestions in rules - this encouragement could be noted as part of the application process

Commented [AH31]: The Reviewers are unclear as to how this would be enforceable - as there is limits to sharing between institutions.

Not apparent in other benchmark institutions

5.5.3 An application for a deferral for eligible courses must be made via the process approved by the Director, Student Administration by the specified closing date.

5.5.4 An applicant who has had a deferral of commencement approved will automatically be made a new offer of admission at the end of the deferral period. Offers are normally made to the same course from which the student has deferred, or to a similar course where the original offering is no longer available.

5.5.5 In exceptional circumstances, an application for extension of the deferral period may be approved by the relevant Responsible Academic Officer. Approval of extension to the period of deferral is not automatic.

5.6 Refusal of application, withdrawal of offer of admission and cancellation of admission or enrolment

5.6.1 The University reserves the right to refuse an application for admission, withdraw an offer of admission or cancel the application or student's admission or enrolment in cases where:

(1) an applicant does not provide information required by the University within the time specified by the University; or

(2) an applicant has not provided true, accurate and complete information, including but not limited to:

(a) full details of all previous academic information and study and personal information as required on the application form; or

(b) full details of proof of identity and citizenship status as required on the application form; or

(c) full disclosure of prior misconduct proceedings or findings at any tertiary institution or police convictions; or

(3) an applicant, who has been admitted via a special offer with conditions, and does not meet those conditions by the advised deadline; or

(4) an applicant, who has been granted a deferral of commencement in a course, enrols in any other undergraduate or graduate courses (including diplomas, advanced diplomas and associate degrees at post-secondary level) at any tertiary institution during the period of approved deferral; or

(5) a student, who has been readmitted to a course with conditions relating to his or her future conduct at the University set by the Vice-Chancellor (or nominee), fails to satisfy those conditions; or

(6) an applicant or student seeks admission to (or is found to be enrolled in) more than one award course at this University or any tertiary institution without the approval of the relevant faculty, faculties and/or where necessary, in consultation with the Director, Student Administration; or

(7) an applicant or student seeks admission to (or is found to be enrolled in) an award course for which they have already received an award of the same or higher AQF level, in the same cognate discipline, at this University or any other tertiary institution without the approval of the relevant faculty or faculties; or

(8) the University is not satisfied that an applicant or student intending to apply for a student visa meets the Genuine Temporary Entrant and/or Genuine Student requirements set by the Department of Home Affairs; or

(9) the University considers in its absolute discretion that an applicant's or student's admission or a student's continued enrolment in a subject or course would be in breach of, or would risk being in breach of, any legislation.

5.6.2 Written notification of any such refusal, withdrawal or cancellation will be sent to relevant applicants or students by the Director, Student Administration.

5.6.3 An applicant or student whose application was refused, whose offer was withdrawn (except in the cases of 5.6.1(3) or 5.6.1(8)), or whose admission or enrolment was cancelled under Rule 5.6.1 will be excluded from applying for admission to the University for a period of no less than one academic year and may not apply for or enrol in any subjects or courses at the University during the period of exclusion.

5.6.4 An applicant or student may reapply for further study at the end of the period of exclusion in accordance with Rule 5.9.

5.6.5 Appeal

(1) An appeal may be lodged by an applicant for admission against decisions made under Rule 5.6.1(2) in relation to withdrawal of an offer of admission and cancellation of admission and/or enrolment.

(2) An appeal must be in writing, specify and substantiate the grounds of the appeal and be lodged with the Director, Student Administration within 20 working days of the date of notification.

(3) A student may request the Director, Student Administration to consider an extension of time to submit an appeal against decisions made under Rule 5.6.1(2). Except in exceptional circumstances, any such request must be received within 15 working days of the date of official notification.

(4) The grounds for appeal are:

(a) procedural irregularities of a type and to an extent that are likely to have had a significant negative impact on the decision; and/or

(b) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the applicant's ability to provide complete and true information.

Commented [AH32]: ECU Admission, Enrolment and Progression Rules provides a succinct example of this information, if determined it required in the rules - see section 2 and 3.

(5) The Director, Student Administration shall refer the appeal to the Responsible Academic Officer. The Responsible Academic Officer may seek advice from relevant members of staff. The Responsible Academic Officer shall then forward their recommendation, and the advice received, to the Director, Student Administration.

(6) If the recommendation of the Responsible Academic Officer is that the appeal be upheld, the refused offer of admission and/or cancelled admission and/or enrolment will be reinstated and the applicant will be advised of this by the Director, Student Administration. If the recommendation is to dismiss the appeal, the Director, Student Administration shall refer the appeal to an Admissions Non-disclosure Appeals Committee, constituted under Rule 17.4, for consideration and decision.

Commented [AH33]: A single appeal section should be included.

5.7 Requirements for admission

5.7.1 To be eligible for admission to a UTS course an applicant for admission:

(1) must satisfy the general requirements for admission to that course as prescribed in the Admissions and Recognition of Prior Learning Policy;

(2) must satisfy the language requirements if applicable for that course as prescribed in the Admissions and Recognition of Prior Learning Policy;

(3) must satisfy the University that he or she meets the Genuine Temporary Entrant and/or Genuine Student requirements set by the relevant Commonwealth Government department if they wish to apply for a student visa; and

(4) must comply with all legislative requirements;

(5) may also be required to satisfy other specific requirements for the particular course (refer Rule 5.8);

(6) must not have any debts owed to the University;

(7) must satisfy the readmission requirements of Rule 5.9 where the student or applicant is a former student of the University; and

(8) must, where applicable, satisfy any reasonable concerns that the University may have in relation to any previous exclusion from the University or other tertiary institution (refer Rules 5.2.3, 5.2.4, 5.6.1 and 5.9.3).

5.7.2 Applications for admission may be refused where the University is not satisfied that the requirements for admission in this Rule 5.7 have been met.

5.7.3 Academic Board may approve, in exceptional circumstances, admission for any applicant who, in the opinion of the Board, has reached an acceptable standard but does not satisfy the requirements of Rules 5.7.1(1), 5.7.1(2), 5.7.1(5), 5.7.1(7), 5.7.1(8) and 5.8. Justification must be provided for consideration by the Board.

5.7.4 Academic Board may not approve an applicant for admission who fails to satisfy the requirements of Rules 5.7.1(3), 5.7.1(4) or 5.7.1(6).

Commented [AH34]: All of these requirements should be in policy and do not need restating.

5.8 Specific course requirements for admission

5.8.1 Applicants who satisfy both the general requirements for admission and language requirements for admission may also have their application assessed in accordance with specific course requirements as recommended by the relevant Faculty Board or Graduate Research School Board and approved by Academic Board.

5.8.2 Academic Board, on the advice of the relevant Faculty Board or Graduate Research School Board, may require the applicants for admission to a particular course to submit a personal statement or other document, undertake an examination or interview, or submit portfolios or other additional information. This material may be taken into account by the staff of the relevant faculty or Graduate Research School according to criteria approved by the relevant Faculty Board or Graduate Research School Board for the purposes of determining whether or not to make an offer of admission.

5.8.3 Applications may be refused after the assessment under Rules 5.8.1 or 5.8.2.

5.9 Readmission

5.9.1 A former student who has:

(1) withdrawn from or discontinued enrolment in a course; or

(2) had enrolment in a course cancelled, withdrawn or discontinued; or

(3) been excluded from a course for a set period;

and who wishes subsequently to undertake further study at the University, whether in the same course or a different course, must meet the general requirements for admission as specified in Rule 5.7.1, and apply for admission in accordance with standard admissions procedures.

5.9.2 Readmission to a course, whether the same or a different course, is not automatic.

5.9.3 A former student who has been excluded from further study at the University for a set period and who subsequently wishes to undertake further study at the University whether in the same or a different course:

(1) must show cause by providing a statement and supporting documentation to demonstrate why he or she should be considered for readmission to the University; and

(2) may have conditions relating to his or her future conduct at the University set by the Vice-Chancellor and will be required to satisfy those conditions once readmitted to the University.

5.9.4 Where a former student is readmitted to a course in which he or she has been enrolled previously the Responsible Academic Officer shall determine the maximum period of time for completion of the course by the student.

5.9.5 In cases where an application for readmission to the University, whether in the same course or a different course, has been declined, the former student may request review of that decision by the Provost. The decision of the Provost is final and there is no appeal.

5.9.6 In cases where a decision has been made to decline an application for readmission to a course in which he or she had been enrolled previously and (where relevant) that decision has been upheld by the Provost, the former student is then excluded from reapplying for admission to the same course for a period of one academic year and only then with provision of new information in a statement and supporting documentation to demonstrate why he or she should be considered for admission to that course.

5.9.7 In cases where a decision has been made to decline an application for readmission to the University and (where relevant) that decision has been upheld by the Provost, the former student is then excluded from reapplying for admission to any course for a period of one academic year and only then with provision of new information in a statement and supporting documentation to demonstrate why he or she should be considered for admission to that course.

Section 6 - Credit and recognition of prior learning

6.1 Credit points

6.1.1 The structure of UTS coursework and award courses is based on a standard measure as defined in these Rules.

6.1.2 UTS courses comply with the Australian Qualifications Framework (AQF) and the terminology below reflects that Framework. UTS may use different terminology for some types of courses but each course will be identified as one of the categories with the identified credit point requirements below. At UTS:

(1) an undergraduate certificate is 24 credit points (0.5 EFTSL) - AQF Levels 5-7;

(2) a Diploma is between 48 and 96 credit points (1 to 2 EFTSL) - AQF Level 5;

(3) an Advanced Diploma is 72 or 96 credit points (1.5 or 2 EFTSL) - AQF Level 6;

(4) an Associate degree is 96 credit points (2 EFTSL) - AQF Level 6;

(5) a Bachelor degree is 144, 192 or 240 credit points (3, 4 or 5 EFTSL) - AQF Level 7;

(6) a Bachelor combined degree is between 192 and 288 credit points (4 to 6 EFTSL) - AQF Level 7;

(7) a Bachelor Honours degree is 48 credit points (1 EFTSL) and follows, or may be embedded in, an undergraduate degree -AQF Level 8;

(8) a Graduate Certificate is normally 24 credit points (.5 EFTSL) but may be between 24 and 48 credit points (.5 to 1 EFTSL) where approved by Academic Board as a special AQF-compliant case - AQF Level 8;

(9) a Graduate Diploma is normally 48 credit points (1 EFTSL) but may be between 48 and 96 credit points (1 to 2 EFTSL) where approved by Academic Board as a special AOF-compliant case - AQF Level 8;

(10) a Masters degree (Coursework) is normally 72 credit points (1.5 EFTSL) but may be between 48 and 96 credit points (1 to 2 EFTSL) where approved by Academic Board as a special AOF-compliant case; UTS Masters degrees using 'Advanced', 'Extension' or similar approved nomenclature fall into this category and would normally be 96 credit points - AQF Level 9;

(11) a Masters degree (Extended), having a specific professional practice use as allowed under the AQF, is between 144 and 192 credit points (3 to 4 EFTSL) - AQF Level 9;

(12) a Masters combined degree is between 96 and 144 credit points (2 to 3 EFTSL) - AQF Level 9.

6.1.3 Academic Board may approve AQF-compliant variations to the credit point requirements in exceptional circumstances. Any proposal for a credit point structure that does not meet the standard requirements of the Framework must justify the length of the course in terms of students' achievement of the award level's learning outcomes as prescribed by the AQF.

6.1.4 Some graduate research degrees have a coursework component. This coursework component must be no greater than one-third of the total course requirements. For example, in a graduate research degree with a duration of three years full-time study, the coursework component should be no greater than one EFTSL (48 credit points) in total.

6.1.5 Coursework components of graduate research degrees will consist of subjects that have credit points allocated in the normal way. The research component will consist of a time-based subject with an allocation of time, rather than credit points, as a measure of workload.

6.2 Recognition of prior learning

6.2.1 Subject to these Rules, recognition of prior learning in UTS undergraduate or graduate coursework programs of study will be undertaken in accordance with the Admissions and Recognition of Prior Learning Policy approved by Academic Board from time to time.

6.2.2 In managing recognition of prior learning, faculties:

(1) may recognise prior learning as credit points or via subject substitution as appropriate;

(2) will have due regard to the academic standards of the University and the principles of equity;

(3) will ensure all award requirements, including professional recognition requirements, are fulfilled, regardless of the nature or amount of credit recognised;

(4) will only approve prior learning where the knowledge, learning and/or skills are current and relevant.

6.2.3 Determination of eligibility for recognition of prior learning in a particular course does not imply or guarantee that a place is available in that course for the particular applicant.

6.2.4 Prior learning may only be recognised once in any individual UTS course and may not be used again as recognition for another subject or course component in the same course of study.

6.2.5 The relevant Responsible Academic Officer is authorised to approve recognition of prior learning and subject substitution.

6.3 Review of process

6.3.1 An audit of recognition of prior learning decisions will be undertaken every two years. This review will be managed by the Course Accreditation Committee and assessed against the following criteria:

(1) whether decisions are based on a clear understanding of learning and content; or

(2) alignment to policy and procedural requirements; or

(3) assessment of subject equivalence and calculation of the credit points recognised.

6.3.2 Audits will be reported to the Deputy Vice-Chancellor (Education and Students) for consideration of process improvements, and or rule, policy or procedural reviews. The audit report, together with any proposed improvements or reviews will be presented to Academic Board for approval or further recommendation.

6.4 Course requirements

6.4.1 Where credit towards a course has been approved in recognition of a student's previous learning, the requirements necessary for the student to complete the course and the maximum time permitted to complete the course shall be determined in each case by the relevant Responsible Academic Officer. Details of any such approval must be provided to the Director, Student Administration who shall ensure that it is recorded and used as the basis for determining the student's academic progress and completion of course requirements.

6.4.2 Subject to legislative requirements, in exceptional circumstances, and on a case-by-case basis, the Responsible Academic Officer may approve an application from a student to have previously approved recognition of prior learning rescinded.

6.4.3 Subjects from undergraduate courses will only be accepted for credit towards graduate courses if Academic Board has approved the provision as part of an accredited course or, in exceptional circumstances, the faculty board has approved the individual request for recognition of prior learning (within the prescribed limits).

6.4.4 In cases where the applicant was previously a UTS student and enrolling in a new version of the course or its equivalent, the Responsible Academic Officer can approve recognition of prior learning beyond the limits outlined in Rule 6.1.4, but within any requirements set by the relevant Faculty Board.

6.5 Credit for internships (work experience)

6.5.1 Credit points associated with internship subjects must conform to the work experience in industry requirements of the Higher Education Support Act 2003 (Cwlth) (the Act) and the associated Administration Guidelines 2012 (Cwlth) (the Guidelines).

6.5.2 University-supported Work Experience in Industry (WEI) subjects, as defined by the Act and Guidelines, are to be allocated a credit point value. A WEI subject is deemed to be 'supported' if all of the following are performed by UTS staff or persons engaged by UTS:

- interaction between the supervisor and the student, which may include site visits; and
- organisation of student placements; and
- ongoing monitoring of student work and progress; and
- assessment of the student learning and performance during the placement.

Note that the University cannot charge a student contribution amount or tuition fee for 'unsupported' WEI subjects which do not have a credit point value.

Section 7 - Enrolment

7.1 Enrolment procedures

7.1.1 The Provost (or nominee) may prescribe particular enrolment procedures and closing dates for completion of the enrolment procedures for enrolment in different courses, for different classes of students and for different teaching periods.

7.1.2 Students are required to:

(1) complete the required enrolment procedures by the closing date as notified by the Director, Student Administration;

(2) be enrolled in one or more subjects, or in time-based study, in each standard teaching period unless they have applied for and had leave of absence approved for a particular teaching period in accordance with Rule 7.6; and

(3) enrol at the start of the academic year in all subjects that they intend to study in that year. Subsequently, students may vary their enrolment in accordance with the provisions of Rule 7.5.

Students who are not enrolled in any subjects in a particular teaching period and who are not on approved leave of absence will be withdrawn from the course by Student Administration in accordance with the provisions of Rule 7.8.

7.1.3 Students who wish to complete the required enrolment procedures after the specified enrolment period will, if permitted to do so, be liable for payment of the late enrolment fee prescribed by the Provost unless:

(1) approval for late enrolment has previously been obtained from the Director, Student Administration; or

(2) they are able to show, to the satisfaction of the Director, Student Administration, that their late enrolment is caused by circumstances beyond their reasonable control.

7.1.4 The University reserves the right to change, cancel or discontinue a student's enrolment in a course, program of study or individual subjects under any relevant provision contained in these Rules.

7.2 Concurrent enrolment at another tertiary educational institution

7.2.1 A currently enrolled UTS undergraduate or graduate coursework student who wishes to enrol in subjects at another tertiary institution and have these subjects credited towards the award course at the University must complete the application processes as prescribed by the Director, Student Administration.

7.2.2 A UTS student enrolled concurrently at another tertiary institution who wishes to vary enrolment by undertaking additional or different subjects at the other tertiary institution must make application to the Responsible Academic Officer and in sufficient time to provide for consideration of the application according to the requirements of both the University and the other tertiary institution.

7.3 Cross-institutional enrolment

7.3.1 A student who is enrolled in a course leading to an award at another tertiary institution may be permitted to enrol in subjects at the University that will count towards an award at the other tertiary institution.

7.3.2 Admission and enrolment in cross-institutional study requires approval of the University and of the other tertiary institution and is subject to the availability of subjects and class places.

7.3.3 A student enrolled in cross-institutional study who wishes to vary their enrolment at the University by undertaking additional or different subjects must lodge their application with Student Administration for decision in consultation with the relevant faculty. The application, which must be made in accordance with the schedule of dates for variation of enrolment (refer Rule 7.5.2), must include evidence of formal approval to undertake the additional subjects from the student's home institution.

7.3.4 A student who is enrolled in cross-institutional study and who fails a subject at the University for a third time will not be permitted further enrolment in that subject.

7.4 Non-award subject enrolment

7.4.1 Enrolment in subjects as a non-award student is subject to the approval by the Director, Student Administration in consultation with the relevant faculty and to the availability of subjects and class places.

7.4.2 A student enrolled in subjects on a non-award basis who wishes to vary their enrolment by undertaking additional or different subjects must lodge their application with Student Administration for decision in consultation with the relevant faculty. The application must be in accordance with the schedule of dates for variation of enrolment (refer Rule 7.5.2).

7.4.3 A student who is enrolled in a subject on a non-award basis and who fails the subject at the University for a third time will not be permitted further enrolment in that subject.

7.5 Variation of enrolment

7.5.1 A student who wishes to vary enrolment in subjects in their approved program of study must complete the variation of enrolment processes as prescribed by the Director, Student Administration.

7.5.2 The Provost will prescribe and publish the standard schedule of dates for variation of enrolment for all teaching sessions, including the last day for addition of a subject and the last day of withdrawal of a subject.

7.5.3 Subject to Rule 7.5.6, withdrawal from a subject after the census date for the semester will be recorded as a result of 'Withdrawn Fail'.

7.5.4 Any variation to the standard schedule of dates for variation of enrolment processes for particular courses, particular subjects or particular groups of students will be notified to students by the relevant faculty and in accordance with Rule 3.7.

7.5.5 Enrolment in a subject after the last date for addition of a subject will be permitted only in exceptional circumstances and only with permission of the relevant Responsible Academic Officer.

7.5.6 Where a student wishes to withdraw from a subject in the current teaching period after the census date or other prescribed date for that teaching period as a result of illness or other circumstances beyond their reasonable control, the student may lodge with the Director, Student Administration a written report of the circumstances, supported by a medical certificate or other relevant evidence. The Director, Student Administration shall determine in consultation with the relevant faculty whether the withdrawal will be permitted without academic penalty ('Withdrawn') or with academic penalty ('Withdrawn Fail').

7.5.7 If an application for withdrawal from a subject is refused by the Director, Student Administration, the student is expected to complete the assessment requirements for that subject.

7.5.8 A student who has been placed on academic caution in accordance with Rule 10.7 and who has enrolled in more than their credit point limit (refer Rule 10.7.4(3)) may be withdrawn from one or more subjects by the Director, Student Administration on the recommendation of the relevant Responsible Academic Officer.

7.5.9 Applications to withdraw after the current teaching period may be referred to the Director, Student Administration for consideration under the criteria for special circumstances, as defined in legislation (where relevant).

7.6 Leave of absence

7.6.1 Leave of absence requirements for graduate research students are set out in Section 11 (Graduate research).

7.6.2 An undergraduate or graduate coursework student who has been continuously enrolled for at least one teaching period who wishes to withdraw temporarily from a course must lodge an application for leave of absence on the appropriate form and in accordance with procedures prescribed by the Director, Student Administration.

7.6.3 Applications for leave of absence are normally made prior to the start of the first teaching period for which leave is being sought and must be received no later than the census date for that teaching period (refer Rule 7.5.2).

7.6.4 Leave of absence will not normally be granted unless the student has enrolled and completed satisfactorily the requirements of at least one subject of the course. This includes students admitted to a course through a course transfer or with credit recognition.

7.6.5 In exceptional circumstances, on the basis of documentary evidence provided by a student, the relevant Responsible Academic Officer may approve leave of absence for a student who is enrolled in their first teaching period in a course. In all other cases, students in their first teaching period of enrolment in a course must either continue their enrolment or withdraw from the course and reapply for admission. Readmission is not automatic and the student must apply for admission in accordance with standard admission procedures.

7.6.6 Leave of absence from enrolment in a specific course will not be granted, except in exceptional circumstances, for a period not exceeding two years.

7.6.7 A student resuming a course after a period of approved leave of absence will be subject to the course requirements in operation at the time of resumption of study and will be required to re-enrol in accordance with procedures prescribed by the Director, Student Administration.

Commented [AH35]: This should be updated with reference to a new Fitness to Study policy or similar.

7.7 Course transfer

7.7.1 Course transfer requirements for graduate research students are set out in Section **11** (Graduate research).

7.7.2 Course transfer requirements for undergraduate or graduate coursework students are set out in the Admissions and Recognition of Prior Learning Policy approved by Academic Board from time to time.

7.8 Withdrawal from a course

7.8.1 The requirements for withdrawal from a course for graduate research students are set out in Section 11 (Graduate research).

7.8.2 A student who wishes to withdraw permanently from a course must lodge an application for withdrawal in accordance with procedures prescribed by the Director, Student Administration.

7.8.3 An application for withdrawal from a course will be treated as an application for withdrawal from all subjects in accordance with Rules 7.5.2 to 7.5.5.

7.8.4 An undergraduate or graduate coursework student who has not enrolled in any subjects and who has not applied for and had a period of leave of absence approved in accordance with Rule 7.6 or who has not re-enrolled as required after a period of approved leave of absence is considered to have abandoned their study in the course and will be withdrawn from the course in accordance with procedures prescribed by the Director, Student Administration.

Section 8 - Assessment of coursework subjects

8.1 Assessment requirements

8.1.1 Subject to these Rules, assessment of coursework subjects will be undertaken in accordance with policies and procedures set out in the Coursework Assessments Policy and Procedures approved by Academic Board from time to time.

8.1.2 Details of assessment requirements and the final grading scheme will be provided for each subject in the subject outline as required under Rule 3.7.

8.1.3 Students have a responsibility to ensure they are fully informed of all aspects of the subject assessment requirements and of the assessment processes.

8.2 Learning and assessment arrangements

8.2.1 General

(1) A student with a disability or accessibility requirements including ongoing medical or mental health conditions may be permitted to undertake particular learning and assessment arrangements as specified in Rules 8.2.2 and 8.2.3 in order to ensure that the assessment is accessible while still maintaining academics standards and integrity.

(2) Adjustments may be set to enable access for students to demonstrate their achievement of relevant learning outcomes while also meeting the inherent requirements. Any such conditions must be strictly observed by the student and all other relevant parties.

8.2.2 Students with disability or ongoing illness

(1) A student with a temporary or permanent disability who has access requirements (as outlined in Rule 8.2.1) for participation in learning activities and assessment tasks including written examinations, may lodge with the Accessibility Consultant (in Accessibility Services):

(a) a request for adjustment to participation and assessment tasks; and/or

(b) an application for learning and assessment arrangements in examinations.

(2) All applications must include supporting documentation from a relevant registered health professional.

(3) Application due dates for learning and assessment arrangements in examinations for centrally conducted examinations are published for each teaching session by the Student Administration Unit. Requests for all other assessments and faculty-based exams should be made as soon as possible and prior to the due date for the assessment. Exceptional circumstances will be considered on a case-by-case basis.

(4) Variations to assessment arrangements are determined by the relevant Academic Liaison Officer, following review of the recommendation by the Accessibility Consultant. Academic Liaison Officers may consult with the Subject Coordinator and Responsible Academic Officer and/or, for particular cross-disciplinary courses or subjects, with Academic Liaison Officers in other faculties.

Commented [AH36]: This is core information in the Accessibility and Inclusion Policy and should not have to be restated if the policy is clearly referenced.

8.2.3 Students with carer responsibilities

(1) A student whose responsibilities as a primary carer impact upon their ability to undertake assessment tasks including written examinations may lodge an application for adjustment to the learning and assessment arrangements with the Academic Liaison Officer of the relevant faculty. The relevant Academic Liaison Officer is determined by the student's course.

(2) Applications must include supporting documentation from a relevant registered health professional. Application due dates for learning and assessment arrangements in examinations for centrally conducted examinations are published for each teaching session by the Student Administration Unit.

(3) Variations to assessment arrangements are determined by the Academic Liaison Officer who may consult with the relevant Subject Coordinator and Responsible Academic Officer and/or, for particular cross-disciplinary courses or subjects, with Academic Liaison Officers in other faculties.

Commented [AH37]: Reference Staff and Students with Carer Responsibilities Policy and delete this section

8.2.4 Students from non-English speaking backgrounds

(1) A student from a non-English speaking background who is in their first year of study at UTS, who has been studying in English for a limited time and who believes that this disadvantages their ability to undertake written examinations may lodge an application for special exam conditions with HELPS.

(2) Applications should be lodged before the census date.

Commented [AH38]: Should be clear in assessment policy

8.3 Special consideration of disruption to assessment

8.3.1 During the teaching period

(1) Students may experience a disruption to their assessment in a subject as a result of circumstances beyond their control, including but not limited to serious illness, psychological conditions, significant loss, bereavement, hardship or trauma.

(2) Students who consider that their work during a teaching period or likely performance in an assessment task, which may include a written examination, has been affected as per Rule 8.3.1(1) may request that these circumstances be given special consideration.

(3) Requests for special consideration must include relevant documentary evidence from an appropriate professional authority (refer Rule 2.4).

(4) Requests for special consideration must be lodged with Student Administration:
  (a) in the case of a written examination no later than two working days after the examination; or
  (b) in the case of an assessment task other than a written examination prior to the due date.

(5) In special circumstances the relevant Subject Coordinator may extend the due date for submission of requests within guidelines determined by the relevant Responsible Academic Officer.

(6) Requests are considered and determined by the relevant faculty Responsible Academic Officer or the Subject Coordinator.

8.3.2 During an examination

(1) Students who have commenced an examination and who consider that their performance in the examination has been significantly disrupted by illness or other circumstances beyond their control that occurred during the examination or on the day of the examination:
  (a) may request that these circumstances be taken into account; and if so
  (b) must consult with a doctor or student counsellor at the University immediately after leaving the examination; or
  (c) may consult their own doctor or counsellor if the examination is at a time when doctors or student counsellors are not available at the University.

(2) Requests must include relevant documentary evidence from an appropriate professional authority (refer Rule 2.4).

(3) Requests must be lodged with the Director, Student Administration no later than two working days after the examination for consideration by the relevant faculty Responsible Academic Officer or the Subject Coordinator.

(4) In exceptional circumstances the Director, Student Administration may extend the due date for submission of requests.

(5) The faculty will notify the student of the outcome and of any special arrangements that are to be made to provide for further examination or assessment.

8.3.3 Absence from entire examination

(1) Students who, through illness or other circumstances beyond their control on the day of the examination, are absent from an entire examination, may request that these circumstances be taken into account.

(2) Failure by a student to inform him or herself of the time or place of an examination is not an acceptable ground for special consideration.

(3) Requests must include relevant documentary evidence from an appropriate professional authority (refer Rule 2.4).

(4) In relation to a centrally conducted examination:
  (a) requests must be lodged with Student Administration by no later than two working days after the scheduled examination date;
  (b) in exceptional circumstances the Director, Student Administration may extend the due date for submission of requests;
  (c) the Director, Student Administration will consider the request and notify the student of the outcome and of any special arrangements to provide for further examination.

(5) In relation to a faculty-based examination:
  (a) requests are to be lodged with the relevant faculty by no later than two working days after the scheduled examination date;
  (b) in exceptional circumstances the Subject Coordinator may extend the due date for submission of requests in accordance with guidelines determined by the relevant Responsible Academic Officer;
  (c) the relevant faculty Responsible Academic Officer or the Subject Coordinator will consider the request and notify the student of the outcome and of any special arrangements to be made to provide for further examination.

8.4 Subject assessment results

8.4.1 Faculties are required to keep appropriate records in relation to all assessment tasks for an appropriate period of time in accordance with University policy and relevant legislation.

8.4.2 Final subject assessment results will be provided to students in the form specified in the subject outline and in accordance with the table of results and grades (refer Coursework Assessments Policy).

8.4.3 Final subject assessment results must not be released to students prior to the official release of results.

8.4.4 Final subject assessment results will be released officially in a manner prescribed by the Provost following ratification.

Commented [AH39]: Assessment policy and procedure

Commented [AH40]: Options:

Assessment Policy/Procedure with clear Exam heading,

Rules with single section on examinations

8.5 Supplementary assessment in final teaching period

8.5.1 Where a student enrolled in an award course is awarded a final assessment result of 'Fail' in one subject only in their final teaching period of the course, and where that 'Fail' is within the borderline result range, the relevant faculty must make provision for the student to undertake a supplementary assessment task within a specified time period as outlined in the Coursework Assessment Procedure.

8.5.2 If the student does not complete the supplementary assessment task in the specified time period and to the appropriate standard, the original 'Fail' result is final.

8.6 Review of a result

8.6.1 Grounds for review

A student may request a review of a result by the relevant Subject Coordinator. The grounds on which a student may request a review are outlined on the current students website.

8.6.2 Requesting a review of a result

(1) A request to review a result must be in writing and specify and substantiate the grounds for a review. The request must be lodged with the Subject Coordinator by the deadline published on the current students website.

(2) Where a student is dissatisfied with the determination of the Subject Coordinator, they may appeal the decision to the Responsible Academic Officer within the timeframe and in accordance with the process stated on the current students website.

8.7 Student misconduct

8.7.1 Student misconduct is set out in Section 16 (Student misconduct and appeals).

8.7.2 Student misconduct that occurs in relation to assessment of a student's performance in a coursework subject will be dealt with in accordance with the provisions of Section 16 (Student misconduct and appeals).

Section 9 - Examination of coursework subjects

9.1 Examination timetables

9.1.1 The examination timetable provides an overview of all centrally conducted examinations. The timetable will be made available in a manner determined by the Director, Student Administration and advised to students by an appropriate means, at least five weeks before the commencement of an official examination period and continue to be available until the end of the examination period.

9.1.2 Information concerning examination timetables for centrally conducted examinations will not be provided by University staff to students. Students must access the student system account to obtain their centrally conducted examination timetable.

9.1.3 For faculty-based examinations, the faculty is required to take all reasonable steps to minimise clashes with both other faculty-based examinations and centrally conducted examinations. Where clashes occur, faculties are responsible for making reasonable alternative arrangements for students in the faculty-based examinations.

9.1.4 Any clashes in centrally conducted examinations will be handled in advance of timetable publication in a manner approved by the Director, Student Administration.

9.1.5 (1) Where a student considers that they have a serious individual scheduling difficulty with the examination timetable, the student shall advise:

(a) the Student Administration for centrally conducted examinations; or

(b) the Subject Coordinator for faculty-based examinations;

immediately in the manner prescribed by the Director, Student Administration or Subject Coordinator and request that alternative arrangements be made.

(2) Acceptable grounds for serious individual scheduling difficulty requests include but are not limited to:

(a) three examinations occurring in any 24-hour period;

(b) sporting or cultural representative commitments at state, national or international level;

(c) observance of significant religious events for which the student can demonstrate ongoing personal commitment;

(d) significant personal or family events for which the student can provide documentary evidence which satisfies the Director, Student Administration or Subject Coordinator that the commitment could not be undertaken outside the examination period;

(e) significant professional or service commitments for which the student can provide documentary evidence which satisfies the Director, Student Administration or Subject Coordinator that the commitment could not be undertaken outside the examination period;

(f) UTS representative commitments as approved by the faculty and Student Administration: Examinations and Assessments.

(3) Unacceptable grounds for serious individual scheduling difficulty requests include:

(a) holiday arrangements;

(b) sport and leisure activities other than those specified in Rule 9.1.5(2)(b);

Commented [AH41]: Single appeals section only

Commented [AH42]: Repetition - not required.

Commented [AH43]: This is guidance and should not be in Rules.

Commented [AH44]: Examinations Procedure - staff responsibilities

(c) travel arrangements other than for approved overseas study;

(d) the normal demands of employment.

(4) Student Administration or the Subject Coordinator must consider such requests and make alternative arrangements where this is appropriate and practicable. Student Administration or the Subject Coordinator must notify the student as soon as possible of any decision and any special arrangements made in relation to the individual scheduling difficulty.

9.2 Student responsibilities

9.2.1 Official examination periods are part of the officially designated teaching periods of the University. All students undertaking coursework subjects have a responsibility to make themselves available for assessment and examination during the official examination periods.

9.2.2 Students have responsibility for informing themselves of the examination timetable.

9.2.3 Students have responsibility for ensuring that clashes and potential clashes in their examination timetable are identified and for advising:

(1) Student Administration for centrally conducted examinations; or

(2) the Subject Coordinator for faculty-based examinations;

of serious individual scheduling difficulties arising from the examination timetable at least 10 working days prior to the commencement of the examination period.

9.2.4 Students are required to be present at examinations at the correct time.

9.2.5 Not reading, misreading or misunderstanding the examination timetable will not be accepted as a valid reason for failing to attend an examination.

9.2.6 In the case of examinations held at a physical location, students are required to:

(1) be at the correct location at least 10 minutes prior to the published commencement time for each examination;

(2) produce his or her valid current Student Identity Card before being permitted to enter the examination room. Students who have lost or misplaced their Student Identity Card must obtain a replacement card prior to the examination commencement;

(3) ensure materials or equipment (including without limitation mobile phones and/or any other form of communication, digital or recording device) other than those specified in the subject outline and on the examination paper are not brought into the examination room, or are not in the student's possession at any time during the examination, in the examination room or in any other room or place visited by the student for any reason during the examination.

9.2.7 A student must not access or attempt to access during the examination any material or equipment (including without limitation mobile phones and/or any other form of communication, digital or recording device) other than that specified in the subject outline and on the examination paper.

9.2.8 Material or equipment shall be deemed to not be in contravention of Rule 9.2.6(3) if, in the case of it being a mobile phone or any other form of electronic communication, digital or recording device, it is switched off, and in all cases it is left, whether in a bag or other container or otherwise, at a location specified by the examination supervisor for the duration of the examination and the student does not gain, or attempt to gain, access to it during the examination. Students are advised not to bring unauthorised or unnecessary items to examinations. The University does not accept any responsibility for student possessions left in any location during an examination.

9.2.9 A student must not communicate or attempt to communicate in any way with any person or receive or attempt to receive any communication from any person during the examination, whether or not in the examination room or in any other room or place visited by the student for any reason during the examination other than officers of the University with responsibility for the examination or other officers as approved by the examination supervisor. Such forms of communication include but are not limited to:

(1) oral communication;

(2) written or visual communication;

(3) any form of electronic or telephonic communication.

9.2.10 A student must not send, receive or access any source of stored electronic information or attempt to send, receive or access any source of stored electronic information during the examination, in the examination room including at any place visited by the student for any reason during the examination unless specified on the examination paper and in the subject outline.

9.2.11 Material or equipment that is permitted during an examination according to the subject outline and/or examination paper must not be used for any purposes other than that specified in the subject outline and/or examination paper.

9.2.12 Students must take notice of and comply with all directives of the examination supervisor.

9.2.13 A student must not do anything to distract or disadvantage other students during an examination.

9.2.14 A student must not do anything to disrupt an examination in any way and is required to behave in an orderly manner during an examination.

9.2.15 Students are not permitted to smoke any substance during an examination.

9.2.16 Students are not permitted to eat or drink during an examination unless permission has been given by the examination supervisor or approved for individual students as a special condition of examination in accordance with Rule 9.4.

9.2.17 If a student fails to observe any of the requirements specified in Rules 9.2 and 9.3, behaves in an unacceptable or disorderly manner, disrupts an examination or is suspected of any other misconduct, action may be taken by the University as provided for in Rule 9.6 and in Section 16 (Student misconduct and appeals).

Commented [AH45]: This is all misconduct in examinations.

Some of this, written in more strength base language should be in the Coursework Assessments Procedure - with a focus on what students should do/ - and the rights and responsibilities of staff and students.

9.3 Conduct of examinations

9.3.1 Centrally conducted examinations are organised and conducted in accordance with Rules 9.1 to 9.6 inclusive and with policies and procedures set out in the Coursework Assessments Policy and Procedure as approved by Academic Board from time to time.

9.3.2 Unless otherwise specifically provided for in guidelines approved by the relevant Faculty Board, faculty-based examinations will be organised and conducted in accordance with Rules 9.1 to 9.6 inclusive and with policies and procedures as set out in the Coursework Assessments Policy and Procedure as approved by Academic Board from time to time.

9.3.3 Material or equipment that is permitted to be brought into an examination must be specified in the subject outline and in the examination paper. Where a variation to the approved material or equipment shown in the subject outline becomes necessary during the teaching period, the variation must be approved by the Subject Coordinator and notified to all students enrolled in the subject at least two weeks before the commencement of the examination period.

9.3.4 A student who is unable to produce his or her valid current Student Identity Card or otherwise verify their identity as required, shall not be admitted to an examination.

9.3.5 No student shall be admitted to an examination room after forty-five minutes from the time of commencement of the examination.

9.3.6 A student who wishes to leave and be re-admitted to an examination room shall not normally be permitted to leave the room until at least one and a half hours after the commencement of the examination. A student shall not be re-admitted to the examination room after they have left it unless during the full period of their absence they have been under the supervision of an officer of the University approved by the examination supervisor.

9.3.7 Students who wish to leave an examination room permanently before the end of the examination time shall not normally be permitted to leave until at least one hour after the commencement of the examination. Students who leave an examination room permanently before the end of the examination time and where relevant are responsible for handing in their examination scripts, booklets and any other working material to the examination supervisor before leaving the room. In exceptional circumstances, a student may be permitted to leave an examination during the first hour. In such cases the student will be required to sign an undertaking not to communicate any information about the examination paper to any other person until the period of the examination is over.

9.3.8 A student shall not normally be permitted to leave the examination room during the last 15 minutes of the examination except in exceptional circumstances approved by the examination supervisor.

9.3.9 An examination supervisor may authorise a delayed start to an examination, an examination restart or additional time for all students or for particular groups of students affected by specific circumstances.

9.3.10 A period of 10 minutes at the start of the scheduled time of paper-based in person examinations may be designated by the Subject Coordinator as reading time. Writing is not permitted during reading time.

9.3.11 At the conclusion of an examination in an examination room all students are required to remain seated until all papers have been collected and permission to leave is given by the examination supervisor.

9.3.12 Failure to comply with any of the requirements specified in Rules 9.3.1 to 9.3.11 may be considered to be an act of student misconduct and may be dealt with in accordance with Rule 9.6 and Section 16 (Student misconduct and appeals).

Commented [AH46]: Revise as part of the Coursework Assessments Procedure

9.4 Special conditions for examinations

9.4.1 A student with disabilities or accessibility requirements may be permitted to undertake particular assessment arrangements in order to ensure that the assessment is on the basis of academic merit and has parity with the assessment of other students.

9.4.2 A student may be eligible for particular examination arrangements as provided for in Rule 8.2.

9.5 Rescheduled and alternative examinations

9.5.1 In special circumstances approval may be given by:

(1) the Director, Student Administration for centrally conducted examinations; or

(2) the Subject Coordinator for faculty-based examinations;

to be held for specific students at a time other than the published time, on such conditions as the Director, Student Administration or Subject Coordinator may prescribe. Centrally conducted examinations will be held during the official examination period or as soon as possible after the official examination period at a time approved by the Director, Student Administration.

9.5.2 Special circumstances include but are not limited to:

(1) an unavoidable clash in the examination timetable;

(2) an individual scheduling difficulty with the final examination timetable (refer Rule 9.1.5);

(3) where special consideration has been approved for unavoidable absence from an entire centrally conducted examination or faculty-based examination (refer Rule 8.3.3).

9.5.3 Rescheduled and alternative examinations will be arranged by the Student Administration Unit in consultation with the Subject Coordinator for centrally conducted examinations.

9.5.4 Students for whom rescheduled and alternative examinations are being conducted will be advised of the arrangements as soon as possible, must make themselves available at the designated time and must observe the conditions prescribed for them by:

(1) the Director, Student Administration for centrally conducted examinations; or

(2) the Subject Coordinator for faculty-based examinations;

in addition to the Rules and requirements for examinations generally.

9.6 Student misconduct during examinations

9.6.1 General

(1) Student misconduct is dealt with in Section 16 (Student misconduct and appeals).

9.6.2 Misconduct during centrally conducted examinations

(1) If an examination supervisor suspects a student of misconduct involving cheating during an examination, the examination supervisor shall take prompt action to prevent the continuance of the suspected misconduct. The student shall be allowed to complete the examination.

In online invigilated examinations, students will receive a warning for behaviour suspected of being misconduct. Where the behaviour continues, the examination may be terminated.

(2) All action taken by the examination supervisor will be in accordance with the principles of procedural fairness outlined in Schedule 3 (Guidelines Relating to Student Misconduct and Appeals).

(3) The examination supervisor shall inform the student at the conclusion of the examination or as soon as possible thereafter if an allegation of misconduct has been made, and shall then note on the subject listing sheet that the student's examination paper has been sent to the Director, Student Administration (or nominee) because of alleged misconduct.

(4) The examination supervisor shall, as soon as possible, provide a written report to the Director, Student Administration (or nominee). The Director, Student Administration (or nominee) shall consult with others and, make a decision concerning any further action to be taken.

(5) The written report of the examination supervisor on the alleged academic misconduct shall be submitted without delay to the Director, Governance Support Unit (or nominee), together with the student's examination paper or assessment task in question.

(6) The Director, Governance Support Unit shall deal with the allegation in accordance with Rule 16.12.

9.6.3 Misconduct during faculty-based examinations

(1) The person responsible for supervising a faculty-based examination shall be referred to as the monitoring staff member.

(2) If the monitoring staff member suspects a student of misconduct involving cheating during an examination, the monitoring staff member shall take prompt action to prevent the continuance of the suspected misconduct.

(3) The student shall be allowed to complete the examination.

(4) All action taken by the monitoring staff member will be in accordance with the principles of procedural fairness outlined in the Guidelines Relating to Student Misconduct and Appeals (refer Schedule 3).

(5) The monitoring staff member shall, as soon as possible, provide a written report to the Responsible Academic Officer.

(6) The Responsible Academic Officer shall refer the matter to the Director, Governance Support Unit who shall deal with any allegation of misconduct in accordance with Rule 16.12.

9.6.4 Disorderly conduct during centrally conducted examinations

(1) Any student who behaves in an unacceptable or disorderly manner or otherwise disrupts an examination:

(a) is liable for immediate expulsion from the examination for the remainder of the examination;

(b) must leave the examination immediately if directed to do so (refer Rule 16.9);

(c) is subject to such other actions and penalties as provided for in Section 16 (Student misconduct and appeals).

In online invigilated examinations, students will receive a warning for behaviour suspected of being misconduct. Where the behaviour continues, the examination may be terminated.

(2) The examination supervisor shall, as soon as possible, provide a written report on the alleged misconduct to the Director, Student Administration. The Director, Student Administration shall in consultation with others make a decision concerning any further action to be taken.

(3) The written report on the alleged misconduct shall be submitted without delay to the Director, Governance Support Unit (or nominee).

(4) The Director, Governance Support Unit shall deal with the allegation in accordance with Rule 16.12.

9.6.5 Disorderly conduct during faculty-based examinations

(1) Any student who behaves in an unacceptable or disorderly manner or otherwise disrupts an examination:

(a) is liable for immediate expulsion from the examination for the remainder of the examination;

(b) must leave the examination immediately if directed to do so (refer Rule 16.9);

(c) is subject to such other actions and penalties as provided for in Section 16 (Student misconduct and appeals).

(2) The monitoring staff member shall, as soon as possible, provide a written report on the alleged misconduct to the Subject Coordinator. The Subject Coordinator shall, in consultation with the monitoring staff member and the Responsible Academic Officer, make a decision concerning any further action to be taken.

(3) The written report on the alleged misconduct shall be submitted without delay to the Director, Governance Support Unit (or nominee).

(4) The Director, Governance Support Unit shall deal with the allegation in accordance with Rule 16.12.

Commented [AH47]: Consolidate this advice into a general statement of misconduct.

Rules can be written to promote positive conduct - see UoW Examination Rules

Section 8 - Conduct During Examinations (21) Students sitting an examination must: a. b. c. d. refrain from any forms of academic misconduct, including any action or attempted action by a student that may result in an unfair academic advantage for the student, or an unfair academic advantage or disadvantage for other students, as defined in the Academic Integrity Policy; obey any instruction given by an examination supervisor for the proper conduct of an examination; comply with any other University of Wollongong By-law 2005 or Rule in relation to refraining from disorderly conduct; and specifically obey any instruction to temporarily remove clothing that obscures part of the body including but not limited to the face, ears and/or wrists, for the prevention or detection of academic misconduct. This may be conducted at the examination desk, or if required, in private and before an Examination Supervisor of the same gender. (22) A student who does not comply with the requirements set out in clause 21: a. b. may be guilty of misconduct under the Student Conduct Rules or the Campus Access and Order Rules and disciplinary action may be taken in accordance with these Rules; and will normally be allowed to complete the examination but may be required to leave the examination room immediately in circumstances considered appropriate by a representative from the Student Administration Services Division.

Section 10 - Academic progression

10.1 Application of these Rules

This section of the Rules applies to all students enrolled in undergraduate and graduate coursework award courses.

10.2 Assessment of rate of progress

10.2.1 In the assessment of a student's progress in a course, account may be taken of work completed in the laboratory and in class exercises, tests or assignments given throughout the relevant teaching periods, as well as results obtained in any examinations.

10.2.2 Assessment of rate of progress of a student enrolled in an undergraduate award course shall normally occur at the end of the calendar year and shall normally be for study undertaken in no less than a full year.

10.2.3 A Faculty Board may determine specific requirements for the timing and calculation of assessment of rate of progress for students enrolled in particular graduate coursework award courses, or vertically integrated courses. Information on these requirements will be published by the faculty in official course information and the UTS: Handbook.

10.3 Minimum rate of progress - undergraduate courses

10.3.1 In order to satisfy the required minimum rate of progress a student must gain no less than 50 per cent of the credit points for the subjects in which the student has been enrolled since the commencement of enrolment in the course.

10.3.2 Rule 10.3.1 may be waived in particular cases by the relevant Responsible Academic Officer, who must set conditions in writing for further enrolment. Non-compliance with those conditions will constitute failure to satisfy the minimum rate of progress requirements.

10.4 Failure to maintain minimum rate of progress

10.4.1 A student who fails to achieve the required minimum rate of progress in a course (unless waived in accordance with Rule 10.3.2) as specified in Rule 10.3.1 or as specified by a faculty in accordance with Rule 10.2.3 will be excluded from further study for a period of at least one academic year and may not apply for or enrol in any subjects or courses of study at the University that are conducted during the period of exclusion.

10.4.2 Written notification of any exclusion will be sent to the relevant student in accordance with procedures prescribed by the Director, Student Administration.

10.4.3 A student may appeal against exclusion from study at the University for the determined period in accordance with procedures as set out in Rule 10.8.

10.4.4 A student may apply for readmission for further study at the end of the period of exclusion and must meet requirements and comply with procedures set out in Rule 5.9. Readmission is not automatic.

10.5 Maximum time to complete course requirements

10.5.1 Students are required to complete course requirements within an approved maximum time limit from the time of first enrolment.

10.5.2 Except where otherwise provided, the maximum time to complete a course shall not be greater than 50 per cent in excess of normal completion time laid down for that course.

10.5.3 A Faculty Board may determine specific requirements for maximum time for students enrolled in particular coursework award courses consistent with Faculty Board approved time limits for credit recognition. Information on these requirements must be published by the faculty in official course information and the UTS: Handbook.

10.5.4 Periods of approved leave of absence or suspension from the course are not counted and will be in addition to the specified completion time.

10.5.5 Where credit recognition has been granted, the maximum time in which the student is required to complete the course requirements may be reduced by the relevant Responsible Academic Officer.

10.5.6 In accordance with procedures prescribed by the Director, Student Administration, Student Administration will issue notification at the end of any half year of study, if a student is approaching the maximum time to complete a course, that the student must consult with the relevant Responsible Academic Officer for approval of a study plan to enable completion of the course within an agreed specified time period.

10.5.7 Failure to meet any or all of the requirements set out in the study plan approved by the Responsible Academic Officer will be taken into account in any subsequent appeal against exclusion submitted in accordance with Rule 10.8.

10.5.8 In exceptional circumstances, the relevant Responsible Academic Officer may approve an extension of the maximum time to complete course requirements for a particular student. Before the Responsible Academic Officer grants any approval, the Responsible Academic Officer must be satisfied of the academic currency of the subjects completed by the student during the initial periods of enrolment in the course which will, if the extension is granted, be outside the normal maximum time period.

10.5.9 Where a student has failed to complete the requirements of a course within the maximum time the student will be excluded permanently from that course.

10.5.10 Written notification of any exclusion will be sent to the relevant student in accordance with procedures prescribed by the Director, Student Administration.

10.5.11 A student may appeal against permanent exclusion from the course in accordance with procedures set out in Rule 10.8.

10.6 Repeated failure in a subject

10.6.1 For the purposes of Rules 10.6.2 and 10.6.3 a Faculty Board may:

(1) deem different subjects to be the same subject if the subjects are substantially similar in content and/or learning objectives;

(2) specify individual subjects where further re-enrolment is not permitted after two failures in the subject.

10.6.2 A student who fails a subject for a second time shall be advised that:

(1) they must seek advice from an appropriate academic adviser from the relevant faculty before being permitted to enrol again in that subject; and

(2) a third failure in the same subject will require the student to seek the permission of the Responsible Academic Officer or nominee for any further enrolment in that subject; or

(3) no further enrolment in the subject will be permitted for subjects specified in Rule 10.6.1(2).

10.6.3 A student who fails a subject for a third time must receive permission from the Responsible Academic Officer or nominee for any further enrolment in that subject. If such permission is granted the student must seek continuing assistance throughout that teaching period from an appropriate academic adviser in the relevant faculty.

10.6.4 Where a student is unable to complete a course as a result of being refused permission to enrol in a subject under Rules 10.6.2 or 10.6.3, the student will be excluded from further study for a period of at least one academic year and may not apply for or enrol in any subjects or courses of study at the University that are conducted during the period of exclusion.

10.6.5 Written notification of any exclusion will be sent to the student in accordance with procedures prescribed by the Director, Student Administration.

10.6.6 Where a student has been excluded under Rule 10.6.4, the student may appeal against the exclusion in accordance with procedures as set out in Rule 10.8.

10.7 Academic caution

10.7.1 A student will be placed on academic caution if:

(1) at the end of any half year of study in any year of the student's enrolment in a course, the student gains less than 50 per cent of the credit points for which he or she was enrolled in that half year; and/or

(2) the student has been excluded for failure to meet the minimum rate of progress as set out in Rule 10.4.1 and he or she has appealed against the exclusion and that appeal has been upheld, unless the appeal was upheld on the basis that the original decision to exclude was invalid as a result of factual errors, pursuant to Rule 10.8.4(3).

10.7.2 The period of academic caution will normally have a duration of one half year and shall occur in the next half year of study following the decision to place the student on academic caution.

10.7.3. A student who is placed on academic caution will be advised in writing of the arrangements and requirements for academic caution.

10.7.4 During a first period of academic caution the student must:

(1) consult with the designated academic course advisers from the relevant faculty for advice on the student's study plan;

(2) attend a study skills workshop program organised by the Student Services Unit;

(3) enrol in no more than 24 credit points for the half year of study to which the period of academic caution applies, and/or no more than six credit points for the immediately following summer or July teaching period. The maximum number of credit points in which a student may enrol may be reduced to 18 credit points by the relevant Responsible Academic Officer. Students attempting to enrol in credit points above the permitted maximum may be withdrawn from the subject(s) in accordance with Rule 7.5.6;

(4) attend a HELPS English language workshop if directed to do so by the relevant Responsible Academic Officer.

10.7.5 During any further period of academic caution the student must consult with the designated academic course advisers from the relevant faculty to determine a plan for study success.

10.7.6 The extent to which a student has met the requirements set out in Rules 10.7.4 and 10.7.5 will be taken into account in any subsequent appeal against exclusion submitted in accordance with Rule 10.8.

10.7.7 The provisions of Rule 10.7.1 may be waived by the relevant Responsible Academic Officer in particular cases.

10.8 Appeals

10.8.1 A student may lodge an appeal with the Director, Student Administration as set out in Rules 10.4.3, 10.5.11and 10.6.6.

10.8.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Director, Student Administration within 20 working days of the date of notification of the decision.

10.8.3 Late appeals which are submitted after the date provided in Rule 10.8.2 will not be accepted unless the student is able to provide satisfactory documentary evidence of circumstances of a personal or medical nature that were beyond the student's control and that significantly affected the student's ability to submit an appeal by the due date.

10.8.4 The grounds on which a student may appeal against exclusion are:

(1) procedural irregularities in the decision-making process of a type and to an extent that are likely to have significant negative impact on the decision;

(2) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the student's performance; or

(3) the decision was based on factual errors of such magnitude as to invalidate the decision.

10.8.5 The Director, Student Administration shall refer the appeal to the relevant Responsible Academic Officer.

10.8.6 The appeal shall be considered by the appropriate Course Director (or equivalent) in the first instance, who shall seek the advice of other relevant members of staff as appropriate.

10.8.7 The Course Director (or equivalent) shall submit a report to the Responsible Academic Officer with a recommendation as to whether to uphold or dismiss the appeal.

10.8.8 The Responsible Academic Officer will consider the report from the Course Director (or equivalent) and will make a final determination. If required, the Responsible Academic Officer may request further information from the student (in writing and/or in person as appropriate) to facilitate their decision-making process.

10.8.9 In the event that the Responsible Academic Officer believes that his or her involvement in the appeal would lead to a conflict of interest, he or she will be required to consult with the Dean (or nominee) who will make the decision on the appeal.

10.8.10 The final decision will be conveyed to the student by the Director, Student Administration.

Commented [AH48]: Single appeal section.

10.9 Result of appeal

10.9.1 Where an appeal under Rule 10.8 is successful the student:

(1) shall have his or her enrolment in the course reinstated;

(2) shall be placed on academic caution in the next half year of study following the successful appeal, where the exclusion resulted from failure to maintain minimum rate of progress. A student must meet the requirements for academic caution in accordance with Rule 10.7.4;

(3) shall be notified by the Responsible Academic Officer of the period of time allowed for completion of the course where the exclusion has resulted from failure to complete within the approved maximum period.

10.9.2 Where an appeal under Rule 10.8 is unsuccessful, the student:

(1) shall have his or her exclusion from the course confirmed;

(2) may seek guidance from the Responsible Academic Officer on those things that the student may wish to undertake in order to enhance opportunities for readmission after the period of exclusion has elapsed.

Section 11 - Graduate research

11.1 Application of these Rules

11.1.1 This section of the Rules applies to all students enrolled in graduate research courses.

11.1.2 Admission requirements for graduate research courses are provided for in section 5 (Admission).

11.1.3 All research degrees at UTS are governed by a series of rules, policies, guidelines, procedures and frameworks. In section 11 of the Rules:

'Policy' means the Graduate Research and Supervision Policy, and

'Procedures' means the Graduate Research Candidature Management Thesis Preparation and Submission Procedures as approved by the Graduate Research School Board from time to time.

11.2 Course requirements

11.2.1 Students admitted to Doctoral degrees are required to:

(1) undertake a program of study and supervised research which demonstrates the capability for substantial independent research and which has made an original and distinct contribution to knowledge in one or more fields of investigation, scholarship or professional practice;

(2) undertake any mandatory or program-related training elements;

(3) undertake a research component which is to comprise no less than two-thirds of the total course requirement; and

(4) submit a thesis, which may include a product and/or artefact, in a format according to requirements specified by the Graduate Research School Board.

11.2.2 Students admitted to Masters degrees (Research) are required to:

(1) undertake a program of study and research which demonstrates application of an advanced body of knowledge in a range of contexts for research and scholarship;

(2) undertake any mandatory or program-related training elements;

(3) undertake a research component which is to comprise no less than two-thirds of the total course requirement; and

(4) submit a thesis, which may include a product and/or artefact, in a format according to requirements specified by the Graduate Research School Board.

11.3 Enrolment

11.3.1 Prior to initial enrolment:

(1) students who have been admitted to a graduate research course are required to certify that they can devote sufficient time to advanced study and research such that they are able to complete the course within the approved period of candidature determined by the Graduate Research School Board;

(2) students must comply with the requirements in Rule 2.5.2;

(3) the relevant faculty is required to certify that it will provide appropriate resources and facilities for students to undertake their research and is responsible for providing appropriate supervision in line with the Policy and Procedures; and

(4) any research to be undertaken at a site external to the University must be in accordance with the Policy and/or procedures approved by the Graduate Research School Board or other appropriate UTS authorities from time to time.

11.3.2 Students are required to enrol in the components of the course specified by the relevant faculty and published in the UTS: Handbook.

11.3.3 Students are required to enrol in and satisfactorily complete such prerequisite or concurrent coursework considered appropriate to their individual circumstances by the principal supervisor on the recommendation of the Responsible Academic Officer.

11.4 Research work

11.4.1 Students must agree on a Graduate Research Study Plan with their supervisor as outlined in the Policy and the Procedures.

11.4.2 All work undertaken as part of a graduate research course will be carried out at approved locations and conditions in accordance with the Policy and the Procedures.

11.4.3 Students are expected to participate in such colloquia, research seminars and other work of the University as may be considered appropriate by their supervisory panel.

11.5 Course transfer

11.5.1 Students who wish to transfer from one graduate research course to another shall obtain the recommendation of the principal supervisor and the Responsible Academic Officer prior to submitting an application to the Dean, Graduate Research School for approval on the appropriate form.

11.5.2 Students are not usually considered eligible for course transfer until they have completed at least one half year of full-time study (or equivalent) in the enrolled course, except in exceptional circumstances. Exceptional circumstances will be considered by the Dean, Graduate Research School.

11.5.3 Students may apply to transfer into a graduate research course at the same level or at a different level. Transfer applications may be submitted following candidature stage assessment (refer Rule 11.15.6(2)) or in exceptional circumstances. Students must demonstrate, to the satisfaction of the Dean, Graduate Research School, and in accordance with the Procedures:

(1) evidence of satisfactory progress in the enrolled course;

(2) how the proposed changes to the research project satisfy the requirements of the course into which transfer is sought;

(3) suitability of the research already undertaken in relation to the requirements of the course into which transfer is sought; and

(4) certification from the student, the relevant faculty and any external site management in accordance with the requirements of Rule 11.3.1.

11.5.4 Where a transfer is approved, the new period of candidature will be determined by the Dean, Graduate Research School taking into account the contribution of the current research towards the requirements of the course into which transfer has been approved.

11.6 Recognition of prior research

11.6.1 Students who have undertaken a research course, but not submitted their work for examination at UTS or another university or institution, may be given recognition of prior research.

11.6.2 Recognition of prior research, including the extent of any such recognition, the period of candidature and exemption from any candidature stage assessments, must be approved by the Dean, Graduate Research School on the recommendation of the Responsible Academic Officer. The recommendation must include consideration of the following:

(1) the nature, duration and quality of the prior research;

(2) the suitability of the prior research relative to the proposed UTS graduate research course; and

(3) the recommended period of candidature as a consequence of the recognition of prior research.

11.7 Period of candidature

11.7.1 Students must complete a research degree and submit a thesis for examination in accordance with the following timeframes:

(1) Doctoral degree: not less than two years (or 2.0 EFTSL) and not more than four years of full time (or 4.0 EFTSL) (or equivalent part time enrolment) as outlined in the Procedures.

(2) Masters degree (Research): not less than one year (or 1.0 EFTSL) and not more than two years of full time (or 2.0 EFTSL) (or equivalent part time enrolment) as outlined in the Procedures.

11.7.2 Notwithstanding the provisions of Rule 11.7.1, students with prior study and research recognised as contributing to the requirements of the current course may be required by the Dean, Graduate Research School to complete the program in less than the normal time.

11.8 Extension of candidature

11.8.1 Students who need more time to complete their degree than the timeframes specified in Rules 11.7.1(1) and 11.7.1(2) must, with the recommendation of the principal supervisor, seek approval from the Responsible Academic Officer for an extension of the candidature period. Approval will only be considered in exceptional circumstances. The application for extension must include evidence to support the exceptional circumstances.

11.8.2 An extension of the approved period of candidature granted by the Responsible Academic Officer shall not include periods of approved leave of absence.

11.8.3 Regardless of the student's study load, the Responsible Academic Officer may approve a maximum period of extension:

(1) Doctoral degree: one EFTSL approved for up to six months (0.5 EFTSL) at a time

(2) Masters degree (Research): up to six months (0.5 EFTSL) in total.

11.8.4 In exceptional circumstances, students may request variations to the application of Rules 11.8.3(1) and 11.8.3(2). Any variation will require documentary evidence and recommendations from the principal supervisor and the Responsible Academic Officer prior to seeking approval from the Dean, Graduate Research School.

11.8.5 Where an extension of candidature results in a domestic student exceeding the maximum Commonwealth funded period of candidature, the student may be liable for candidature overtime fees for the period of extended time.

11.8.6 Students who have reached the end of candidature as specified in Rules 11.7.1(1) and 11.7.1(2) and have not applied for an extension of candidature within the timeframe specified by the Procedures or submitted a thesis for examination will have their candidature discontinued as specified in Rule 11.23.2(1)(a) (refer Rule 11.10).

11.8.7 Students who have reached the maximum extended period of candidature as specified in Rules 11.8.3(1) and 11.8.3(2) and have not submitted their thesis at the end of this approved period will have their candidature discontinued as specified in Rule 11.23.2(1)(a) (refer Rule 11.10).

11.9 Student leave

11.9.1 Students who wish to suspend studies temporarily from a course must lodge an application for leave of absence in accordance with the Procedures.

11.9.2 Leave of absence will only be granted after the first six months (0.5 EFTSL) of candidature.

11.9.3 Leave of absence shall not be granted for a total period exceeding one year (1.0 EFTSL). For transfer students, this one-year period includes any leave of absence period undertaken in previous research degrees which students transferred from.

11.9.4 In exceptional circumstances, students may request variations to the application of Rules 11.9.2 and 11.9.3. Any variation will require documentary evidence and recommendations from the principal supervisor and the Responsible Academic Officer prior to seeking approval from the Dean, Graduate Research School.

11.9.5 Students resuming a course after leave of absence shall be subject to course requirements in operation at the time of their return and are required to be enrolled as directed by the Dean, Graduate Research School.

11.9.6 In addition to public holidays identified in the University calendar, students are entitled to a maximum of 20 working days of annual leave. The annual leave is not accruable and must be taken within a year. Requests for annual leave are negotiated with the principal supervisor.

11.10 Failure to complete

11.10.1 Students who do not submit a thesis for examination within the approved period of candidature, including any approved extension, will have their candidature discontinued due to unsatisfactory progress (refer Rule 11.23.2).

11.11 Supervision

11.11.1 Students shall have a supervisory panel recommended by the relevant faculty, appointed by the Responsible Academic Officer and approved by the Dean, Graduate Research School. The composition of the supervisory panel shall be in accordance with the Policy as approved by Academic Board from time to time.

11.11.2 The criteria necessary for appointment as a supervisor of students shall be approved by the Graduate Research School Board and reported to Academic Board from time to time.

11.11.3 The Graduate Research School is responsible for maintaining a register of suitably qualified supervisors who are recommended by the relevant faculty and approved by the Dean, Graduate Research School.

11.11.4 All members of supervisory panels shall operate in accordance with the Policy and the Procedures.

11.11.5 Where students undertake any research at sites external to the University, the Dean, Graduate Research School may appoint, in addition to the supervisory panel, an external supervisor or adviser upon the recommendation of the Responsible Academic Officer for students studying and/or researching at a site external to UTS. Where the location of research is outside of Australia, the Guidelines to counter foreign interference in the university sector apply.

11.11.6 Where students have a candidate program agreement to present a thesis in a language other than English, the principal supervisor must be competent in that language.

11.11.7 Where students seek to change the supervisory panel, the request must be approved by the Responsible Academic Officer. Where a student is dissatisfied with the determination of the Responsible Academic Officer, they may appeal the decision to the Dean, Graduate Research School within the timeframe and in accordance with the process stated in the Procedures.

11.12 Thesis topic

11.12.1 Students shall submit their thesis topic to the Responsible Academic Officer for approval in accordance with the timeframes set out in the Procedures.

11.12.2 Any change to the approved thesis topic must be recommended by the principal supervisor and approved by the Responsible Academic Officer in accordance with the process set out in the Procedures.

11.12.3 The approved thesis topic must comply with all relevant legislative requirements including without limitation those prescribed under Rules 2.5.2 and 3.3.

11.13 Repealed

11.14 Repealed

11.15 Candidature stage assessment

11.15.1 Students are required to undertake candidature stage assessments:

(1) to ensure that they are equipped with the knowledge and skills to conduct their research program and complete the degree and future research activities;

(2) to demonstrate that they have made sufficient progress in their study and in the development of their research skills to make it likely that they will complete within the prescribed time; and

(3) to ensure that they are conducting research within the University's expectations regarding research integrity and research management practices.

11.15.2 The candidature stage assessments will be completed in accordance with the Procedures.

11.15.3 The requirements for each candidature stage assessment will be determined by each faculty, subject to the approval of the Graduate Research School Board and in accordance with the Procedures.

11.15.4 The Responsible Academic Officer is responsible for sending candidature stage assessment outcomes to the student and Graduate Research School as specified by the Procedures.

11.15.5 Students who satisfy the requirements of a candidature stage assessment will be eligible to proceed with their research program in accordance with the Procedures.

11.15.6 Students who do not satisfy the requirements of a candidature stage assessment:

(1) may be permitted by the Responsible Academic Officer to undertake a candidature stage re-assessment by a prescribed date; or

(2) with the Responsible Academic Officer's support, may be permitted to apply for a course transfer as provided for in Rule 11.5; or

(3) may have their candidature discontinued due to unsatisfactory progress (refer Rule 11.23.2).

11.16 Review of an unsatisfactory candidature stage assessment

11.16.1 Grounds for review

Students may apply for a review of an unsatisfactory candidature stage assessment by the Responsible Academic Officer. The grounds on which students may request a review are that there were procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the determination of the unsatisfactory candidature stage assessment.

11.16.2 Review application

(1) An application for review of an unsatisfactory candidature stage assessment must be in writing, specify and substantiate the grounds for a review and be lodged with the Responsible Academic Officer within 10 working days of notification of the unsatisfactory candidature stage assessment.

(2) In exceptional circumstances, students may request the Responsible Academic Officer to consider an extension of time to submit an appeal against unsatisfactory candidature assessment. Any such request must be received with evidence to support the exceptional circumstances and within 10 working days of notification of the unsatisfactory candidature stage assessment.

(3) Where students do not specify procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the determination of the outcome, the Responsible Academic Officer has a right to dismiss the review and the outcome of candidature stage assessment remains unsatisfactory.

(4) Once the Responsible Academic Officer has reviewed the request, the outcome is final, and no further review is available.

11.16.3 Notification

The Responsible Academic Officer will notify the student in writing of the final decision.

11.17 Thesis requirements

11.17.1 The nature and format of a thesis shall reflect international practices in the discipline or field and provide evidence of completion of substantial research in the form of:

(1) a written document which may include work published or publishable as a result of the student's candidature at the University as appropriate; or

(2) a written document which also includes artefacts, exhibition, performance or portfolio of professional or creative work relevant to the discipline.

11.17.2 A thesis shall comply with the following requirements:

(1) it must be in English, with the exception of a thesis written under a collaborative agreement (refer to Rules 11.11.6 and 11.17.3);

(2) it must reach a satisfactory standard of presentation in accordance with the Procedures;

(3) it must consist of the students' own account of their work, except that, in special cases, work done conjointly with other persons may be accepted provided the Responsible Academic Officer is satisfied as to the extent of the student's part in the joint work;

(4) it must be embodied in a format as approved by the Graduate Research School Board;

(5) it must not include any work or material previously submitted in full or in part for another award, except as fully acknowledged within the text of the thesis; and

(6) it may include work previously published by the student only if it bears on the subject of the thesis. Joint publications will be acceptable provided the Dean, Graduate Research School is satisfied with the graduate research student's part in the joint work.

11.17.3 In the event that students have a candidate program agreement to present a thesis in a language other than in English, the following requirements must be complied with:

(1) justification for presenting the thesis in a language other than English must be included in the approved candidature agreement;

(2) the thesis must comply with the Rules;

(3) following the examination, an extended abstract of 500-1000 words in English must be included in the thesis; and

(4) examiner reports for the thesis must be available in English.

11.18 Oral presentation of thesis

11.18.1 Students are required to make an oral presentation of the thesis to an audience drawn from within the broad disciplinary area, as part of their candidature stage assessments.

11.18.2 Notwithstanding Rule 11.18.1, an oral presentation may form part of the approved examination process as provided for in the Procedures and/or in a collaborative degree agreement. If an oral presentation is part of the examination process, timing of the presentation will be set in consultation with the principal supervisor and Responsible Academic Officer, and approved by the Dean, Graduate Research School.

11.19 Submission of thesis for examination

11.19.1 Students shall provide two months prior notice in writing to the Dean, Graduate Research School of their intention to submit the thesis for examination.

11.19.2 Prior to submitting a thesis for examination, students may indicate that the thesis contains restricted or confidential information that they do not wish to be disclosed freely and may apply to the Responsible Academic Officer for consideration of restriction to access, with the support of the principal supervisor.

11.19.3 Students must submit their thesis and documents as specified by the Procedures to the Responsible Academic Officer. The examination process and approval are set out in the Procedures.

11.19.4 Submission of any other part of the material which gives evidence of a scholarly or creative work must be in accordance with the Procedures.

11.19.5 The thesis must be provided to the Graduate Research School by the relevant faculty with a certificate signed by the principal supervisor and the Responsible Academic Officer certifying that the thesis has been completed and is ready for examination.

11.19.6 If the principal supervisor and the Responsible Academic Officer decline to certify that a thesis is ready for examination, the student may request a review of this decision by the Thesis Examination Committee.

11.19.7 The grounds on which students may request a review are that there were procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the decision not to certify that a thesis is ready for examination.

11.19.8 An application for review by the Thesis Examination Committee must be in writing, specify and substantiate the grounds for a review, and be lodged with the Graduate Research School within 10 working days of notification that a thesis is not ready for examination. In exceptional circumstances, students may request the Thesis Examination Committee to consider an extension of time to submit an application for review. Any such request must be received within 10 working days of notification that a thesis is not ready for examination, with evidence to support the exceptional circumstances.

The outcomes of a review are:

(1) the student is permitted to submit the thesis for examination; or

(2) the thesis is deemed not ready for submission and the student must revise the thesis in accordance with a timeframe recommended by the Thesis Examination Committee; or

(3) the thesis is deemed not ready for submission and the student's candidature is discontinued (Rule 11.23.2).

11.19.9 Requests for a review will be considered by the Thesis Examination Committee.

(1) Where students do not specify procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the determination of the outcome, the Thesis Examination Committee has a right to dismiss the review. The thesis will be deemed as not ready for examination and the student's candidature will be discontinued (Rule 11.19.8(3)).

(2) Once the Thesis Examination Committee has reviewed the request, the outcome is final, and no further review is available.

11.19.10 The Thesis Examination Committee will notify the student in writing of the final decision.

11.20 Examination of thesis

11.20.1 Under certain circumstances, the procedures and arrangements for examination of a thesis may be varied, with the approval of the Thesis Examination Committee. These circumstances include but are not limited to:

(1) theses produced as a result of research candidature conducted jointly with another university as part of a collaborative degree;

(2) research degrees where the material which gives evidence of a scholarly or creative work necessitates a variation in examination procedures.

11.20.2 In cases where a variation of thesis examination procedures and arrangements is required, the proposed procedures and arrangements must be documented and submitted for approval to the Thesis Examination Committee on advice from the Responsible Academic Officer within two months of the expected thesis submission date.

11.20.3 Students may be required to undertake an oral examination of their thesis as provided for in the Procedures.

11.20.4 The reports of the examiners shall be submitted to the Graduate Research School, which shall forward the reports to the Responsible Academic Officer.

The Responsible Academic Officer will draft a thesis examination resolution for approval by the Thesis Examination Committee, or appropriate approval body, in accordance with the Graduate Research Final Examination Procedures.

11.20.5 Students who do not require re-examination must submit their final thesis for graduation within six months of receiving the final examination outcome.

Any revisions to the thesis that do not require resubmission for re-examination, must be completed to the satisfaction of the Responsible Academic Officer within the notified time period as indicated in the final examination outcome documentation. The Responsible Academic Officer will report satisfactory completion of the revisions to the Dean, Graduate Research School.

11.20.6 If students who have been given the opportunity to submit a revised thesis for re-examination fail to do so in the specified period (refer Rules 11.7.1 and 11.8.1), they will be deemed to have failed to satisfy requirements for the award of the degree and their candidature will be discontinued (refer Rule 11.23.2(2)).

11.20.7 A thesis submitted for re-examination can only be submitted once in accordance with the submission for examination process and thesis requirements as outlined in the Procedures.

11.21 Student misconduct

11.21.1 Student misconduct is dealt with in Rule 16.2.

11.21.2 Student misconduct that occurs in relation to a graduate research course will be dealt with in accordance with the provisions of section 16 (Student misconduct and appeals).

Commented [AH49]: This should be clear in the scope of the Rules and not repeated as a separate section

11.22 Graduation

11.22.1 The final thesis and documents specified by the Procedures must be submitted to the Responsible Academic Officer.

11.22.2 UTS research outputs and scholarly works undertaken at UTS are available online, worldwide and free of charge, supporting the principles of international open access. When submitting a thesis for graduation, students may request restricted access in exceptional circumstances in line with the Open Access Policy. If restricted access is required, students must apply for approval of a thesis embargo (hereafter embargo) to the Responsible Academic Officer with the recommendation of the principal supervisor. The embargo period may be for a specified period not exceeding two years and may include conditions on disclosure of information (refer Procedures and Open Access Policy). At the end of two years, students may re-apply for approval of an embargo for a further period of up to two years only.

11.22.3 Students are required to deposit a digital copy of their final thesis with the University Library for permanent retention, subject to the Procedures.

(1) Any material which gives evidence of artefacts, exhibition, performance or portfolio of professional or creative work must be recorded or produced in a format approved by the Thesis Examination Committee on the advice of the University Librarian in regard to its preservation and maintenance.

11.22.4 A digital copy must be provided in accordance with the Procedures.

11.22.5 The copy of the thesis deposited with the University Library will be made publicly available online at the discretion of the University Librarian. If an embargo has been approved, the thesis will be made available once the embargo period has expired which shall not normally exceed two years.

11.23 Withdrawal or discontinuation of candidature

11.23.1 A student who wishes to withdraw permanently from candidature in a research course must lodge an application for withdrawal in accordance with the Procedures.

(1) If withdrawal occurs prior to thesis submission, the result for the thesis component will be recorded as withdrawn.

(2) If withdrawal occurs after the thesis has been submitted for examination, the result for the thesis component will be recorded as fail.

11.23.2 The University may discontinue a student's candidature in a research course in certain circumstances including but not limited to:

(1) unsatisfactory progress:

(a) where a student has not submitted a thesis for examination within the approved period of candidature as specified in Rule 11.7 (refer Rule 11.8.3 and 11.10);

(b) where a student has not satisfied candidature stage assessment requirements (Rule 11.15);

(c) where the principal supervisor and the Responsible Academic Officer decline to certify that a thesis is ready for examination (refer Rule 11.19.6);

(d) where a student is absent without leave for a period exceeding six months.

(2) unsatisfactory examination:

(a) where a student has not resubmitted a revised thesis for re-examination in the required time period (refer Rule 11.20.6);

(b) where a student has failed to satisfy requirements for the award of the degree;

(c) where students have not made necessary revisions and submitted their final thesis for graduation within six months of receiving the final examination outcome (refer Rule 11.20.5).

(3) student misconduct determined under section 16 (Student misconduct and appeals).

(4) supervisory arrangement ceases and an appropriate alternative cannot be identified.

(5) when a student's project is no longer viable and an appropriate alternative cannot be identified.

Where a student's candidature in a research course is discontinued based on Rule 11.23.2(1), 11.23.2(3), 11.23.2(4) or 11.23.2(5), the result for the thesis component will be recorded as withdrawn.

Where a student's candidature in a research course is discontinued based on Rule 11.23.2(2), the result for the thesis component will be recorded as a failure.

11.23.3 Where a student's candidature has been discontinued by the University, the student shall be notified in writing by the Graduate Research School as soon as reasonably possible and giving the reason for the discontinuation.

11.24 Appeal against discontinuation of candidature

Commented [AH50]: Single appeal section is recommended.

11.24.1 Students whose candidatures are discontinued in accordance with Rule 11.23.2 may lodge an appeal against the discontinuation of candidature with the Dean, Graduate Research School.

11.24.2 An appeal against discontinuation of candidature must be in writing and reach the Dean, Graduate Research School within 20 working days of the date of official notification.

11.24.3 In exceptional circumstances, students may request the Dean, Graduate Research School to consider an extension of time to submit an appeal against discontinuation. Any such request must be received by the appeal due date with evidence to support the exceptional circumstances.

11.24.4 The grounds for appeal against a decision of discontinuation of candidature due to unsatisfactory progress made pursuant to Rule 11.23.2(1) are:

(1) procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the candidature assessment;

(2) mitigating circumstances, supported by documentary evidence, which directly and significantly affected the student's assessment, which were not known at the time and which would have reasonably led to a decision other than the discontinuation of candidature; and/or

(3) the decision was based on factual errors of such magnitude as to invalidate the decision.

Where students do not specify one of the grounds for appeal contained in Rule 11.24.4, the Appeals Committee has a right to dismiss the appeal.

Once the Appeals Committee has reviewed the request, the outcome is final and no further review is available.

11.24.5 The grounds for appeal against a decision of discontinuation of candidature due to an unsatisfactory examination made pursuant to Rule 11.23.2(2) are:

(1) procedural irregularities of a type and to an extent that are likely to have had a significant negative impact in the conduct of the examination; and

(2) documentary evidence of errors or irregularities on the part of one or more of the examiners.

Where students do not specify one of the grounds for appeal contained in Rule 11.24.5, the Appeals Committee has a right to dismiss the appeal.

Once the Appeals Committee has reviewed the request, the outcome is final and no further review is available.

11.24.6 At any time during the appeal process (up until the Appeals Committee convenes), students shall have the right to discontinue the appeal by notifying the Dean, Graduate Research School in writing. If students exercise their right to discontinue the appeal, the decision of the Dean, Graduate Research School to discontinue the students shall stand.

11.24.7 The appeal steps are outlined in the Graduate Research Candidature Management Thesis Preparation and Submission Procedures (Staff Connect).

11.24.8 Upon receiving the Responsible Academic Officer's response to the appeal against discontinuation of candidature, the student's response must reach the Dean, Graduate Research School within 10 working days of the date of notification.

11.24.9 In exceptional circumstances, students may request the Dean, Graduate Research School to consider an extension of time of up to 10 working days to submit a response to the Responsible Academic Officer's recommendation. Any such request must be received by the appeal deadline with evidence to support the exceptional circumstances.

11.25 Result of appeal

11.25.1 Where an appeal against discontinuation due to unsatisfactory assessment is upheld:

(1) the student's candidature will be reinstated; and

(2) the Dean, Graduate Research School will, upon advice from the Responsible Academic Officer, determine the period of candidature remaining and any other requirements for the student to complete the course.

11.25.2 Where an appeal against discontinuation due to unsatisfactory examination is upheld:

(1) the student's candidature will be reinstated; and

(2) the Thesis Examination Committee will, upon advice from the Responsible Academic Officer, determine the steps and processes necessary for the re-examination to be conducted in an appropriate timeframe or for the examination to be repeated as appropriate.

11.25.3 Where an appeal against discontinuation is dismissed, the discontinuation of candidature will be confirmed to the student, the Responsible Academic Officer and the Dean, Graduate Research School.

Section 12 - Higher Doctoral degree requirements

12.1 Higher Doctoral degrees

12.1.1 The Council has determined that there shall be the following Higher Doctoral degrees:

(1) Doctor of Engineering (DEng);

(2) Doctor of Fine Arts (DFA);

(3) Doctor of Laws (LLD);

(4) Doctor of Letters (LittD);

(5) Doctor of Science (DSc).

12.2 Requirements for award

12.2.1 Any of the degrees referred to in Rule 12.1.1 may be conferred by Academic Board on a candidate who has, to the satisfaction of the Chair of Higher Degree Research Board (acting on behalf of Higher Degree Research Board), made a significant original contribution to a field of knowledge and whose scholarly works exhibit, among other things, a level of originality and creativity which marks them as a major authority in his or her field.

12.3 Eligibility

12.3.1 To qualify for consideration as an applicant for the award of a Higher Doctoral degree, an applicant must:

(1) have been a full-time academic staff member of the University of Technology Sydney for at least three consecutive years or the equivalent as a part-time academic staff member of the University or, otherwise, in the opinion of the Dean of the relevant faculty have had an equivalent connection with the University; and

(2) hold a recognised degree from a tertiary institution; and

(3) in the opinion of the Dean of the relevant faculty, be qualified to be a candidate for a Higher Doctoral degree by reason of eminence in learning or creative achievements.

12.4 Application

12.4.1 An applicant for Higher Doctoral degree candidature shall submit to the Thesis Examination Committee an application together with three copies of the published work that the applicant wishes to have assessed.

12.4.2 The Thesis Examination Committee shall refer the application to the Dean of the relevant faculty for a recommendation as to:

(1) whether the applicant satisfies the eligibility criteria in Rule 12.3.1; and

(2) whether the published work is prima facie worthy of assessment for the degree and if so for recommendation as to assessors.

12.5 Submitted works

12.5.1 The work submitted for assessment for a Higher Doctoral degree must be published works of which the candidate is author or joint author.

12.5.2 In the case of works of which the candidate is a joint author, the candidate shall submit a written statement and supporting material indicating the extent of the contribution of the candidate to the works.

12.5.3 A candidate shall not submit any work for which the candidate has already been granted a degree by any university.

12.6 Assessment of works

12.6.1 On the recommendation of the Dean of the relevant faculty and the Thesis Examination Committee, the Dean, Graduate Research School shall appoint no fewer than three external assessors to assess the submitted works.

12.6.2 Each assessor shall submit to the Thesis Examination Committee an independent report in writing and shall recommend, on the basis of the submitted works, whether the candidate's works:

(1) has demonstrated outstanding creative achievement or an outstanding contribution to the field of knowledge in which those works fall; and

(2) has exhibited a level of originality and creativity that marks the candidate as a major authority in that field.

12.6.3 The Thesis Examination Committee shall consider the reports of the assessors and make a recommendation to the Dean, Graduate Research School who, on behalf of Graduate Research School Board, shall formulate a recommendation to Academic Board, upon advice of Director, Student Administration, and in accordance with the Statement of Assurance - Conferral of Awards, that:

(1) the candidate has satisfied requirements for the award of the degree as specified in Rule 12.2; or

(2) the candidate has not satisfied requirements for the award of the degree.

12.6.4 The candidate shall be advised by the Chair of Graduate Research School Board of Academic Board's action under Rule 12.6.3.

12.7 Deposit of works

12.7.1 Rule 11.22 applies in respect of works submitted under this section of the Rules and for which an award is conferred under this section of the Rules.

Section 13 - Awards and graduation

13.1 Application of these Rules

This section of the Rules applies to all those who are considered eligible to receive an academic award of the University.

13.2 Completion of requirements

13.2.1 Coursework

(1) Coursework students must have:

(a) been enrolled in a course that leads to the award;

(b) completed the educational and other approved requirements of the course as set out in official publications of the University in the year in which they commenced study in that course unless other requirements have been approved by the relevant Responsible Academic Officer in accordance with Rule 3.6.2; and

(c) satisfied the requirements of the Admissions and Recognition of Prior Learning Policy in relation to the limit of approved credit where credit has been recognised.

(2) Upon advice of the Director, Student Administration, the relevant Chair of Faculty Board, acting on behalf of the Faculty Board, shall confirm that those coursework students who have satisfied the approved course requirements have completed the course, and shall notify Academic Board of the names of all such coursework students and recommend to Academic Board that those coursework students are eligible to graduate, in accordance with the Statement of Assurance - Conferral of Awards.

(3) Where, as a result of death or permanent incapacity, a student fails to complete the course requirements, but has completed a substantial proportion of them, the relevant Faculty Board may recommend to Academic Board that the student be deemed to have completed requirements of a course and that an award be conferred. Such a recommendation would normally be made within two years of the student's last enrolled teaching period and must be supported by relevant documentary evidence.

13.2.2 Graduate research

(1) Graduate research students must have:

(a) been enrolled in the course that leads to the award; and

(b) completed satisfactorily the educational, research and other requirements as approved for the student.

(2) The Graduate Research School Board shall determine those students who have completed the course requirements.

(3) The Chair of Graduate Research School Board, acting on behalf of Graduate Research School Board, shall recommend to Academic Board, upon advice of the Director, Student Administration, that the process outlined in the Statement of Assurance - Conferral of Awards has been followed, and the resulting graduate research students who have satisfactorily completed course requirements in accordance with Rule 13.2.2(1) and (2) are considered eligible to graduate.

(4) Where, as a result of death or permanent incapacity, a student fails to complete the course requirements, but has completed a substantial proportion of them, upon recommendation from the relevant Faculty Board, the Higher Degree Research Committee may recommend to Academic Board that the student be deemed to have completed requirements of a course and that an award be conferred. Such a recommendation would normally be made within two years of the student's last enrolled teaching period and must be supported by relevant documentary evidence. Such evidence may include the completion of research work, papers and publications, literature reviews, or other tangible research related activities.

13.3 Eligibility to graduate

13.3.1 The Director, Student Administration shall provide advice to the relevant Chair of Faculty Board, acting on behalf of the Faculty Board, for recommending to Academic Board that the process outlined in the Statement of Assurance - Conferral of Awards has been followed, and the resulting coursework students who have satisfactorily completed course requirements in accordance with Rule 13.2.1 and are considered eligible to graduate.

13.3.2 Upon advice of the Director, Student Administration, the Chair of Graduate Research School Board, acting on behalf of Graduate Research School Board, shall recommend to Academic Board the conferral of awards upon those graduate research students who have satisfactorily completed course requirements in accordance with Rule 13.2.2 and are considered eligible to graduate.

13.3.3 Notwithstanding Rule 13.3.1 and 13.3.2, the Provost (or nominee) may determine that a student who has completed course requirements in accordance with Rule 13.2 is not eligible to graduate in particular circumstances including but not limited to:

(1) where proceedings relevant to the student are pending or have commenced in accordance with the provisions of Section 16 (Student misconduct and appeals); or

(2) where the student has not discharged all of his or her financial obligations to the University; or

(3) where the student has not returned all borrowed library books or University equipment and materials.

Commented [AH51]: This section reflects repetition - consolidate all advice in relation to fees and non-payment.

13.4 Conferral of award

13.4.1 Degree, Diploma and other award courses of the University are conferred by a resolution of Academic Board.

13.4.2 Degree awards, and any Diploma awards undertaken in conjunction with degree awards, may be presented at a University graduation ceremony. Graduate Certificate, Undergraduate Certificate and all other awards may be presented at a faculty ceremony.

13.4.3 An award of the University may be conferred posthumously.

13.5 Rescission of award

Commented [AH52]: Fundamentally, Recession is a penalty or outcome, potentially due to misconduct - and as such could be expressed within a revised penalties section - with reference to Academic Misconduct Procedures.

13.5.1 In exceptional circumstances, Academic Board may rescind the conferral of an award, including but not limited to situations where:

(1) the Vice-Chancellor (or nominee) has determined that rescission of an award is an appropriate penalty as set out in Rule 16.3.1(1); or

(2) significant fraudulent or deceitful activities have been identified and proven subsequent to the conferral of the award and which, had they been known at the time of conferral of the award, would have led to a decision not to confer the award; or

(3) administrative error has resulted in incorrect conferral of an award; or

(4) the student has not discharged all of his or her financial obligations to the University incurred during his or her period of enrolment.

13.5.2 Where Rule 13.5.1(1) applies:

(1) no action will be taken to implement the Vice-Chancellor's (or nominee) decision until such time as any appeal against that decision has been considered as provided for in accordance with Section 16 (Student misconduct and appeals) or until the time limit for lodgement of such an appeal has expired;

(2) the Director, Governance Support Unit will notify Academic Board and Council of the decision to rescind the award if no appeal is lodged or the original decision of the Vice-Chancellor (or nominee) to rescind the award is upheld;

(3) the Director, Governance Support Unit will provide written notice of the decision and reasons for the decision to the award recipient.

13.5.3 Where Rule 13.5.1(2) applies:

(1) the Vice-Chancellor will establish a panel with an appropriate membership:

(a) to investigate the alleged or suspected fraudulent or deceitful activities;

(b) to provide a report to the Vice-Chancellor which includes recommendations as to any further action including but not limited to whether:

(i) the matter relates to individual misconduct as provided for in Section 16 (Student misconduct and appeals) and, if so, any further action should proceed under the terms of those Rules;

(ii) the matter relates to other circumstances in which case any further action will be determined as relevant to the circumstances.

(2) the Vice-Chancellor will provide written notice to the award recipient of any decision to take further action and will provide appropriate opportunities for the award recipient to address the issues involved and to make a submission to the Vice-Chancellor on the matter prior to any final decision being taken on the status of the award;

(3) the Director, Governance Support Unit will inform the award recipient of the outcome of the Vice-Chancellor's decision.

13.5.4 Where Rule 13.5.1(3) applies:

(1) the award recipient will be advised of the proposed corrective action and any relevant consequences and will be given the opportunity to comment on these prior to rescission of an award under Rule 13.5.4(2);

(2) the Provost may rescind an award where an administrative error has occurred and must provide a report to Council via Academic Board every half year on awards rescinded.

13.5.5 The Director, Governance Support Unit may provide information on a decision to rescind an award and reasons for the decision to any other person who has a legitimate reason for having access to such information and in accordance with the provisions of the Privacy Policy.

13.6 Award nomenclature

13.6.1 Award nomenclature including abbreviations shall be in accordance with the Award Course Nomenclature and Issuance Policy, as approved by the University and published in official University publications.

13.6.2 Graduates are entitled to use the official award nomenclature once the award has been conferred by Council.

13.7 Level of award - classification and grading

13.7.1 Subject to the provisions of Rules 13.7.2 and 13.7.3, the relevant Faculty Board shall recommend to Academic Board the classification and grading of the award, if any, to be conferred upon individual students.

13.7.2 The level of award recommended for individual students shall be determined by the relevant Faculty Board in accordance with guidelines approved by Academic Board from time to time.

13.7.3 The classification and grading of awards for each course shall be in accordance with the following provisions:

(1) For a Doctoral degree, the award shall not be classified.

(2) For a Masters degree (Research), the award shall not be classified.

(3) For a Masters degree (Coursework) for which the award of Honours is available, the award shall be classified sas:

(a) Masters (Honours); or

(b) Masters degree.

(4) For a Bachelor Honours degree the award shall be classified as:

(a) Bachelor Honours degree with First Class Honours; or

(b) Bachelor Honours degree with Second Class Honours, which may be graded into Division 1 and Division 2 in those faculties that require such grading; or

(c) Bachelor Honours degree with Third Class Honours, which may be awarded in those faculties that require such grading.

(5) For a Bachelor degree, the award may be classified as:

(a) Bachelor degree with Distinction; or

(b) Bachelor degree with Credit; or

(c) Bachelor degree.

(6) For an Undergraduate Certificate, Diploma, Advanced Diploma, Associate Degree, Graduate Certificate, Graduate Diploma, the award shall not be classified.

13.8 University Medal

13.8.1 A University Medal may be awarded, in accordance with the guidelines approved by Academic Board from time to time, to a graduating student who is considered by the relevant Faculty Board to have demonstrated exceptional merit.

13.9 Testamurs

13.9.1 A testamur is an official University certification document that confirms a qualification has been awarded to an individual.

13.9.2 A testamur is a legal document issued under the seal of the University and is issued in original form only once for each specific award conferred.

13.9.3 A replacement testamur may be requested by a graduate and issued upon approval in accordance with procedures prescribed by the Director, Student Administration. The replacement testamur will bear a statement of replacement including date of re-issue.

13.10 Academic dress

13.10.1 Academic dress is prescribed by the Provost for each degree award of the University, with the exception of Graduate Certificates. Academic dress is not prescribed for any other awards.

13.10.2 Graduates who attend graduation ceremonies are required to wear the academic dress of the degree that is appropriate to the level of award obtained.

13.10.3 Graduates of the University are entitled to wear the academic dress, appropriate to the level of award obtained, at appropriate formal occasions.

13.10.4 The University Secretary may approve the use of the University's academic dress, by those yet to have awards formally conferred, at appropriate formal occasions or other official University events.

Section 14 - Honorary awards of the University

14.1 Honorary awards

14.1.1 Council has determined that there shall be the following honorary awards:

(1) Honorary Doctor of Business (HonDBus);
(2) Honorary Doctor of Creative Arts (HonDCA);
(3) Honorary Doctor of Design (HonDDes);
(4) Honarary Doctor of Education (HonDEdu);
(5) Honorary Doctor of Engineering (HonDEng);
(6) Honorary Doctor of Health Sciences (HonDHlthSc);
(7) Honorary Doctor of Laws (HonLLD);
(8) Honorary Doctor of Letters (HonlittD);
(9) Honorary Doctor of Science (HonDSc);
(10) Honorary Doctor of Technology (HonDTech);
(11) Honorary Doctor of the University (HonDUniv);
(12) Fellow of the University;
(13) UTS Distinguished Service Award;
(14) Emeritus awards.

14.2 Determination of recipients

14.2.1 Council may, on the recommendation of the Honorary Awards Committee, the Chancellor or the Vice-Chancellor, resolve to confer an honorary award upon a person who has satisfied the criteria determined by Council as being appropriate to the specific award in question.

14.2.2 Such determination shall be in accordance with the Honorary Titles and Awards Policy approved by Council from time to time.

14.3 Rescission of honorary award

14.3.1 In exceptional circumstances, Council may rescind the conferral of an honorary award.

Section 15 - Equipment loans

15.1 Equipment availability

15.1.1 The University may make available University equipment for loan to a student to meet specific teaching, learning or assessment requirements as specified in subject outlines or course requirements provided to students, or in relation to other academic-related activities.

15.2 Responsibilities of faculties and units

15.2.1 Faculties and units are responsible for:

(1) ensuring that the conditions of equipment loans are provided to students;
(2) ensuring that borrowers present their Student Identity Card and sign a written undertaking to abide by the conditions of the equipment loan;
(3) maintaining a register of equipment loans which includes at least the following:
    (a) UTS asset number;
    (b) the serial number, make and model of the equipment;
    (c) student number shown on the Student Identity Card;
    (d) student's full name;
    (e) date of loan;
    (f) due date for return of equipment; and
    (g) amount of any conditional deposit imposed on the particular borrower;
(4) reporting any breach of the conditions of an equipment loan to the relevant Dean (or nominee) or Director (or nominee) who shall act in accordance with Rule 15.4.

15.3 Responsibilities of borrowers

15.3.1 Equipment borrowers are responsible for:

(1) ensuring that any UTS equipment item that they remove from University premises has been officially registered for borrowing with the relevant faculty or unit in accordance with Rule 15.2; and
(2) the safekeeping and return of items borrowed by the due date and time.

15.3.2 Equipment borrowers must:

(1) not carelessly or wilfully mutilate or damage UTS equipment;

(2) take reasonable precautions to ensure the safekeeping of equipment and minimise the opportunity for theft or loss of, or damage to, the equipment;

(3) not leave or attempt to leave UTS premises:

(a) with any UTS equipment item which is not registered for loan in the borrower's name with the relevant faculty or unit;

(b) with part of any UTS equipment item which is not registered for loan in the borrower's name with the relevant faculty or unit;

(4) not use UTS equipment for any unauthorised purpose;

(5) not use UTS equipment in any way which may infringe the rights or endanger the safety of others;

(6) immediately report any malfunctions or existing damage to equipment to the relevant University officer within a faculty or unit;

(7) immediately report any theft, loss or damage of or to the equipment to the relevant University officer.

15.4 Non-compliance

15.4.1 Where a Dean (or nominee) or Director (or nominee) believes on reasonable grounds that an equipment borrower has not complied with the conditions of loan pursuant to Rule 15.2.1(1) or has not complied with the requirements of Rule 15.3, the Dean (or nominee) or Director (or nominee) may do any or all of the following:

(1) place restrictions on future use of the equipment;

(2) deny future loans to the borrower;

(3) request the Director, Student Administration not to permit the student to re-enrol or graduate, or to withhold assessment results, until the equipment is returned;

(4) require payment by the borrower of a specified amount not exceeding the amount of the value of the cost of replacement or repair of the equipment item;

(5) require the borrower to lodge a conditional deposit as part of the loan conditions of any subsequent loan(s);

(6) refer the matter to the Director, Governance Support Unit who will deal with it in accordance with Section 16 (Student misconduct and appeals);

(7) lock the borrower's student system account until the equipment is returned.

15.4.2 Where the Dean (or nominee) or Director (or nominee) believes one or more of the actions in Rule 15.4.1(1) to 15.4.1(7) are appropriate, the Dean (or nominee) or Director (or nominee) will notify and give reasons to the student and the Director, Student Administration. The Dean (or nominee) or Director (or nominee) may notify any other person of the decision and reasons on a need to know basis.

Section 16 - Student misconduct and appeals

Part A - General provisions

16.1 Application

16.1.1 The Rules in this section apply to and in respect of all students of the University and in respect of misconduct by a person who was a student at the time of the misconduct, whether or not the person is currently enrolled (refer Rule 1.2.2).

16.1.2 Nothing in these Rules precludes the University from initiating civil or criminal proceedings against a student or former student in respect of misconduct.

Commented [AH53]: Must reference policies - starting with expected conduct- Student Rights and Responsibilities.

16.2 Definition of misconduct

16.2.1 Student misconduct includes but is not limited to:

(1) (a) cheating or acting dishonestly in any way; or

(b) assisting any other student to cheat or act dishonestly in any way; or

(c) seeking assistance from others in order to cheat or act dishonestly; or

(d) attempting (a) or (b) or (c) in an examination, test, assignment, essay, thesis or any other assessment task that a student undertakes as part of the educational requirements of the course in which the student is enrolled.

Examples of the different types of cheating include but are not limited to:

- Copying and or reworking any parts of work produced by another student and submitting as your own work.
- Requesting or paying someone to complete your assessment or parts of your assessment.
- Accessing unauthorised material for a quiz, examination or any other form of assessment.
- Breaching an examination condition including but, not limited to interfering with the examination invigilation and not presenting identification as required.
- Recycling your own previously submitted assessment or parts of the assessment.
- Assisting any other student to cheat by sharing your assessment or parts of your assessment to another UTS student.

- Sharing your assessment or parts of your assessment on any external platforms including online.
- Providing a student or students with answers for a quiz, examination or any other form of assessment.
- Manipulate an assessment to avoid the UTS detection software.
- Use of a third-party service to bypass the UTS detection software.
- Copying or reworking any material (e.g. text, images, music, video) from generative AI tools, and claiming this work as your own without declaring use of the relevant tool.
- Using generative AI tools, unless permitted use is specified for that assessment.

(2) accessing or using another person's work by theft or other unauthorised means;

(3) using, or attempting to use, any material or equipment that is not specified on an examination paper for use in the examination;

(4) plagiarising, i.e. taking and using someone else's ideas or manner of expressing them and passing them off as their own by failing to give appropriate acknowledgement of the source to seek to gain an advantage by unfair means;

(5) acting in contravention of any official statement that defines acceptable academic practice as approved by Council, Academic Board or a Faculty Board from time to time;

(6) contravening any provision of the Act, the By-law, these Rules, and the codes of conduct, policies, procedures, directives, guidelines and any other form of regulation of the University;

(7) acting in contravention of any official statement that defines acceptable standards of conduct and behaviour as approved by Council, Academic Board or a Faculty Board from time to time;

(8) prejudicing the good name or academic standing of the University;

(9) prejudicing the good order and government of the University;

(10) a breach of confidentiality or privacy requirements or obligations in respect of the University or its staff, students or other relevant parties;

(11) unreasonably interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of the University;

(12) harassing or engaging in any other form of improper or discriminatory behaviour towards another student, an officer of the University, a visitor to the University, or any other person while that person is engaged in any activity related to their University purposes; such misconduct may relate, but is not limited, to race, ethnic or national origin, gender, marital status, sexual preference, disability, age, political conviction or religious belief;

(13) intimidating or assaulting another student, officer of the University, a visitor to the University or any other person on University premises or while that person is engaged in any activity related to their University purposes;

(14) failing to comply with any order or direction lawfully made or given under the Act, the By-law, these Rules, and the codes of conduct, policies, procedures, directives, guidelines and any other form of regulation of the University;

(15) refusing to identify himself or herself when asked lawfully to do so by an officer of the University;

(16) failing to comply with any conditions set by the Vice-Chancellor or the Vice-Chancellor's nominee under Rules 2.1.9 or 16.3.3;

(17) breaching the terms or conditions of a penalty imposed for student misconduct;

(18) obstructing any officer of the University in the performance of the officer's duties including preventing or attempting to prevent an officer of the University from occupying or using their assigned work area and/or refusing to leave such an area when instructed to do so;

(19) behaving disgracefully, improperly or inappropriately:

(a) in a class, meeting or other activity in or under the control or supervision of the University; or

(b) on University premises, facilities or virtual spaces; or

(c) on any other premises, facilities or virtual spaces to which the student has access for their University purposes;or

(d) while pursuing any activity related to their University enrolment;

(20) publishing material which is abusive, offensive, vilifying, harassing, discriminatory or inappropriate about the University, another student, or an officer of the University, in any forum or media, including but not limited to print, internet, social media, email, digital or electronic communications and broadcasting forums;

(21) failing to comply with the prescribed provisions relating to the student's internship or other placement at another institution, place of learning or place of business;

(22) acting dishonestly in relation to an application for admission to the University;

(23) knowingly making any false or misleading representation about things that concern the student as a student of the University including but not limited to a breach of Rule 2.1.8;

(24) knowingly making any false or misleading representation in relation to funding, prizes, grants and/or scholarships;

(25) fabrication, falsification or misleading representation of data or results;

(26) wilful concealment or a facilitation of research misconduct by others;

(27) altering or attempting to alter any document or record of the University, or causing or attempting to cause any unauthorised alteration of such a document or record;

(28) altering or falsifying any document that the University requires of the student (e.g. medical certificate, professional authority form or other supporting documentation);

(29) impersonating another student, or arranging for anyone to impersonate a student, in an examination, assessment task, an assessment requirement or in any other University related activity;

(30) misusing any University facility in a manner which is illegal or which is or will be detrimental to the rights or property of others;

(31) without limiting, in any way, 16.2.1(30), or the definition of 'facility', misusing any computing or communications equipment or capacity to which the student has access at or away from University premises for their University purposes in a manner which is illegal or which is or will be detrimental to the rights or property of others;

(32) stealing, destroying, damaging or causing loss or cost in respect of a facility or property of the University or for which the University is responsible, or any other property of any other person within the University premises;

(33) making an unauthorised disclosure of and/or misusing Student Security Identification (SSI).

16.3 Penalties

16.3.1 The penalty or penalties for student misconduct may be one or more of the following:

(1) rescission of an academic award conferred by the University where the award is as a result or partly as a result of fraud or serious misconduct committed by the student before the award was conferred;

(2) revocation of a recommendation to Academic Board that a student has satisfied the requirements for an award, effective for a period of up to 12 months;

(3) permanent exclusion from the University, in which case:

(a) the student's enrolment will be terminated;

(b) the student will be recorded as excluded from the University;

(c) the student will not be entitled to any benefits, advantages or privileges of the University;

(d) the student will not be permitted to enrol in any course whether for award or otherwise at the University;

(e) any further applications from the student for admission to any course at the University will not be considered;

(4) exclusion from the University for a period of up to five years in which case:

(a) the student's enrolment will be terminated;

(b) the student will be recorded as excluded from the University for the specified period of exclusion;

(c) the student will not be entitled to any benefits, advantages or privileges of the University for the specified period of exclusion;

(d) the student will not be permitted to enrol in any course at the University whether for award or otherwise during the period of any exclusion;

(e) the student may reapply for readmission to the course at the University at the end of the period of exclusion. Readmission is not automatic (refer Rule 5.9.3). If a student is readmitted, conditions relating to the student's future conduct at the University may be set by the Vice-Chancellor or Vice-Chancellor's nominee (refer Rule 2.1.9);

(5) suspension from the University for a specified period not exceeding 12 months in which case:

(a) the student will not be entitled to any benefits, advantages or privileges of the University during the period of suspension;

(b) the student will be recorded as suspended from the University for the specified period of suspension;

(c) the student will not be permitted to enrol in any course whether for award or otherwise at the University during the period of suspension;

(d) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension;

(6) suspension from a course of the University for a period not exceeding **12** months in which case:

(a) the student will not be entitled to any course-related benefits, advantages or privileges of the University during the period of suspension;

(b) the student will be recorded as suspended from the course for the specified period of suspension;

(c) the student will not be permitted to enrol in the course from which the student has been suspended during the period of suspension;

(d) the student will be entitled to re-enrol in the course from which the student has been suspended at the end of the period of suspension;

Commented [AH54]: Recommend complete revision.

Academic misconduct - coursework assessment, examinations, graduate research programmes,

General misconduct including specific reference of sexual harm, vilification, hazing, racism, homophobia, transphobia, violence, property damage, fraud.

(7) withholding of academic results for the relevant teaching period, and/or of official academic records, including deferral or withdrawal of permission to graduate;

(8) imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding 12 months, in which case if there is a breach of the imposed conditions during the specified period the Vice-Chancellor, the Vice-Chancellor's nominee or the Manager, Student Misconduct and Appeals (SMA) may impose a more severe penalty;

(9) if the misconduct relates to a subject in which the student is enrolled:

(a) a reduction in marks for any part or parts of an assessment; or

(b) a zero mark and 'Fail' result for any part or parts of an assessment; or

(c) a requirement that the student re-do and submit a specific assessment task, with a reduction in marks to no more than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task; or

(d) a requirement that the student must undertake another alternative assessment task, for which the maximum possible mark can be no greater than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task; or

(e) a zero mark and 'Fail' result for the subject, in which case the zero mark and 'Fail' result will be denoted on the official record of the student in the same way as a 'Fail' result awarded in the usual way;

(10) exclusion from attendance at specified classes or subjects for a specified period not exceeding 12 months, provided that these do not include the entirety of classes or subjects for which the student is enrolled or is eligible to be enrolled;

(11) exclusion from and prohibition from use of specified facilities of the University for a specified period not exceeding 12 months;

(12) payment to the University or a third party by a specified date of a specified amount not exceeding the amount of any loss or damage where an act of misconduct involves loss of or damage to property or facilities of the University or a third party, in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non-payment of charges as are provided for in Section 4 (Fees, charges and other financial obligations);

(13) payment to the University by a specified date of a specified amount for its costs, not exceeding the amount of any costs incurred where an act of misconduct involves lengthy inquiries and proceedings, in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non payment of charges as are provided for in Section 4 (Fees, charges and other financial obligations);

(14) payment to the University by a specified date of a fine up to $5000, with maximum fines for particular types of offences determined in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4), in which case failure to pay the specified amount to the University by the specified date will be treated as a debt to the University and incur any or all such sanctions for non-payment of charges as are provided for in Section 4 (Fees, charges and other financial obligations);

(15) imposition of specified conditions on attendance at specified classes or use of specified facilities or services of the University;

(16) a reprimand.

16.3.2 Matters which may be taken into account in recommending or imposing a penalty in respect of instances of misconduct under these Rules include but are not limited to:

(1) the nature and seriousness of the misconduct;

(2) a student's previous record of misconduct;

(3) previous penalties imposed for student misconduct including any penalty deferred or suspended in accordance with Rule 16.3.3;

(4) the fact that a student has admitted an alleged act of misconduct;

(5) the fact that a student came forward on the student's own initiative and admitted an act of misconduct.

Regard should also be had to the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4) which can be amended by the Vice-Chancellor or Vice-Chancellor's nominee from time to time, subject to notification of any change to Academic Board and Council.

16.3.3 The operation of a penalty may be:

(1) deferred by the person imposing the penalty for a period that will not normally exceed two years, but may in appropriate cases continue for the duration of a student's enrolment. During the period in which a penalty is deferred, as a condition of continued enrolment, the student must comply with any conditions prescribed by the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit or the Manager, Student Misconduct and Appeals.

(2) suspended by the person imposing the penalty for a period that will not normally exceed two years, but may in appropriate cases continue for the duration of a student's enrolment. If there is a further act of misconduct during the specified period, the penalty will be imposed immediately.

Commented [AH55]: Recast penalties in term of type of conduct - General or Academic, and degree of seriousness - see benchmarks referenced in report.

There is no need to detail every penalty - this can be done more extensively in procedures.

Commented [AH56]: These clauses are not apparent in other universities. It is unclear the circumstances that may warrant these clauses.

16.4 Designation

16.4.1 The Vice-Chancellor may at any time designate a nominee including the Provost or a Deputy Vice-Chancellor with appropriate portfolio responsibilities, to exercise all or part of the Vice-Chancellor's powers, duties and responsibilities under this section of the Rules.

16.4.2 If the Vice-Chancellor's nominee is not available, or declares a conflict of interest, then the provisions for Senior Executive alternates in the Delegations (Schedule G2) apply.

16.5 Procedural fairness

16.5.1 A student is entitled to procedural fairness in the handling of an allegation of student misconduct including any appeal.

16.5.2 Guidelines Relating to Student Misconduct and Appeals (refer Schedule 3) provide general guidance on procedural fairness and will be followed unless the Student Misconduct Appeals Committee, Responsible Academic Officer, the Vice-Chancellor, the Vice-Chancellor's nominee or the Director, Governance Support Unit or the Manager, Student Misconduct and Appeals determines that there are sufficiently compelling circumstances to require different procedures in particular proceedings in order to ensure procedural fairness.

16.5.3 A student or an officer of the University, including the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit, Responsible Academic Officer, the Manager, Student Misconduct and Appeals or member of the Student Misconduct Appeals Committee must not hear or determine an allegation of student misconduct if they are personally involved in any aspect of the allegation.

16.5.4 For the purposes of Rule 16.5.3 a student or an officer of the University is not considered personally involved in any aspect of an allegation by reason only of the fact that they hear or deal with the allegation under these Rules.

16.5.5 In the event that the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit, a Responsible Academic Officer, the Manager, Student Misconduct and Appeals or a member of the Student Misconduct Appeals Committee believes that their involvement in a matter would lead to a conflict of interest, they must consult with the Director, Governance Support Unit. The Director, Governance Support Unit will determine an appropriate person to deal with the matter. In the event that the Director, Governance Support Unit believes that their involvement in determining a matter (under Rule 16.12.6A) would lead to a conflict of interest, the matter will be dealt with by the Vice-Chancellor or Vice-Chancellor's nominee.

16.6 Allegation of misconduct

16.6.1 An allegation of student misconduct must specify each individual act of alleged misconduct.

16.6.2 An allegation of student misconduct occurring within a faculty in relation to the teaching and conduct of courses and subjects within that faculty must be referred to the Responsible Academic Officer of the relevant faculty:

(1) If the student misconduct involves plagiarism the Responsible Academic Officer will deal with the matter in accordance with Rule 16.10 and in accordance with the Guidelines for Handling Student Misconduct Involving Plagiarism (refer Schedule 5).

(2) If the student misconduct involves misconduct other than plagiarism, the Responsible Academic Officer must refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12.

(3) Allegations involving both plagiarism and other misconduct must be referred to the Director, Governance Support Unit to be handled in accordance with Rule 16.12.

16.6.3 All other allegations of student misconduct must be referred to the Director, Governance Support Unit and handled in accordance with Rule 16.12.

16.7 Admission of misconduct

16.7.1 A student may admit an act of misconduct at any time.

16.7.2 When a student admits both the occurrence and the substance of an act of misconduct:

(1) any inquiry being undertaken by a relevant officer of the University in relation to that act of misconduct may cease;

(2) the relevant officer of the University will make recommendations only as to the penalty or penalties in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4).

Commented [AH57]: Admitting to misconduct does not always allow for educative or appropriate responses. It provides the University with no data about student support needs. The process of admission of guilt is not one encouraged by other Universities.

16.8 Annual report of matters related to student misconduct and appeals

16.8.1 Each year the Director, Governance Support Unit will provide the Vice-Chancellor, for the information of Academic Board and Council, with a report on all student misconduct and appeal matters, including decisions made in relation to the recommendations of the Student Misconduct Appeals Committee.

16.8.2 The Vice-Chancellor or Vice-Chancellor's nominee will take whatever action they consider necessary to ensure reasonable consistency in respect of the handling of student misconduct matters between the faculties and in respect of the penalties imposed.

Commented [AH58]: This should be updated to note the requirements for trend analysis and continuous improvement as per TEQSA guidance.

Part B - Temporary exclusion

16.9 Exclusion from facilities and/or participation in activities

16.9.1 An officer of the University may temporarily exclude a student from facilities and/or participation in activities under this Rule in circumstances that include, but are not limited to, where the officer reasonably believes:

(1) the student has committed an act of misconduct in relation to the use of facilities and/or participation in an activity; or

(2) the student's behaviour is disrupting, likely to disrupt, or encouraging others to disrupt the use of the facilities or participation in activities by others; or

(3) there is or may be a threat to the safety of persons or property.

16.9.2 For the purpose of Rule 16.9, facilities and participation in activities includes but is not limited to classes, laboratories, computer laboratories, University Library, practicums, clinical practice or fieldwork excursions, practical experience or internship placements.

16.9.3 An exclusion under Rule 16.9 will have a duration of 14 days or greater, subject to circumstances. This is in addition to the provision outlined in Rule 2.1.9.

16.9.4 The Temporary Exclusion Policy consistent with this Rule must be approved by Academic Board for the purpose of providing guidance to students and officers of the University on the application of Rule 16.9.

Part C - Allegations of misconduct handled at the faculty level

16.10 Allegations referred to the Responsible Academic Officer

16.10.1 Where the Responsible Academic Officer believes an alleged act of student misconduct within the faculty involves any form of misconduct other than plagiarism, the Responsible Academic Officer shall refer the allegation to the Director, Governance Support Unit to be handled in accordance with Rule 16.12. Before doing so, in cases where the allegation is made by an officer of the University, the Responsible Academic Officer shall consult with that officer.

16.10.2 Where the Responsible Academic Officer receives an allegation of misconduct involving plagiarism, the Responsible Academic Officer may, in accordance with the Guidelines for Handling Student Misconduct Involving Plagiarism (refer Schedule 5), obtain further details of the allegation of misconduct and make such other enquiries as they believe necessary.

16.10.3 If, after considering all the information, the Responsible Academic Officer is of the view that the allegation of plagiarism:

(1) is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Responsible Academic Officer may determine not to take further action in relation to the allegation in which case the Responsible Academic Officer will retain records in support of the decision on a confidential file;

(2) may be substantiated as plagiarism, the Responsible Academic Officer must, in writing and as soon as possible:

(a) notify the student of the allegation;

(b) provide the student with a copy of, or an electronic link to, the relevant Rules and Guidelines;

(c) give the student a reasonable period, being a period of not less than five working days' notice to respond in writing and, if the Responsible Academic Officer considers it necessary, attend a meeting.

16.10.4 Following consideration of the student's response, if any, the Responsible Academic Officer must:

(1) deal with the matter in accordance with the Rules, and the Guidelines for Handling Student Misconduct Involving Plagiarism (refer Schedule 5), and as follows:

(a) impose no penalty because the Responsible Academic Officer believes no penalty is warranted; or

(b) issue a formal warning; or

(c) impose one or more of the penalties set out in Rule 16.3.1(9), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4); or

(d) where the Responsible Academic Officer believes the misconduct warrants any other penalty, refer a recommendation to the Director, Governance Support Unit to be handled in accordance with Rule 16.12;

(2) advise the student in writing of the Responsible Academic Officer's decision and the student's right of appeal in cases where the Responsible Academic Officer has imposed a penalty.

16.11 Responsible Academic Officer's decision on misconduct involving plagiarism

16.11.1 In coming to a decision on misconduct involving plagiarism the Responsible Academic Officer must consider:

(1) the student's written representations and/or representations at a meeting (if any); and

(2) any other previous case of student misconduct which the Responsible Academic Officer believes is similar to the case they are considering, to assist with consistency in decision-making.

Commented [AH59]: This section explains what is considered grounds for temporary exclusion while the Temporary Exclusion Policy promotes reasons that cannot be used for exclusion.

Exclusion matters are complex and in other institutions, there needs to be agreement by a designated officer for exclusion. It is not practicable to cover off on all the reasons for exclusion.

The inclusion of this section is unclear given the Temporary Exclusion Policy - and may need to reference behaviours outside of misconduct - concerning behaviour. See for example UoW Section 9 Student Conduct Rules - disruption to teaching activities.

Commented [AH60]: The scope should be the same for the entire area of misconduct.

Commented [AH61]: It is unclear why these statements are included - all academic governance should be overseen by the Academic Board.

16.11.2 Where the Responsible Academic Officer believes one or more of the penalties specified in Rule 16.3.1(9) is appropriate, the Responsible Academic Officer:

(1) must make the decision as to the penalty;

(2) must in writing and as soon as possible notify the student of the decision and give reasons for the decision;

(3) must provide the Director, Governance Support Unit with a report and a copy of the notification to the student;

(4) may notify any other person of the decision and reasons in accordance with the Guidelines Relating to Student Misconduct and Appeals (refer Schedule 3).

16.11.3 Where the Responsible Academic Officer believes one or more of the penalties specified in Rule 16.3, other than Rule 16.3.1(9), is appropriate, the Responsible Academic Officer must:

(1) refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12;

(2) provide the Director, Governance Support Unit with a written report, which includes the Responsible Academic Officer's recommendations;

(3) provide a copy of their report to the student at the same time.

16.11.4 Where the matter has been referred to the Director, Governance Support Unit in accordance with Rule 16.11.3, the student may, within five days of receiving the Responsible Academic Officer's report, make written representations to the Director, Governance Support Unit about the recommendations of the Responsible Academic Officer.

Part D - Allegations of misconduct handled centrally

16.12 Allegations referred to the Director, Governance Support Unit

16.12.1 Where a matter has been referred from a Responsible Academic Officer under Rule 16.11.3, the Director, Governance Support Unit must refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for decision under Rule 16.12.6B.

16.12.2 In all other cases where the Director, Governance Support Unit receives an allegation of misconduct, the Director, Governance Support Unit may obtain further details of the allegation of misconduct and make such other enquiries as they believe necessary.

16.12.3 If after considering all the information, the Director, Governance Support Unit is of the view that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Director, Governance Support Unit may determine not to take further action in relation to the allegation in which case the Director, Governance Support Unit will retain sufficient information on the allegation on a confidential file.

16.12.4 Where the alleged misconduct involves misconduct during a centrally conducted examination, the Director, Governance Support Unit will:

(1) inquire into the alleged misconduct;

(2) in consultation with the Subject Coordinator consider the evidence including the student's response, if any;

(3) decide on the appropriate course of action, as follows:

(a) dismiss the allegation of misconduct; or

(b) issue a formal warning; or

(c) issue a formal notice of an allegation of misconduct.

(4) If 16.12.4(3)(c) applies:

(a) notify the student of the allegation in writing;

(b) provide the student with a copy of, or an electronic link to, the relevant Rules and Guidelines;

(c) draw the attention of the student to the student's right to admit the alleged misconduct;

(d) give the student a reasonable period, being a period of not less than five working days, to seek advice about available options; and

(e) ask whether the student admits or denies any or all of the allegations.

(5) If 16.12.4(3)(c) applies and:

(a) the matter is classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student admits, then Rule 16.12.6A applies; or

(b) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student admits, then the Director, Governance Support Unit will refer the matter to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or

(c) the allegation is denied, then the Director, Governance Support Unit will refer the allegation to the Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C;

(d) the matter is classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student neither admits or denies the allegation within the specified time period, the approved precedent penalty will be imposed; or

(e) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student neither admits or denies the allegation within the specified time period, the Director, Governance Support Unit will refer the allegation to the Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C.

(6) advise the student in writing of the decision under Rule 16.12.4(3)(a-b) or 16.12.5(5).

16.12.5 Where the alleged misconduct involves misconduct not covered by Rule 16.12.4, the Director, Governance Support Unit will:

(1) inquire into the alleged misconduct;

(2) consider the evidence;

(3) decide on the appropriate course of action, as follows:

(a) dismiss the allegation of misconduct; or

(b) issue a formal warning; or

(c) issue a formal notice of an allegation of misconduct.

(4) If 16.12.5(3)(c) applies:

(a) notify the student of the allegation in writing;

(b) provide the student with a copy of, or an electronic link to, the relevant Rules and guidelines;

(c) draw the attention of the student to the student's right to admit the alleged misconduct;

(d) give the student a reasonable period, being a period of not less than five working days, to seek advice about available options; and

(e) ask whether the student admits or denies any or all of the allegations.

(5) If 16.12.5(3)(c) applies and:

(a) the matter is classified as an approved precedent penalty, (refer Schedule 4 (section 2A)) and the student admits, Rule 16.12.6A applies; or

(b) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student admits, then the matter will be referred to the Vice-Chancellor or Vice-Chancellor's nominee for consideration as specified in Rule 16.12.6B; or

(c) the allegation is denied, then the Director, Governance Support Unit will refer the allegation to the Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C;

(d) the matter is classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student neither admits or denies the allegation within the specified time period, the approved precedent penalty will be imposed; or

(e) the matter is not classified as an approved precedent penalty (refer Schedule 4 (section 2A)) and the student neither admits or denies the allegation, the Director, Governance Support Unit will refer the allegation to the Manager, Student Misconduct and Appeals for consideration as specified in Rule 16.12.6C.

(6) advise the student in writing of the decision under 16.12.5(3)(a-b) or 16.12.5(5).

16.12.6 A Where the student admits the allegation, the Director, Governance Support Unit will impose one or more penalties in accordance with the Vice-Chancellor or Vice-Chancellor's nominee approved precedent penalties (refer Schedule 4 (section 2A)).

16.12.6B If no Vice-Chancellor or Vice-Chancellor's nominee approved precedent penalty exists or the matter has been referred from a Responsible Academic Officer under Rule 16.11.3, the Director, Governance Support Unit must refer the matter to the Vice-Chancellor, or Vice-Chancellor's nominee who must:

(1) impose one or more of the penalties set out in Rules 16.3.1(7) to 16.3.1(16), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4); or

(2) impose no penalty because the Vice-Chancellor or Vice-Chancellor's nominee believes no penalty is warranted;

(3) advise the student in writing of the decision.

16.12.6 C Where a matter is referred to the Manager, Student Misconduct and Appeals they must:

(1) impose one or more of the penalties set out in Rules 16.3.1(1) to 16.3.1(16), in accordance with the Guidelines on Determining an Appropriate Penalty for Instances of Student Misconduct (refer Schedule 4); or

(2) impose no penalty because they believe no penalty is warranted; and

(3) advise the student in writing of the decision.

16.12.7 The Director, Governance Support Unit may, on behalf of the University, withdraw an allegation of misconduct at any stage.

Commented [AH62]: There iare in effect the process that must be followed to ensure procedrual faimess and repeat information in the Schedules.

The Reviewers suggest broad statements in rules relating to 'investigations of alleged student misconduct' as used in UoW Student Conduct Rules, section 7. The Rules can state the requirements - natural justice, delegations, provision of outcomes and indicative penalties. Separate procedures for academic misconduct investigations. should be developed. UoW has very clear examples for both academic and general misconduct

Part E - Student misconduct appeals

16.13 Basis for appeals

16.13.1 A student has a right of appeal to a Student Misconduct Appeals Committee in respect of a decision of the Vice-Chancellor, the Vice-Chancellor's nominee, the Manager, Student Misconduct and Appeals or the Director, Governance Support Unit under Rule 16.12.68(2), or of the Responsible Academic Officer under Rule 16.11.2.

16.13.2 An appeal must be in writing, must specify and substantiate the grounds of the appeal and be lodged with the Director, Governance Support Unit within 20 working days after notice of the decision is provided to the student.

16.13.3 The grounds on which a student may appeal against a decision of the Vice-Chancellor, the Vice-Chancellor's nominee, the Manager, Student Misconduct and Appeals, the Director, Governance Support Unit or a Responsible Academic Officer, in response to the findings or to the penalty or penalties imposed, are:

(1) that the decision was based on a material misunderstanding of these Rules;

(2) that the decision was based on a material mistake as to the facts;

(3) that a failure of procedural fairness occurred including failure to follow specified procedural requirements which would be likely to have had an impact on the decisions or outcomes of the proceedings;

(4) that fresh relevant evidence has become available to the student, being evidence that was not available or known to the student at the time of the decision and which would be likely to have affected the outcome of the proceedings;

(5) that the penalty or penalties imposed on the student were manifestly excessive or inappropriate.

16.13.4 The Vice-Chancellor or Vice-Chancellor's nominee may, on the application of the student concerned or otherwise, direct that any action to be taken as a consequence of a decision to impose any penalty be stayed:

(1) until the time for making an appeal against a decision has expired; or

(2) if an appeal against a decision is made within that time, until the appeal has been finally determined.

16.14 Student Misconduct Appeals Committee

16.14.1 Composition

(1) A Student Misconduct Appeals Committee will consist of:

(a) a person with legal qualifications as the Chair of the committee;

(b) a person with expertise in academic matters and knowledge of the University or universities; and

(c) a student of the University who has attended the University for at least two years and who is not a full-time (continuing or fixed-term) member of the University staff.

(2) Council will from time to time approve panels of persons in each of the above categories who can be appointed to a Student Misconduct Appeals Committee. Persons are nominated by the Director, Governance Support Unit following consultation with the Provost, Deputy Vice-Chancellors, Deans and Directors.

(3) No person may serve on a Student Misconduct Appeals Committee considering a case in which the person was a member of the original inquiry body (a Responsible Academic Officer or the Manager, Student Misconduct and Appeals).

(4) When an appeal is lodged, the Director, Governance Support Unit will nominate three persons from the approved panels to constitute the Student Misconduct Appeals Committee.

(5) The Director, Governance Support Unit will notify the student of the three persons who have been nominated.

(6) Within five days of the date of notification, the student may in accordance with Rule 16.14.2 notify the Director, Governance Support Unit in writing that she or he objects to the inclusion of any of these persons.

(7) If the student does object and if the Director, Governance Support Unit in their absolute discretion is satisfied that cause exists (refer Rule 16.14.2), the Director, Governance Support Unit will nominate another person or persons. Should the approved panel for a category be exhausted, the Director, Governance Support Unit may nominate a person in the category who is not on the approved panel. This process will continue until a committee can be convened.

16.14.2 Objection to membership

(1) A student has a right to object to the inclusion of a person on a Student Misconduct Appeals Committee with cause, where 'cause' is defined as:

(a) not having the requisite qualifications; or

(b) being incapable of discharging their duty; or

(c) not being impartial; or

(d) reasonably perceived as not being impartial.

16.14.3 Conduct of appeals proceedings

(1) All members of a Student Misconduct Appeals Committee must be present at all its meetings.

(2) The Chair must determine any question relating to the admissibility of evidence and any other matter relating to procedural fairness or questions of law.

(3) Subject to 16.14.3(2), a decision of a Student Misconduct Appeals Committee requires a simple majority.

(4) If a member of a Student Misconduct Appeals Committee ceases to be a member at a point when the remaining members have reached a decision, and that decision is unanimous, the decision of the remaining members will be the decision of the Student Misconduct Appeals Committee.

16.14.4 Role

(1) In normal circumstances a Student Misconduct Appeals Committee will limit the inquiry to:

(a) the grounds of appeal specified in the notice of appeal submitted by the student, consistent with Rule 16.13.3; and

(b) ensuring, as far as reasonably possible, that the penalty or penalties imposed for the student misconduct are consistent with case precedents and comparable to penalties imposed across the University for similar acts of misconduct.

(2) In exceptional circumstances where there are substantial grounds to believe that it is necessary in the interests of justice and procedural fairness, the Student Misconduct Appeals Committee will consider the matter afresh according to the merits of the case.

(3) The Student Misconduct Appeals Committee will make a determination in each individual case as to whether to consider the matter in accordance with 16.14.4(1) or 16.14.4(2).

16.14.5 Procedures

(1) A Student Misconduct Appeals Committee will determine its own procedures consistent with these Rules, including Rules 16.5 and 16.14.3. This includes whether or not to hear all or any part of a matter afresh.

(2) Unless there are exceptional circumstances, a Student Misconduct Appeals Committee will not consider any material that has not first been considered by the Responsible Academic Officer, the Director, Governance Support Unit, or by the Vice-Chancellor or Vice-Chancellor's nominee and the Manager, Student Misconduct and Appeals.

(3) If new evidence is presented to a Student Misconduct Appeals Committee, being evidence that was not initially considered by the Responsible Academic Officer, the Director, Governance Support Unit, or the Vice-Chancellor or Vice-Chancellor's nominee or the Manager, Student Misconduct and Appeals, the Student Misconduct Appeals Committee will refer the matter back for reconsideration in light of the new evidence.

(4) A Student Misconduct Appeals Committee is not bound by the rules of evidence and may inform itself on any matter it thinks fit consistent with Rule 16.5.

(5) A Student Misconduct Appeals Committee will normally conclude its inquiry and prepare its report within six weeks of the conclusion of the committee's first meeting.

(6) Notwithstanding the provisions of Rule 16.14.5(5), and subject to the approval of the Chancellor, Vice-Chancellor and Director, Governance Support Unit, in an individual case the time within which the report of a Student Misconduct Appeals Committee must be made may be extended to not more than six months from the conclusion of the committee's first meeting or such other period as may be warranted in exceptional circumstances.

16.14.6 Dissolution of Committee

(1) Where, in the opinion of the Director, Governance Support Unit, a Student Misconduct Appeals Committee is not progressing an appeal expeditiously, the Director, Governance Support Unit may, after consultation with the Chair of the Student Misconduct Appeals Committee, by notice in writing served on the members of the Student Misconduct Appeals Committee and the student, dissolve that committee.

(2) Where the Director, Governance Support Unit dissolves a Student Misconduct Appeals Committee under Rule 16.14.6(1), another committee will be constituted in accordance with Rule 16.14.1 to inquire into the appeal, provided that no person who was a member of the dissolved Student Misconduct Appeals Committee may be a member of the newly constituted Student Misconduct Appeals Committee unless the Director, Governance Support Unit so determines.

16.14.7 Decision

(1) A Student Misconduct Appeals Committee may:

(a) for any reason, refer a matter back to the Vice-Chancellor or Vice-Chancellor's nominee, the Director, Governance Support Unit, Responsible Academic Officer or the Manager, Student Misconduct and Appeals as appropriate for further consideration and recommendations;

(b) uphold or dismiss an appeal against a finding that the student has committed an act of misconduct or against the penalty or penalties imposed;

(c) affirm, vary or nullify a penalty in accordance with the decision reached under Rule 16.14.7(1)(b).

(2) A decision of a Student Misconduct Appeals Committee is final, except where further misconduct has occurred as part of the appeals process including, but not limited to, submission of fraudulent documentation or misleading conduct. In such cases a matter may be reopened.

16.14.8 Report

(1) A Student Misconduct Appeals Committee must prepare a written report containing its factual findings (where applicable), reasons and decision and provide its report to the Director, Governance Support Unit within six weeks from the conclusion of the committee's first meeting or such other time as has been approved in accordance with Rule 16.14.5(6).

(2) The Director, Governance Support Unit will notify the student of the committee's decision and provide the student with a copy of the Student Misconduct Appeals Committee's report.

(3) The Student Misconduct Appeals Committee may request the Director, Governance Support Unit to notify any other person of the decision and reasons in accordance with the Guidelines Relating to Student Misconduct and Appeals (refer Schedule 3).

(4) The Director, Governance Support Unit will provide the Vice-Chancellor for the information of Academic Board and Council with an annual report on all student misconduct and appeal matters.

Section 17 - Appeals Committees of Academic Board

17.1 Constitution

17.1.1 There shall be Appeals Committees of Academic Board which shall be constituted in accordance with Rules 17.2 to 17.5 for the purposes of a student's right of appeal under the following Rules:

- Rule 5.6.5 (relating to Refusal of application, withdrawal of offer of admission and cancellation of admission or enrolment);
- Rule 3.4.8 (relating to Internship requirements);
- Rule 11.24 (relating to Appeal against discontinuation of candidature).

17.2 Graduate Research Students' Appeals Committee

17.2.1 Composition

(1) A Graduate Research Students' Appeals Committee shall consist of:

(a) a Chair appointed from panel members (refer Rule 17.2.1(2));

(b) two academic staff members with experience in supervision of graduate research students appointed from panel members (refer Rule 17.2.1(2)); and

(c) a graduate research student of the University who has been enrolled at the University for at least one year, appointed from panel members (refer Rule 17.2.1(2)).

(2) Panel members shall be nominated by the Dean of each faculty and appointed by the Chair of Academic Board for a two-year term. Each Dean shall nominate two academic staff members from their faculty with experience in the supervision of graduate research students (one for each of panels (a) and (b)) and one graduate research student from their faculty who has been enrolled for at least one year, for panel (c). The Chair of Academic Board will approve the Deans' nominations.

(3) Panel members may be appointed for not more than three consecutive terms.

(4) When an appeal is lodged, the Chair of Academic Board, in consultation with the Deputy Vice-Chancellor (Research), shall constitute a Graduate Research Students' Appeals Committee as required under Rule 17.2.1(1) from the panel members appointed under Rule 17.2.1(2). To avoid conflicts of interest, no one from the appealing student's faculty shall sit on the committee and the principles outlined in Rule 17.2.1(6) will be followed. In the event that an appropriate Chair is not available from the panel, a temporary Chair will be appointed by the Chair of Academic Board. This temporary appointment may be for a specified period, or a specified appeal hearing, at the discretion of the Chair of Academic Board. If the Chair of Academic Board is from the same faculty as the appellant, the Deputy Chair of Academic Board or the University Secretary shall constitute the committee.

(5) All members of a Graduate Research Students' Appeals Committee must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through remote conferencing.

(6) Given the University's objectives with regard to embracing diversity, the panel should reflect a balance of genders where possible. Additionally, to foster objectivity and transparency, the panel should reflect a balance of faculties where possible.

17.2.2 Terms of reference

(1) The Graduate Research Students' Appeals Committee shall make determinations on graduate research student appeals against discontinuation of candidature on grounds of unsatisfactory progress pursuant to Rule 11.23.2(1) or unsatisfactory examination pursuant to Rule 11.23.2(2).

(2) In cases where an appeal is upheld, the Graduate Research Students' Appeals Committee may also make recommendations to facilitate the implementation of a remedy appropriate to the circumstances of the matters in question. These recommendations must comply with UTS rules, policies, and procedures, including the Student Rules and the Graduate Research School's policies and procedures.

17.3 Internships Appeals Committee

17.3.1 Composition

(1) An Internships Appeals Committee will consist of four members:

(a) three academic staff members, with experience in the placement and administration of internship students, one of whom shall serve as the Committee's Chair; and

(b) a student of the University who has been enrolled at the University for at least one year and who has completed, or partially completed, internship course requirements.

(1A) Given the University's objectives with regard to embracing diversity, the panel should reflect a balance of genders where possible. Additionally, to foster objectivity and transparency, the panel should reflect a balance of faculties where possible.

(2) From time to time, Deans of faculties that have a substantial number of students in courses with internship requirements will be requested to nominate persons in categories (a) and (b) above. The Chair of Academic Board will from time to time approve persons nominated by the Deans to comprise a panel of persons who may be appointed to serve on an Internships Appeals Committee, as constituted in accordance with Rule 17.3.1(4).

(3) The term of office for a panel member approved under Rule 17.3.1(2) will continue until such time as the member resigns their membership, or ceases to be eligible for membership under Rule 17.3.1(1).

(4) When an appeal is lodged, the Chair of Academic Board will appoint three persons from the panel of persons approved under Rule 17.3.1(2) to constitute a committee as required under Rule 17.3.1(1). The Chair of Academic Board will also appoint a Committee Chair from amongst those three persons. Committee members, including the Chair, will not be from the same faculty as the appellant and the principles outlined in Rule 17.3.1(1A) will be followed, where possible. In the event that an appropriate Chair is not available from the panel, a temporary Chair will be appointed by the Chair of Academic Board. This temporary appointment may be for a specified period, or a specified appeal hearing, at the discretion of the Chair of Academic Board.

(5) With respect to Rule 17.3.1(4), if the Chair of Academic Board is from the same faculty as the appellant, the Deputy Chair of Academic Board or the University Secretary will constitute the committee.

(6) All members of an Internships Appeals Committee must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.

(7) Before making a final determination and consistent with procedural fairness, the committee, through the Chair, may obtain appropriate advice and assistance from a person with strong experience in professional education of students in the relevant area, who has had no previous involvement in the matter, to assist it in assessing necessary levels of capacity and standards of behaviour of students undertaking an internship.

17.3.2 Terms of reference

The Internships Appeals Committee shall make determinations on appeals against decisions of the Deputy Vice-Chancellor (Education and Students) pursuant to Rule 3.4.6 relating to deferral of a student's participation in any part of required professional experience that would have the effect of preventing the student from continuing their course.

17.4 Admissions Non-disclosure Appeals Committee

17.4.1 Composition

(1) An Admissions Non-disclosure Appeals Committee shall consist of:

(a) the Chair, appointed from a panel (refer Rule 17.4.1(2));

(b) two academic staff members, with experience in admission procedures of the University, appointed from a panel (refer Rule 17.4.1(2)).

(2) Nomination of the panel members for Rule 17.4.1 shall be made by the Dean of each faculty, and appointment of panel members approved by the Chair of Academic Board.

(3) When an appeal is lodged the Chair of Academic Board, in consultation with the Provost, shall constitute an Admissions Non-disclosure Appeals Committee as required in Rule 17.4.1(1).

(4) The Chair of Academic Board shall appoint persons in categories (a) and (b) when the committee is required to meet. Committee members, including the Chair, will not be from the same faculty as the appellant and the principles outlined in Rule 17.4.1(6) will be followed. In the event that an appropriate Chair is not available from the panel, a temporary Chair will be appointed by the Chair of Academic Board. This temporary appointment may be for a specified period, or a specified appeal hearing, at the discretion of the Chair of Academic Board. If the Chair of Academic Board is from the same faculty as the appellant, the Deputy Chair of Academic Board or the University Secretary shall constitute the committee.

(5) All members of an Admissions Non-disclosure Appeals Committee must be present at all meetings convened for a specific case. This requirement can be satisfied by the participation of one or more members through telephone or video conferencing.

(6) Given the University's objectives with regard to embracing diversity, the panel should reflect a balance of genders where possible. Additionally, to foster objectivity and transparency, the panel should reflect a balance of faculties where possible.

17.4.2 Terms of reference

An Admissions Non-disclosure Appeals Committee shall make determinations on appeals against withdrawal of offer and cancellation of enrolment, pursuant to Rule 5.6.5.

17.5 Procedures for Appeals Committees

17.5.1 Appeals Committees of Academic Board shall be convened by the University Secretary as required in accordance with the relevant Standing Orders for Academic Board.

17.5.2 Each appeal must be dealt with on its own terms and merits and in accordance with its own circumstances.

17.5.3 Academic Board shall approve sets of procedures to be followed by the respective Appeals Committees established under Rules 17.2 to 17.4, and such procedures shall be subject to review by the Academic Board from time to time.

17.5.4 An Appeals Committee shall determine how to handle the matters before it, consistent with the procedures that Academic Board has approved for it. In particular, an Appeals Committee is not bound by the rules of evidence and may inform itself on any matter relevant to its deliberations in a way that it considers to be efficacious and reliable, consistent with basic fairness to each appellant, and having regard to the academic standards of the University.

17.5.5 Senior administrative staff may assist Appeals Committees, act as advisers and attend meetings as required by the Chair. These staff may include the Director, Student Administration Unit (or nominee), Director, Student Services Unit (or nominee), the Director, Graduate Research School (or nominee), or any other advisers nominated by the Chair of the committee having regard to the stated grounds for appeal. In providing assistance to an Appeals Committee, the members of staff shall confine their comments or contributions to the provision of factual information or technical or legal advice that is actually needed to assist the committee to deal with the matter or matters before it. They should not express any opinion about the appropriate outcome for individual cases or on the merits of any case. A note should be made of the substance of their advice and this should be kept with the official University file relating to the appeal in question.

17.6 Dissolution of an Appeals Committee

17.6.1 Where, in the opinion of the University Secretary, an Appeals Committee, constituted under Rules 17.2, 17.3 or 17.4, is not progressing an appeal expeditiously, the University Secretary may, after consultation with the Chair of the Appeals Committee, by notice in writing served on the members of the Appeals Committee and the student, dissolve that committee.

17.6.2 Where the University Secretary dissolves an Appeals Committee under Rule 17.6.1, another Appeals Committee comprised in accordance with Rules 17.2 to 17.4 will be formed to consider the appeal, but no person who was a member of the dissolved Appeals Committee may be a member of that other Appeals Committee unless the Chair of Academic Board so resolves.

17.7 Decision of an Appeals Committee

17.7.1 A decision of an Appeals Committee of Academic Board requires a simple majority of the members deciding the appeal. The Chair has a casting vote in the event that this is necessary.

17.7.2 An Appeals Committee of Academic Board may:

(1) refer a matter back to the decision-maker for further consideration; or

(2) uphold an appeal and reverse the original decision; or

(3) uphold an appeal in part and vary the original decision; or

(4) dismiss an appeal.

17.7.3 The Chair of an Appeals Committee of Academic Board must provide the University Secretary with the committee's minutes within five working days of the meeting at which a decision is made. An extension of this time limit by no more than five working days is possible and subject to agreement between the Chair and the University Secretary. The minutes must contain the record of the decision taken and the reasons for the decision.

17.7.4 A decision of an Appeals Committee of Academic Board is final. The decision of an Appeals Committee of Academic Board must be reported to Academic Board for information via an Appeals Committees of Academic Board annual report.

17.7.5 Where student misconduct has occurred as part of the appeals process including, but not limited to, submission of fraudulent documentation or misleading conduct, the matter may be referred to the Director, Governance Support Unit for further action.

17.7.6 Appeals Committees of Academic Board must prepare an annual report of their decisions and submit it to Academic Board for information purposes only.

17.8 Notification of decision

17.8.1 The University Secretary must provide notice of the Appeals Committee's decision and reasons for the decision to the student within five working days of receiving the minutes under Rule 17.7.3.

17.8.2 The University Secretary may provide notice of the decision and reasons for it to any other person who has a legitimate reason for having access to such information and in accordance with the provisions of the Privacy Policy.

Section 18 - Use of the University Library

The Rules relating to Use of the University Library apply to the use of the Library of the University.

Commented [AH63]: The Use of the Library needs minimal reference in the Rules, there is an excellent link to relevant policies and guidelines that should be all that is required. https://drupal-library-staging.cloud1.lib.uts.edu.au/about-us/policies-and-guidelines

18.1 Definitions

18.1.1 The Rules in this section shall be referred to collectively as the Rules relating to Use of the University Library.

18.1.2 In the Rules relating to Use of the University Library:

client means any person who borrows, accesses or otherwise uses UTS Library resources, services and facilities.

ID Card means either:

(1) the official student identification card issued by the University (refer Rule 2.2.1), which facilitates loans; or

(2) the official staff identification card issued by the University, which facilitates loans; or

(3) other registration cards issued by the UTS Library.

Inter-Library Loan means an item borrowed from another library by the UTS Library on behalf of a client, or by the client through a UTS Library system, which for the duration of the loan shall be treated as being a UTS Library item and be subject to the same Rules as UTS Library items.

Library, UTS Library and/or University Library means the University Library, comprising the Blake Library (City campus), the George Muir Library (Kuring-gai campus), any other service locations approved by the University Librarian and all electronic facilities provided by any of them.

patron barcode means a machine readable label which gives the client a unique identification number.

patron record means an official Library system record which shows the client's current registration and borrowing status.

UTS College is a wholly owned subsidiary of UTS and provides accredited language and academic programs which may lead to university study.

Commented [AH64]: Should be within a single definitions section

18.2 General

18.2.1 The UTS Library is provided primarily for the use of current students, staff, professors emeriti and members of Council.

18.2.2 The University Librarian may approve other clients or categories of clients. Persons granted UTS Library use under the Rules in this section may be requested to show good reason for use at any time to the University Librarian, who may deny use if not satisfied that the use is for a purpose which has been approved.

18.2.3 The University Librarian may determine the services offered by the UTS Library, and the clients to whom these services may be provided. The University Librarian has the right to require a client to produce proof of identity or entitlement to use the UTS Library at any time.

18.3 Communication

Email is the UTS Library's official mode of communication with clients. Any notices to be given to clients under the Rules in this section will be deemed to have been given if emailed to the UTS email address assigned to them upon enrolment or appointment or, in the case of non-UTS clients, registered with the UTS Library. A notice may be mailed to a client's postal address registered with the UTS Library if no email address is available or disability prevents email access and will be deemed to have been received by the client on the second day following the date of posting for onshore students and on the tenth day following the date of posting for offshore/overseas students.

18.4 Responsibilities of clients

18.4.1 Any person who enters the UTS Library or uses its electronic or other facilities must comply with the Rules in this section and any other relevant UTS rules or policies.

18.4.2 Clients will be expected to maintain an acceptable standard of conduct at all times while on UTS Library premises and/or using UTS Library facilities.

18.4.3 Clients must at all times act in accordance with instructions authorised by the University Librarian which are displayed in one or more of the various locations and facilities of the University Library or in the University Library's official print and electronic publications.

18.4.4 In particular, clients shall be responsible for:

(1) ensuring, before they leave the UTS Library, that any UTS Library item that they remove from the premises of the UTS Library has been registered for borrowing;

(2) the safekeeping and return of items borrowed on their ID Card;

(3) returning UTS Library materials by the date or time due, which is shown on the docket issued at the time of the loan and on the web catalogue;

(4) familiarising themselves with the relevant Library rules and borrowing policies which are available on the UTS Library website.

18.5 Restrictions

18.5.1 Unless authorised by the University Librarian (or nominee) clients shall not:

(1) be permitted to borrow without their ID Card;

(2) lend their ID Card to any other person for the purposes of borrowing UTS Library items or accessing the Library where card access is required;

(3) return materials from other libraries, with the exception of Inter-Library Loans, to UTS.

18.6 Borrowing

18.6.1 Availability

(1) All materials in the UTS Library's collections are normally available for loan with the exceptions listed below. The University Librarian (or nominee) may approve items from the categories listed below for lending in special circumstances:

(a) serials, including newspapers and calendars;

(b) items marked as 'Not For Loan';

(c) reference collection items;

(d) microform collection items;

(e) rare books, valuable books, and books vulnerable to mutilation which are stored in closed access;

(f) some non-book materials.

(2) Items from the Closed Reserve Collection may be borrowed for use in the UTS Library only, unless available for overnight loan or in special circumstances.

18.6.2 Borrowing process

Clients shall:

(1) register with the UTS Library prior to borrowing;

(2) use a self-service loan machine if available or present items for borrowing at the service desk together with their ID Card;

(3) report to UTS Library staff if items are damaged prior to borrowing;

(4) return UTS Library materials only via a designated UTS return chute.

18.6.3 Reciprocal borrowing

Where the UTS Library has reciprocal service arrangements with other educational institutions, authorised members of such institutions may register for borrowing privileges at the UTS Library provided that they are:

(1) either students currently enrolled in an award course of academic study, or current employees of the institution; and

(2) in good standing with their home institution.

18.6.4 Service agreements

(1) Where the UTS Library has entered into a service agreement with an institution or organisation, other than a reciprocal arrangement in accordance with Rule 18.6.3, authorised members of such institutions or organisations may register for borrowing and other associate member privileges at the UTS Library provided they continue to be eligible and are in good standing with their home institution or organisation.

(2) Service fees may be levied for associate membership of UTS Library. Fees shall be as determined by the University Librarian from time to time and as displayed on the UTS Library website.

18.6.5 Closed Reserve/Electronic Reserve

Only members of UTS as described in Rule 18.2.1 and students and staff of UTS College are eligible to use the Reserve and Electronic Reserve.

18.6.6 Borrowing privileges

(1) Borrowing privileges will be as detailed on the UTS Library website and in official UTS Library printed publications.

(2) All loan periods are reduced if the item is required for Reserve or requested by another client. If there is a request queue on an item at the time of borrowing, the loan period will be one week. If an item is already on loan, a notice will be sent to the borrower recalling the item with a new due date of one week from the date the notice was issued or two weeks from the original date of the loan, whichever is longer.

18.7 Offences and breaches of the Rules

18.7.1 It is an offence to:

(1) mutilate, damage or modify UTS Library property or facilities; or

(2) leave or attempt to leave the UTS Library:

(a) with any UTS Library item which is not registered in the borrower's name; or

(b) with only part of any UTS Library item, such as pages from a book or journal, without the permission of the UTS Library;

(3) use a computer or any other equipment provided by the UTS Library for any unauthorised purpose;

(4) disclose any UTS password or access code associated with access to electronic information to any other person or allow any other person to use their account;

(5) engage in any act which may impede the safety of other clients or their ability to study or work effectively in the UTS Library.

18.7.2 Where a student of the University breaches these Rules, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence, the University Librarian may:

(1) exclude the student from the Library or facilities in accordance with Rule 16.9; and/or

(2) refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12.

18.7.3 Where a staff member of the University breaches these Rules, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence:

(1) the University Librarian may refer the matter to the Vice-Chancellor for action in accordance with the Code of Conduct and relevant Enterprise Agreement; and

(2) the Vice-Chancellor shall advise the staff member and the University Librarian of their decision.

18.7.4 Where a student of another university or other institution breaches these Rules, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence, the University Librarian may:

(1) exclude the student from the Library or facilities; and

(2) refer the matter to the student's home university or institution.

18.7.5 Where a member of the general public breaches these Rules, is discovered committing an offence or is believed by the University Librarian on reasonable grounds to have committed an offence, the University Librarian will take appropriate action, including but not limited to excluding that person from the Library.

18.8 Penalties, fines and fees

18.8.1 General

(1) The fees and penalties listed in this section will apply to any breach of the Rules relating to Use of the University Library.

(2) In the Rules relating to Use of the University Library any reference to an amount approved by the Vice-Chancellor from time to time refers to an amount which will be published on the UTS Library website.

18.8.2 Failure to return

(1) Failure to return a borrowed item by the due date, or failure to return an item requested by another client or otherwise recalled by the UTS Library within one week of the request, will incur a fine.

(2) The fine is calculated on each overdue item at a rate approved by the Vice-Chancellor from time to time.

(3) All borrowing and renewal privileges will be suspended if the total fine on a client's record reaches or exceeds a threshold value approved by the Vice-Chancellor from time to time. Such privileges will be reinstated when all fines are paid in full or brought under the threshold amount.

18.8.3 Replacement

(1) A client who fails to return a borrowed item within eight weeks of the due date will receive a bill for replacement containing a replacement fee and/or a service fee.

(2) The replacement fee will be the average current market replacement cost of material in the format of the unreturned item.

(3) The service fee will be such amount as the University Librarian may determine from time to time.

(4) A client who returns an item in response to a bill for replacement will be liable for the larger amount of either the outstanding fine, or the service fee, but not for the replacement fee.

(5) A client who replaces an item with the same or a later edition in response to a bill for replacement will be liable for the larger amount of either the outstanding fine, or the service fee, but not for the replacement fee.

18.8.4 Damage or mutilation

Where an item is damaged or mutilated beyond repair or further use, the client will be required to pay both the replacement fee and the service fee and the damaged item shall remain the property of the UTS Library.

18.8.5 Incorrect return

(1) A borrowed item returned to another library will be viewed as being out on loan to the client until the item is returned to the UTS Library. The client will be required to pay for any postage or courier charges that may be incurred in obtaining the return of an item from another library, in addition to a service fee and any other charge that may be payable.

(2) A client who breaches Rule 18.5.1(3) will be required to pay all costs incurred in returning the item to the originating library as well as the service fee.

18.8.6 Debts to the Library

Where students have debts to the UTS Library with a total which reaches or exceeds an amount approved by the Vice-Chancellor from time to time, or to any other library where the student has exercised reciprocal borrowing privileges, the University may act in accordance with the provisions of Rule 4.4.

18.9 Payment of fines, service fees and replacement fees

18.9.1 Fines, service fees and replacement fees are payable to the University Library within 14 days of the date of the notice requesting payment.

18.9.2 Any outstanding fine, service fee or replacement fee shall be a debt to the University.

18.10 Reviews of decisions

18.10.1 A client who disputes the imposition of a penalty, fee or fine under Rule 18.8 or who seeks leniency may in the first instance lodge a claim with the designated Library officer and in the prescribed manner approved by the University Librarian from time to time.

18.10.2 A client may request a review of a decision made pursuant to Rule 18.10.1.

18.10.3 A request for a review of a decision must be made in writing and lodged with the University Librarian within 30 days after notice of the decision has been sent to the client.

18.10.4 The University Librarian (or nominee) shall consider any such request within 14 days of lodgement of the request and provide the decision to the client in writing. The decision of the University Librarian (or nominee) is final.

18.11 Waiving of penalties or fees

18.11.1 Notwithstanding the provisions of Rules 18.8 and 18.9, the University Librarian has a discretion, in cases where there are extenuating circumstances, to vary or remit, in whole or in part, any penalty, fine or fee imposed as a consequence of the operation of Rules relating to Use of the University Library.

Schedules

Schedule 1 - Definitions

academic adviser means a member of academic staff appointed by a Dean (or nominee) in a specific faculty who is assigned to, and/or whose advice is sought by, students who have or are likely to have difficulty in satisfying academic progression requirements.

Academic Board means the Academic Board established under section 15 of the Act.

Academic Liaison Officer (ALO) means a member of the academic staff of a faculty appointed by a Responsible Academic Officer of that faculty with responsibility for determining special provisions including for students with carer responsibilities, students who are pregnant, and learning and assessment arrangements for students who have permanent or temporary disabilities (including ongoing illnesses).

academic progression is a general term that refers to the requirement for students to satisfy specified levels of academic achievement as they progress through their course and the requirement for the University to monitor this progress. The measures of academic progression include:

- satisfying a minimum rate of progress specified in terms of credit points gained;
- completing a course within an approved maximum time limit;
- not failing the same (or equivalent) subject on repeated occasions.

academic transcript means the official University document issued by the University as a record of all learning leading to an Australian Qualifications Framework qualification or an accredited unit in which a student is enrolled.

Act means the University of Technology Sydney Act 1989 (NSW) (as amended from time to time).

admission means the process of applying for, being made an offer to, accepting the offer of admission and being admitted to a course at the University.

Advanced Diploma means a course of study with learning outcomes at Level 6 of the Australian Qualifications Framework. The Advanced Diploma qualifies individuals who apply specialised knowledge in a range of contexts to undertake advanced skilled or paraprofessional work and as a pathway for further learning.

alternative examinations mean exams for students who have an approved special consideration application to sit the exam at a different time/date from the main exams for centrally conducted exams or at a time designated by the faculty for faculty-based exams. These are held after the main exams during the alternative exam period.

applicant means a person who has applied for admission to the University.

assessment means the process whereby student achievement of particular learning outcomes is determined, feedback on progress is given and final subject assessment results/grades are awarded. Assessment is a broad term and includes but is not limited to tests, essays, assignments, projects, practical work, creation of digital products, examinations, reports, exhibitions, performances, presentations, demonstrations and other work whether written or otherwise.

assessment result means the mark, grade or result achieved by a student for a particular assessment which indicates the standard attained in that assessment. (Also see final subject assessment result.)

Associate Degree means a course of study with learning outcomes at Level 6 of the Australian Qualifications Framework. The Associate Degree qualifies individuals who apply underpinning technical and theoretical knowledge in a range of contexts to undertake paraprofessional work and a pathway for further learning.

attendance mode (a term required by the Commonwealth Government department that funds higher education) identifies the way a student undertakes a subject or course and can be internal, distance (i.e. external) or multi-modal (i.e. where a student is undertaking a course that contains a combination of internal and distance study). (Also see study mode.)

Australian Higher Education Graduation Statement (AHEGS) means the official University document issued by the University as a supplementary statement to the testamur and academic transcript. It provides additional information to enhance understanding of the qualification by students, employers, industry, professional associations and internationally.

Australian Qualifications Framework (AQF) is Australia's national policy for regulated qualifications. The AQF encompasses higher education, vocational education and training and school education. It provides for national recognition and a consistent understanding of what defines each qualification type.

award means an academic award of the University in respect of an award course.

award course means the following course types and any other courses that may be approved by Academic Board from time to time:

- Undergraduate Certificate;
  Diploma;
- Advanced Diploma;
- Associate degree;
- Bachelor degree;
- Bachelor Honours degree;
- Graduate Certificate;
- Graduate Diploma;
- Masters degree (Coursework);
- Masters degree (Extended);
- Masters degree (Research);
- Doctoral degree;
- Higher Doctorate.

Bachelor degree means a course of study with learning outcomes at Level 7 of the Australian Qualifications Framework. The Bachelor degree qualifies individuals who apply a broad and coherent body of knowledge in a range of contexts to undertake professional work and as a pathway for further learning.

Bachelor Honours degree means a course of study with learning outcomes at Level 8 of the Australian Qualifications Framework. The Bachelor Honours degree qualifies individuals who apply a body of knowledge in a specific context to undertake professional work and as a pathway for research and further learning.

borderline result means a final mark of 45-49 per cent in a subject where 50 per cent is judged as a pass; or an equivalent marginal fail in a subject for which marks are not awarded.

By-law means the University of Technology Sydney By-law 2005 (NSW) (as amended from time to time) as established under the Act.

census date is the date at which student load and financial liability is calculated for the purpose of reporting to the Commonwealth Government. It is the last date by which a student can withdraw from a subject without incurring academic penalty or financial liability, where financial liability means either a tuition fee, or student contribution amount or the student services and amenities fees.

centrally conducted examination means an examination scheduled and conducted under the authority of the Director, Student Administration.

collaborative Doctoral degree means a Doctoral degree offered under an arrangement between UTS and an international university involving collaborative research and supervision of a Doctoral degree student. This leads to the student being awarded a Doctoral degree from both universities in recognition of the collaborative arrangement.

combined degree: Bachelor or Masters degrees may be offered as a combined degree which normally consists of components of two degrees. Combined degrees may, but need not, enable a student to graduate with both degrees in a shorter time than required to complete both degrees independently. Combined bachelor degrees will typically consist of two bachelor degrees and combined masters degrees will typically consist of two master degrees.

Council means the Council of the University established under section 8A of the Act.

course means an award course, short form of learning or non-award study or any part of such program of study offered by UTS into which students are admitted and may include single subjects or time-based study in which students are enrolled.

course transfer means the process by which UTS students can transfer from one course to another course. This can include an 'early exit' option upon completion of the course requirements for a lower-level award.

credit point means the unit of measure of workload for individual subjects. Credit points are gained by students enrolled in award courses when subjects are passed and, when accumulated, credit points form one measure of the total requirements of a course. As a standard measure at UTS, one academic year of full-time study is equivalent to 48 credit points.

cross-institutional study means single subject or set of subjects study undertaken at UTS by a student as part of an award course for which they is enrolled at another Australian university.

Dean means the appointed head of a faculty or other academic organisational unit with responsibility for the academic standing and overall leadership and management of the faculty or other unit.

debt to the University means failure to pay all fees, charges and any other specified amount imposed and/or required by the University to be paid by the due date for payment.

Diploma means a course of study with learning outcomes at Level 5 of the Australian Qualifications Framework. The Diploma qualifies individuals who apply integrated technical and theoretical concepts in a broad range of contexts to undertake advanced skilled or paraprofessional work and as a pathway for further learning.

Director, Governance Support Unit means the officer of the University who has general responsibility for, among other things, the administration of matters being handled in accordance with Section 16 (Student misconduct and appeals).

Director, Student Administration (in the Lifetime Learner Experience Unit) means the officer of the University who has general responsibility for student administrative matters including, among other things, admissions, fees, enrolment, centrally conducted examinations, quality and graduation procedures.

Director, Student Services Unit means the officer of the University who has general responsibility for a range of support services for students including, among other things, student counselling services, student housing and student residences.

Doctoral degree means a course of study with learning outcomes at Level 10 of the Australian Qualifications Framework. The Doctoral degree qualifies individuals who apply a substantial body of knowledge to research, investigate and develop new knowledge, in one or more fields of investigation, scholarship or professional practice. Doctoral degrees can include a Doctor by research or a Doctor by research with a coursework component. The coursework component should make up no more than one-third of the total course requirement.

domestic student means students who are:

- Australian citizens;
- holders of an Australian permanent visa; or
- New Zealand citizens, including a diplomatic or consular representative of New Zealand, a member of the staff of such a representative or the spouse or dependent relative of such a representative.

enrolment means the process whereby a student who has been admitted to a course enrols in subjects or other assessable components, which includes the allocation of classes, tutorials etc. where relevant or enrolment in time-based study where relevant, and completes other related administrative requirements as determined by the University.

equipment loan means a University asset borrowed by a student to meet specific teaching, learning or assessment requirements as specified in subject outlines provided to students, including but not limited to:

- laboratory/scientific - apparatus equipment;
- photographic/video/telecommunications/sound equipment;
- workshop equipment.

equivalent full-time student load (EFTSL) is a measure of the study load of a student undertaking a course on a full-time basis. At UTS for students enrolled in coursework programs, one EFTSL is equivalent to 48 credit points and for students enrolled in graduate research programs one EFTSL is equivalent to one year of full-time study.

examination means any centrally conducted examination, faculty-based examination and thesis examination scheduled in-person or online.

examination period means:

(1) the official examination period as approved by Academic Board for centrally conducted examinations; or

(2) examination periods approved by the Director, Student Administration for centrally conducted examinations; or

(3) examination periods approved by the Subject Coordinator for faculty-based examinations to be held at other times as required and published in accordance with Rule 9.1.

examination supervisor means a person appointed in accordance with procedures prescribed by the Director, Student Administration to oversee and direct centrally conducted examinations. (Also see monitoring staff member.)

facility includes but is not limited to any classroom, lecture theatre, library, computing, production or workshop facility, any other place of learning, any information technology or information transfer system, student accommodation or any other properties owned, occupied or controlled by UTS to which a student has access at or away from University premises for their University purposes.

faculty means an organisational unit as approved from time to time which is responsible for the delivery of teaching, research and associated activities within a common academic discipline grouping, and any other organisational unit designated as such by the Vice-Chancellor for the purposes of the Rules.

faculty-based examination means an examination conducted by a faculty or other designated unit, and includes examinations for courses and subjects or time-based study conducted offshore.

Faculty Board means the group of staff and students with responsibility for assessing the quality of, and providing direction to, the academic work of the faculty including teaching, learning, scholarship, research and research training and exercising responsibilities assigned to it by Academic Board from time to time.

final subject assessment result means the mark, grade or result awarded for a subject as a whole. (Also see assessment result.)

form means an official form of the University used for student administrative purposes and includes forms in hardcopy print format, forms that are available electronically and forms that are part of online transaction processes utilising electronic systems.

full-time student means a student who is undertaking a minimum of 75 per cent of the equivalent full-time student load.

Generative artificial intelligence (also **GenAI)** means an artificial intelligence system, tool (existing and emerging) or IT resources (existing or emerging) that can generate new content, such as text, images, code, video and audio.

grading of awards means the recognition of different levels of academic achievement within specific course awards through the classification of the award.

graduate means a person who has satisfied the requirements for an academic award and upon whom the award has been conferred.

Graduate Certificate means a course of study at Level 8 of the Australian Qualifications Framework. The Graduate Certificate qualifies individuals who apply a body of knowledge in a range of contexts to undertake professional or highly skilled work and as a pathway for further learning.

graduate coursework student means a student enrolled in a Graduate Certificate, Graduate Diploma, Masters degree (Coursework) or Masters degree (Extended).

Graduate Diploma means a course of study at Level 8 of the Australian Qualifications Framework. The Graduate Diploma qualifies individuals who apply a body of knowledge in a range of contexts to undertake professional or highly skilled work and as a pathway for further learning.

Graduate Research School Board means the group of staff and students with responsibility for assessing the quality of, and providing direction to, the administration of graduate research education in the Graduate Research School. Under Rule 1.3 of the Student Rules, the Graduate Research School Board (GRSB) is accountable for making strategic decisions to shape the direction and practices of the Graduate Research School in matters of students, research and teaching, its development and its core business as a pan-institutional entity.

graduate research student means a student enrolled in a Masters degree (Research) or a Doctoral degree.

HELPS means the Higher Education Language and Presentation Support, which provides English language and academic literacy support to UTS students.

Higher Degree Research Committee means the body appointed by Academic Board to provide recommendations and advice on matters relating to graduate research training quality and performance, degree accreditation and removal, research integrity and emerging trends in graduate research.

Higher Doctorate means an award of the University conferred upon candidates who have a significant academic connection with the University and whose scholarly works exhibit, among other things, a level of originality and creativity which marks them as a major authority in their field.

honorary award means an award of the University conferred upon a person who has made an outstanding contribution to the achievement of the University's mission, to scholarship or professional practice in one or more disciplines or professions of interest to the University, to the advancement of society in Australia or overseas or to the life and objectives of the University. Honorary awards, taking the totality of the contributions being recognised, may be in the form of a Doctoral degree, a Fellowship of the University or a Distinguished Service Award.

inherent requirements mean identified academic and non-academic requirements that are essential to the successful completion of a course or its professional or accreditation components. These include, but are not limited to, the ability to perform specific tasks, the ability to work effectively in a team or with specific tools or software and the ability to work safely. Inherent requirements for UTS courses must be clearly articulated and published however are not considered as part of the admissions process.

intellectual property means intellectual property subject to the University's Intellectual Property Policy.

international student means a person who is not a citizen or permanent resident of Australia, not a New Zealand citizen or not a person entitled to stay in Australia without any time limit, who is enrolled or to be enrolled in a course of study at the University.

internship means all University approved or provided clinical, professional, industrial work placements, experiences or practicums, paid or unpaid, onshore or offshore, that form part of a course or subject offered by the University. Further guidance is provided in the Internships Management Policy.

internship-like experience means a University recognised experience, or collection of experiences, that simulate a place of work that forms part of a course or subject (within a workplace environment from classroom to workplace). These experiences normally involve extended participation in activities that approximate real work activities such as problem-based learning with industry partners, simulations, case studies, studios, complex lab work, workplace audits and/or field trips that approximate real work activities. They are designed or facilitated with industry input, are accompanied by reflection to consolidate learning, and/or show possible future employment situations.

invigilation means to supervise students at an examination. Invigilation can be done in person, remote live and remote recorded.

leave of absence means a period of time in which a student who has been admitted to a course is permitted not to enrol in any subjects or, in the case of a graduate research student, not to continue with research study for a period of time. Students must seek approval for leave of absence.

legislation or legislative requirements means all and any Commonwealth and state Acts, instruments made under those Acts and any other form of Commonwealth or state regulation.

level means the relative complexity or level of difficulty of a course or subject. Levels provide an agreed standard of what a student is expected to know and be able to do upon completion of a course or subject.

Masters degree (Coursework) means a course of study at Level 9 of the Australian Qualifications Framework. The Masters degree (Coursework) qualifies individuals who apply an advanced body of knowledge in a range of contexts for professional practice or scholarship and as a pathway for further learning. Masters degree (Coursework) may be offered as a combined degree which normally consists of components of two masters degrees. Combined Masters degrees (Coursework) may, but need not, enable a student to graduate with both degrees in a shorter time than required to complete both degrees independently.

Masters degree (Extended) means a course of study at Level 9 of the Australian Qualifications Framework. The Masters degree (Extended) qualifies individuals who apply an advanced body of knowledge in a range of contexts for professional practice and as a pathway for further learning.

Masters degree (Research) means a course of study at Level 9 of the Australian Qualifications Framework. The Masters degree (Research) qualifies individuals who apply an advanced body of knowledge in a range of contexts for research and scholarship and as a pathway for further learning. A Masters degree (Research) may also have a coursework component. The coursework component should make up no more than one-third of the total course requirement.

misconduct can be academic misconduct and/or non-academic misconduct. Refer Rule 16.2 for specific definitions.

monitoring staff member means the officer of the University appointed by the Dean (or nominee) to oversee and direct faculty-based examinations. (Also see examination supervisor.)

nominee means the person or position identified by an officer of the University to undertake defined duties that are specified in the Rules as being the responsibility of that officer and, who, in undertaking those duties, will act for that officer of the University.

non-award student means a student enrolled in non-award study.

non-award study means a program of study that does not lead to an award of the University and may fall into the following categories:

- non-award single subject study;
- professional registration courses;
- cross-institutional study;
- international exchange study;
- UTS Foundation Studies;
- exchange program;
- study abroad program.

officer of the University means a member of staff of the University or person engaged as a contractor by the University to provide services on behalf of the University.

official academic record includes the UTS academic transcript, the UTS Australian Higher Education Graduation Statement, and the UTS testamur. (Also see academic transcript, Australian Higher Education Graduation Statement, testamur.)

official noticeboard means the UTS noticeboard website where official notices are displayed in electronic form.

official publications of the University mean:

(1) the UTS: Calendar as published from time to time;

(2) the UTS: Handbook as published from time to time,

as designated by the University Secretary. Published includes published in an electronic version.

plagiarism refer Rule 16.2.1(4) for specific definition.

procedural irregularity means failure to follow the procedures that apply to the making of a particular decision under the Rules.

professional accreditation authority means an external professional body authorised to assess and accredit qualifications required by that particular profession.

professional Doctorate means a program of study at Doctoral level which advances knowledge through scholarly engagement with the practice of a profession, industry or creative field.

recognition of prior learning (RPL) means the range of processes by which students may have previous learning recognised for credit and/or the substitution of subjects as appropriate in their courses.

register means a formal or official collection of items of information in either hard copy or electronic form which has been designated by the University as being for a specific and defined purpose.

rescheduled examinations mean exams for students who have an approved special consideration application to sit the exam at a different time/date from the main exam. These are taken during the official assessment period.

Responsible Academic Officer (RAO) means a member of academic staff appointed as such by a Dean, Director of a Centre or Director of an Institute and such other persons as the Vice-Chancellor approves. A Dean, Director of a Centre or Director of an Institute that approves the appointment of an RAO also carries the same responsibility and can act as an RAO.

special consideration is the term used when a student who is experiencing (or anticipates that they will experience) significant difficulty in meeting assessment requirements due to circumstances beyond the student's control (including but not limited to serious illness or psychological condition, loss or bereavement, hardship or trauma) applies to have those factors considered in the determination of variation to assessment requirements or other special arrangements for learning and assessment.

student (unless a defined intention is apparent or there is a specific definition within the relevant section of the Rules) means a person who has been admitted to an award course or non-award study and has an active enrolment in subjects or time-based study. A person is not a student if the person has:

- completed the requirements of the course; or
- withdrawn from the course; or

- withdrawn temporarily from the course for a period of at least one semester through approved leave of absence; or
- no active enrolment in subjects or in time-based study in a particular semester; or
- had their enrolment in the course discontinued, cancelled, suspended or terminated in accordance with the Rules; or
- been excluded from the course or from the University in accordance with the Rules.

Student Administration means the operational area in the Lifetime Learner Experience Unit under the Director, Student Administration that is responsible for the management of current students including admissions, current learner enquiries, enrolment, fees, exams, study plan management, progressions, subject results, graduation and conferral.

Student Assessment Review Committee means a committee established by each Faculty Board to consider requests from students for review of final assessment results in particular subjects conducted by the faculty.

Student Security Identification (SSI) means a Student Personal Identification Number (PIN), password, swipe card and/or any other form of access control device.

student system account means the UTS student administration access system and email allocated to a student.

study mode identifies particular characteristics about the method of study for particular courses or subjects and includes standard, cross institutional, exchange inbound, exchange outbound, industrial experience, non-award, offshore. (Also see attendance mode.)

subject means a self-contained unit of study that is approved by a Faculty Board. If a subject is a component of an award course, it is normally allocated a specified number of credit points as a measure of the workload for that subject. (Also see credit point.)

Subject Coordinator means a member of academic staff nominated by a Responsible Academic Officer and appointed by the relevant Dean or equivalent for each subject.

subject outline means the official document that represents the statement of subject requirements that is authoritative for both the University and the students undertaking the subject. It is prepared in accordance with the requirements specified by the Subject Descriptions and Outlines Policy and Coursework Assessments Policy and Procedures and may include, among other things, details of the minimum essential requirements necessary to pass the subject, material and equipment that may be taken into an examination and may prescribe attendance and/or participation requirements.

supervisory panel means the group of people appointed by the Graduate Research School Board in accordance with the guidelines approved by Academic Board to supervise the candidature of a research degree student.

supplementary assessment means the process by which a faculty may make provision for a student to undertake an additional assessment task within a specified time period if that student has been awarded a 'Fail' in their final teaching period and if that 'Fail' is within the borderline result range.

teaching period means a period of time approved by the University for the teaching and assessment of a subject. The official teaching periods are approved by the Vice-Chancellor on advice from Academic Board and are published as a schedule of approved teaching periods in appropriate official publications of the University.

testamur means the official certification document that confirms a qualification has been conferred.

thesis examination means the process used to assess the level of achievement in a thesis submitted as part or all of the requirements of a graduate research degree.

time-based study means courses or subjects which use time as the basic measurement of their duration.

Undergraduate Certificate is a higher education qualification of six months duration covered by an existing higher education qualification at AQF levels 5, 6, or 7. Course content is drawn from the existing higher education qualification, to ensure students have the option to transition to the AQF level 5, 6 or 7 qualification on completion of the Undergraduate Certificate.

undergraduate student means a student enrolled in a Bachelor degree or Bachelor Honours degree.

University or UTS means the University of Technology Sydney.

University Secretary means the officer of the University whose general responsibilities, among other things, include being both Secretary to Council and Academic Board.

vertically integrated degree: a vertically integrated degree course pairs courses at two different AQF levels (e.g a bachelor course and a master's course, or a bachelor course and a diploma course) to form an articulated two-part course leading to two awards.

working day means any day Monday to Friday inclusive except when one of those days is a public holiday in New South Wales or a day on which the University closes down for a holiday period such as Christmas as notified on the official noticeboard of the UTS website.

Schedule 2 - Results and grades (Repealed)

Note: Schedule 2 of the UTS Student Rules was repealed and replaced by appendix A in the Coursework Assessments Policy on 1 January 2018 (COU17-4/80, AB/17-3/52).

Schedule 3 - Guidelines relating to student misconduct and appeals

Commented [AH65]: These should be replaced by standalone procedures that are clearly referenced in relevant rules.

1. Introduction

1.1 These guidelines have been prepared for the benefit of all people involved in the processes established by the University to deal with allegations of misconduct made against students and with appeals lodged by students against decisions arising from such allegations.

1.2 The guidelines are divided into four sections: introduction, general principles, guidelines for inquiry bodies and guidelines for the Student Misconduct Appeals Committee.

1.3 The term 'inquiry bodies' refers to the University Student Conduct Committees and Student Misconduct Appeals Committees, but also extends, as necessary, to the Vice-Chancellor, Vice-Chancellor's nominee, Provost, Responsible Academic Officer, Manager, Student Misconduct and Appeals and the Director, Governance Support Unit.

1.4 Notwithstanding these sectional headings, the guidelines are designed for use by all who play some role in these processes and should be freely distributed to students and their advisers and academic and support staff who have a need for knowledge of student misconduct and appeal matters. In particular, they are to be given to all students at the time formal allegations of misconduct are made against them.

1.5 The guidelines take into account the University's Rules and procedures and the principles of procedural fairness.

2. General principles

2.1 All students who are the subject of recommendations or decisions of others are entitled to be treated fairly, with dignity and with due regard to their privacy.

2.2 Students are entitled to be regarded as not having behaved in an alleged manner until and unless they admit that behaviour or a fair and proper inquiry leads to a reasonable conclusion that they have so behaved.

2.3 Knowledge that a student has behaved in a particular way in the past is not evidence that the student has behaved in the same manner again. Such knowledge may be evidence that the student is aware that the behaviour is an act of misconduct (or it may be relevant to the level of penalty).

2.4 Each case must be dealt with on its own terms and merits and in accordance with its own circumstances.

3. Guidelines for inquiry bodies

3.1 Students must be provided with the allegation, reasons for the allegation and information that supports the allegation.

3.2 A copy of, or an electronic link to, these guidelines is to be given to the student at the time the student is formally made aware of the allegation.

3.3 The amount of detail given to the student is dependent upon the circumstances. Generally, a student's request for details and access to documents relating to allegations about that student should be met, except where the information being sought:

- is an infringement upon the privacy of others;
- may cause the safety of others to be at risk;
- is irrelevant and/or excessive in amount.

3.4 The student must have an opportunity to seek advice. In some circumstances it may be appropriate for the University to make arrangements for advice to be given. The Director, Governance Support Unit (or nominee) may seek advice on the University's behalf at any stage. There may be a need for translating and/or interpreting services to be provided.

3.5 The student may admit or deny the allegation, provide an explanation, disclose mitigating factors or address the matters in other ways which the inquiry body finds relevant.

3.6 The inquiry body should consider all of the relevant information it has received, except any information which the student has not had an opportunity of addressing.

3.7 Knowledge which the inquiry body has of any past offences or other misconduct committed by the student may be taken into account only:

- as evidence that the student was aware that certain actions constitute misconduct; and
- as one factor in the consideration of the level of penalty, if the inquiry body finds that the present allegation of misconduct is proven.

3.8 The student will be provided with the decision and the reasons for the decision.

3.9 The inquiry body is responsible for determining who, in addition to the student and any other student as provided for in the Rules against whom the allegation was made, should receive formal notification of the decision and/or recommendation and the reasons for it. In making this determination, the inquiry body will take into account potentially conflicting needs of the student for privacy and of others who participated in the process and who may have ongoing responsibility for University courses or facilities. In circumstances where an alleged victim of a crime of violence or a nonforcible sex offence makes a written request, the University will disclose to the alleged victim any decision and/or recommendation and the reasons for it with respect to any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offence with respect to such crime or offence. The inquiry body may impose conditions of confidentiality on any student who is so notified.

4. Guidelines for Student Misconduct Appeals Committees

4.1 Each Student Misconduct Appeals Committee will determine its own procedures consistent with these guidelines.

4.2 Where a student does not dispute a finding of an inquiry body, but appeals against the severity of a penalty imposed, the Student Misconduct Appeals Committee may decide to rehear the matter in full or to limit its work to a consideration of the penalty.

4.3 Where the Student Misconduct Appeals Committee finds it cannot discharge its responsibilities unless it rehears the matter in full (i.e. treats it as a fresh investigation), it shall do so. There may be circumstances that make it acceptable for a committee to confine itself to dealing afresh with points raised by the student in any stated grounds for the appeal.

4.4 The student is free to raise questions of process and/or merit with respect to the original inquiry. The student may repeat, correct or otherwise amend points made at the original inquiry, provide further explanation, disclose additional mitigating factors or address the matters in other ways which the committee finds relevant. If the student advances new evidence, the committee may hear the appeal or refer the matter to the original inquiry body.

4.5 The student must be given reasonable time to prepare an appeal based upon stated reasons for the original decision.

4.6 The student must have an opportunity to seek advice; in some circumstances it may be appropriate for the University to make arrangements for advice to be given. There may be a need for translating and/or interpreting services to be provided.

4.7 The student's opportunity to address the information should be in person, in writing or both. The student should always have the option of having a friend or adviser present during any hearing. The committee may determine any limitations that may be placed on the role of a friend or adviser present at a hearing. For example, in some circumstances it may be appropriate for the student's friend or adviser to assist the committee by answering questions or addressing raised issues on the student's behalf. In most University circumstances, any friend or adviser present need not be permitted by the committee to act as an advocate or legal representative. Only in exceptional circumstances will legal representation be allowed.

4.8 If the committee considers that a student has an acceptable reason for being unable to attend a hearing (e.g. an international student who has returned home during a vacation period), the committee may permit the student to nominate a representative to attend. The committee may permit the student to use telecommunication facilities to participate in all or part of a hearing, if such facilities are readily available at reasonable cost, or may adjourn for a reasonable time until the student is available.

4.9 If the student fails to respond to reasonable attempts by the committee to communicate or does not provide the committee with acceptable reasons for not attending a hearing, the committee will make its own determination as to whether it will adjourn or proceed in the absence of the student.

4.10 The Student Misconduct Appeals Committee determines the order of presentation, i.e. whether the student should open (by presenting a case for the overturning of the original finding and/or penalty) or whether the University should commence the appeal proceedings (by defending the decision of the inquiry body). The nature of the appeal and its circumstances are the determining factors.

4.11 In presenting the appeal case, the student is normally to be given the opportunity of calling other persons to provide evidence in support of the appeal and the student should be allowed to lead any such witnesses through their evidence in which case the appeal may proceed by way of rehearing afresh.

4.12 During the course of a hearing, the student should be given an opportunity of questioning any witness or other person who is giving evidence to the committee.

A right to question does not imply a right to harass.

4.13 The recommendation or decision against which the appeal is being made will be supported by the Director, Governance Support Unit (or nominee). The person providing this support must also be given adequate time to prepare.

4.14 Provided it is relevant to the approach taken by the committee, a student whose information given at the earlier inquiry is being questioned at the appeal, should be given an opportunity to respond to such questions.

4.15 The committee may appoint advisers as it deems appropriate but it will not commit itself to expenditure without the Director, Governance Support Unit's agreement. The Director, Governance Support Unit may also seek advice on the University's behalf at any stage of an appeal process.

4.16 During the course of an appeal, neither the fact that there has been an inquiry and there is now an appeal, nor any information relating to them or to the student, should be disclosed to people who do not have a legitimate reason to have such information. Accordingly, hearings are normally held in camera.

4.17 Without compromising the appeal's thoroughness, it should take place without any unnecessary delays, taking into account the reasonable needs of people involved to be properly prepared.

4.18 The Student Misconduct Appeals Committee should consider all of the relevant information it has received, except any information which the student has not been given an opportunity of addressing.

4.19 Knowledge that the Student Misconduct Appeals Committee has of any past offences or other misconduct committed by the student may be taken into account only:

- as evidence that the student was aware that certain actions constitute misconduct; and
- as one factor in the consideration of the level of penalty, if the Student Misconduct Appeals Committee finds that the allegation of misconduct, the decision on which is currently under appeal, is proven.

4.20 The Student Misconduct Appeals Committee has the following options:

4.20.1 it may, for any reason, refer a matter back to the inquiry body for further inquiry and decision;

4.20.2 it may uphold an appeal against a finding that the student has committed an act of misconduct, in which case any penalty imposed shall be nullified;

4.20.3 it may uphold an appeal against the severity of a penalty and reduce it to a lesser penalty from among those provided in the Rules;

4.20.4 it may dismiss an appeal against a finding that the student has committed an act of misconduct but determine that the penalty should be reduced to a lesser one from among those provided in the Rules;

4.20.5 it may dismiss the appeal.

If the Student Misconduct Appeals Committee chooses the option in Rule 4.20.1, the Director, Governance Support Unit will notify the Student Misconduct Appeals Committee Chair of the result of the inquiry body's reconsideration and whether or not it has been accepted by the student. If the student requests it, the Student Misconduct Appeals Committee will reconvene to hear the appeal.

4.21 The student is entitled to be given the reasons for the appeal decision at the time the decision is made known to the student.

4.22 The Student Misconduct Appeals Committee is responsible for determining who, in addition to the appellant student, should receive formal notification of the result of the appeal and the reasons for it. In making this determination, the committee will take into account potentially conflicting needs of the student for privacy and of others who participated in the process and who may have ongoing responsibility for University courses or facilities. The Student Misconduct Appeals Committee may impose conditions of confidentiality on any person who is so notified.

Schedule 4 - Guidelines on determining an appropriate penalty for instances of student misconduct

Commented [AH66]: These should be replaced with procedures with the principles stated in related policies - eg a revised Academic Integrity Policy. See reference to categorising types of academic misconduct and associated penalties with types of conduct and stage of degree/study and previous misonduct.

Admission of wrongdoing is not considered in other Universities in relation to academic misconduct. The timing of decision is another matter that is potentially problematic - and this guideline should be removed.

These guidelines have been prepared to assist all those involved in recommending, imposing and reviewing penalties for instances of misconduct, including the Vice-Chancellor, Vice-Chancellor's nominee, Director, Governance Support Unit, Responsible Academic Officers, Manager, Student Misconduct and Appeals (SMA) and the Student Misconduct Appeals Committee (collectively referred to as inquiry bodies).

The information contained in these guidelines may also be useful for academic and administrative staff dealing generally with cases of misconduct, as well as for any student subject to an allegation of misconduct.

The guidelines are structured as follows:

1. Principles
2. Scale of penalties
2A. Precedent penalties
3. Issues specific to each type of penalty
4. Differential effects of penalties
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While these guidelines provide general parameters for determining penalties, the appropriate penalty for an instance of misconduct ultimately must depend on the facts found in each case, and an inquiry body is free to depart from the principles set out in these guidelines where the facts indicate that such a course is appropriate. The appropriate penalty remains at the discretion of the inquiry body imposing it given that the circumstances of an instance of misconduct and the student present an almost infinite variety from case to case.

1. Principles

In recommending and/or determining an appropriate penalty for a proven instance of misconduct, an inquiry body and/or decision-maker must take into account:

(1) the nature and context of the misconduct, including:

- the objective circumstances of the misconduct (the facts in relation to the gravity of the misconduct itself) in order to gauge an appreciation of the seriousness of the misconduct;
- the subjective circumstances of the student (aggravating and mitigating factors relating to the student rather than to the misconduct);

(2) whether a student has admitted the misconduct, and/or has come forward of their own accord;

(3) whether intent can be proven;

(4) the student's expression of remorse or apology (where relevant);

(5) the student's past conduct (refer 3.7 in Schedule 3 Guidelines Relating to Student Misconduct and Appeals). The nature and extent of a student's previous record of misconduct should be considered in all cases;

(6) penalties imposed for previous similar cases to ensure consistency in decision-making;

(7) the consequences of the penalty for the individual student (refer Section 4 (Differential effects of penalties)).

2. Scale of penalties

This scale provides a guide as to the normal, minimum and maximum penalties for specific cases of misconduct and the circumstances in which specific penalties are appropriate. This scale is not intended to be prescriptive and the Vice-Chancellor or Vice-Chancellor's nominee, Director, Governance Support Unit, Responsible Academic Officers or Manager, SMA or the Student Misconduct Appeals Committee may need to adjust the penalty in individual cases according to the circumstances of that particular case. The penalties are generally graded according to severity, although it should be noted that some penalties are only appropriate for specific types of misconduct (e.g. fines can only apply to some forms of misconduct).

Penalty	Rule	Examples of types of misconduct
Rescission of an academic award conferred by the University where the award is as a result of fraud or serious misconduct committed by the student before the award was conferred	16.3.1(1)	• serious instances of misconduct, including fraud and which may or may not involve serious criminal behaviour • disgraceful, improper or inappropriate behaviour • extensive plagiarism in a research thesis or major project found proven after the award has been conferred
Revocation of a recommendation to Academic Board that a student has satisfied the requirements for an award	16.3.1(2)	• fraud • major plagiarism or misconduct in a subject that has been determined to have satisfied requirements for the relevant award • serious incidents of misconduct, including fraud and which may or may not involve serious criminal behaviour
Permanent exclusion from the University	16.3.1(3)	• serious instances of misconduct, which may involve serious criminal behaviour or violence • disgraceful, improper or inappropriate behaviour • repeated instances of misconduct
Exclusion from the University for a period of up to five years	16.3.1(4)	• fraud • impersonation • alteration of any document or record of the University • serious damage to University property or misuse of University facilities • serious disruption to University activities • serious misconduct including extensive plagiarism, exam misconduct • repeat cases of misconduct • failure to comply with any penalty imposed for an instance of misconduct or failure to comply with any condition agreed with the Vice-Chancellor under Rule 2.1.9 • dishonesty in relation to admission to the University • disgraceful, improper or inappropriate behaviour including harassment, intimidation or interference with the freedom of other persons at the University • repeated instances of misconduct

Penalty	Rule	Examples of types of misconduct
Suspension from the University for a specified period not exceeding 12 months	16.3.1(5)	• fraud • damage to University property or misuse of University facilities • disruption to University activities and/or freedom of other persons • misconduct including plagiarism, exam misconduct • repeat cases of misconduct • failure to comply with any penalty imposed for an instance of misconduct • disgraceful, improper or inappropriate behaviour
Suspension from a course of the University for a specified period not exceeding 12 months	16.3.1(6)	• misconduct including plagiarism, exam misconduct, repeated cheating in assessment • disgraceful, improper or inappropriate behaviour • repeat cases of misconduct
Withholding of academic results for the relevant teaching period, and/or official academic records, including deferral or withdrawal of permission to graduate	16.3.1(7)	Imposed when instance of misconduct occurs in the student's final teaching period before graduation, usually imposed in conjunction with suspension, or results are withheld until fines or costs are paid.
Imposing conditions on enrolment and participation in specified subjects for a specified period not exceeding 12 months, in which case if there is a breach of the imposed conditions during the specified period the Vice-Chancellor, the Vice-Chancellor's nominee, the Director, Governance Support Unit or Manager, SMA may impose a more severe penalty.	16.3.1(8)	• inappropriate behaviour • damage to University property • misuse of facilities
If the misconduct relates to a subject in which the student is enrolled: • a reduction in marks for any part or parts of the assessment • a zero mark/fail result for the results of any form or forms of assessment in the subject • a requirement that the student re-do and submit a specific assessment task, with a reduction in marks to no more than a specified percentage of the maximum possible mark in the assessment task • a requirement that the student must undertake another alternative assessment, for which the maximum possible mark can be no greater than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task • a zero mark/fail result for subject.	16.3.1(9)	Misconduct (e.g. plagiarism, cheating) in relation to a subject in which the student is enrolled. Should take into account: • extent of plagiarism • advice to student on referencing • stage of course (students in second or subsequent years will be expected to have more understanding of what constitutes plagiarism compared to students in first year).
Exclusion from attendance at specified classes or subjects for a specified period not exceeding 12 months, provided that these do not include the entirety of classes or subjects for which the student is enrolled or is eligible to be enrolled	16.3.1(10)	Inappropriate behaviour including harassment, intimidation or interference with the freedom of other persons in classes or subjects, meetings or other activities.
Exclusion from and prohibition from use of specified facilities of the University for a specified period not exceeding 12 months	16.3.1(11)	Misuse of facilities on University premises, such as the Library or IT labs, or any other premises to which the student has access for their University purposes.

Penalty	Rule	Examples of types of misconduct
Where the misconduct involves loss of or damage to property or facilities of the University or a third party, payment to the University or the third party of a specified amount not exceeding the amount of the loss or damage	16.3.1(12)	Misconduct involving loss of/or damage to property or facilities of the University or to a third party. Payment for loss or damages is not a fine. The amount sought as restitution cannot exceed the amount of the loss or damages.
Where the misconduct involves lengthy inquiries and proceedings, payment to the University of a specified amount for its costs, not exceeding the amount of the costs incurred	16.3.1(13)	Misconduct involving lengthy inquiries and proceedings. Payment is required to cover the costs of the expense incurred by the University during lengthy inquiries and proceedings in relation to misconduct. The amount sought is not a fine. It cannot exceed the costs incurred by the University in relation to the inquiries and proceedings.
A fine of up to $5000 with maximum fines for particular types of offences	16.3.1(14)	Misconduct including: • inappropriate behaviour • damage to University property • misuse of facilities • wilfully disobeying direction • library offences (refer 3.6 Monetary penalties)
Imposition of specified conditions on attendance at specified classes or use of specified facilities or services of the University	16.3.1(15)	Inappropriate behaviour in a class, meeting or other activity, and/or misuse of facilities on University premises or any other premises to which the student has access for their University purposes.
Reprimand	16.3.1(16)	• first minor instance of misconduct • usually imposed with other penalties • any future instance of misconduct will be treated most seriously and will result in a more severe penalty

2A. Precedent penalties

Penalty	Rule	Examples of types of misconduct
Reprimand	16.3.1(16)	• assisting any other student to cheat by sharing their work with another UTS student (Rule 16.2.1(1)(b))
A zero for the assessment (first offence)	16.3.1(9)(b)	• a student copies and/or reworks another UTS student's work (Rules 16.2.1(1)(a), 16.2.1(1)(d)) • a student copies and/or reworks another UTS student's work and plagiarised material (Rules 16.2.1(1)(a), 16.2.1(1)(d), 16.2.1(4)) • a student has access to unauthorised material or a mobile phone in an examination (Rules 16.2.1(a), 16.2.1(d), 16.2.1(3))
Fail subject and a reprimand (second offence or a more severe first offence as determined by the Director, Governance Support Unit)	16.3.1(9)(e), 16.3.1(16)	• a student copies and/or reworks another UTS student's work (Rules 16.2.1(1)(a), 16.2.1(1)(d)) • a student copies and/or reworks another UTS student's work and plagiarised material (Rules 16.2.1(1)(a), 16.2.1(1)(d), 16.2.1(4)) • a student has access to unauthorised material or a mobile phone in an examination (Rules 16.2.1(a), 16.2.1(d), 16.2.1(3))

3. Issues specific to each type of penalty

3.1 Exclusion from the University

Refer Rule 16.3.1(4)

If a student is re-admitted to a course following a period of exclusion from the University, the student may be required to apply for credit recognition, i.e. for the subjects completed prior to the period of exclusion.

3.2 Exclusion from specified class/specified facility

Refer Rules 16.3.1(10) and 16.3.1(11)

A student who is excluded from specified classes or facilities may not be able to complete certain assessment tasks and this may impact on their final result for the subject.

3.3 Suspension from the University

Refer Rule 16.3.1(5)

Students who are suspended from the University for a specified period not exceeding 12 months will retain any credit points gained prior to the period of suspension.

3.4 Suspension from a course of the University

Refer Rule 16.3.1(6)

Students who are suspended from a course of the University will retain any credit points gained prior to the period of suspension. They may apply for admission to another course of the University during the period of suspension, except for non-award study in subjects that could be subsequently counted as exemptions towards the course from which they have been suspended.

3.5 Withholding of results/academic transcript/permission to graduate

Refer Rule 16.3.1(7)

Students whose results are withheld may not be able to proceed to the next stage of their course and it may impact on their employment situation or applications for admission to courses at other institutions. Students whose official academic records are withheld or who are not permitted to graduate may not be able to apply for admission to other courses, or may be limited in their employment opportunities. These penalties usually apply when a student is in, or has completed, their final teaching period before graduation. The penalties are usually imposed in conjunction with suspension and/or the withholding of results until fines or costs are paid.

3.6 Monetary penalties

- Rules 16.3.1(12) and 16.3.1(13)

  These Rules enable the University to seek restitution for costs incurred in lengthy inquiries or proceedings or costs associated with loss and/or damage. These penalties are not fines. Fines are penalties imposed for the act of misconduct itself.
- Rule 16.3.1(14)

  This Rule enables a reasonable monetary fine to be assessed. This penalty could be applied in conjunction with others such as Rules 16.3.1(12) and 16.3.1(13).

Fines may be appropriate for incidents such as:

- inappropriate and/or disruptive behaviour on campus (up to $1000 maximum);
- contravening prescribed standards of acceptable conduct (up to $1000 maximum);
- endangering the safety and/or security of people and/or property (up to $2000 maximum);
- ignoring or disobeying a directive from a University Officer (up to $500 maximum);
- refusing to identify oneself (up to $100 maximum);
- allowing another person access to UTS email or computer account and facilities (up to $500 maximum with increase to $1000 for repeat offences);
- damage and destruction where the costs cannot be adequately measured for the purposes of cost recovery (e.g. destruction of intellectual property through hacking or destroying a computer which has other persons' work on it) (up to $5000);
- library offences (up to $150 per offence with upper limit of $250 for repeat offence).

When considering fines as an effective and appropriate penalty for instances of misconduct, the following factors should be taken into account:

- A fine can only be imposed for certain forms of misconduct. A fine cannot be imposed for misconduct involving only plagiarism.
- A student's financial capability must be considered in imposing a fine; and where appropriate extensions of time to pay may be granted by the Director, Governance Support Unit.

3.7 Awarding of zero marks

Refer Rule 16.3.1(9)

When considering a penalty under Rule 16.3.1(9), it should be noted that if a student is awarded zero for any assessment item, it is unlikely that the student will be able to satisfactorily complete the subject for which the assessment task is set.

3.8 Conditions on enrolment

Refer Rule 16.3.1(8)

If conditions are imposed upon a student's enrolment and participation in specified subjects, this may impact on the student's ability to complete the course within a specified time period. This penalty may impose conditions on enrolment in certain subjects involving use of a laboratory, for example, or enrolment in subjects involving use of other facilities.

4. Differential effects of penalties

When imposing penalties, it is important that each student's individual circumstances, stage of enrolment and any relevant mitigating factors are taken into account. The Student Misconduct Appeals Committee, the Vice-Chancellor, the Vice-Chancellor's nominee, Director, Governance Support Unit, Manager, SMA and Responsible Academic Officers may encourage students to make representation or submit evidence on the detrimental impacts of specific penalties in individual cases.

Some examples of situations in which penalties may impact more harshly include:

- **Penalties of suspension or exclusion for international students**

  A penalty of suspension or exclusion may impact more severely on an international student because of visa requirements which stipulate that a student must leave the country if not enrolled. There are also additional financial costs involved for international students who must reapply for a visa following a period of suspension or exclusion and pay additional course fees. In appropriate circumstances, an alternative may be to consider penalties where an international student can complete course requirements prior to the penalty coming into effect. As an example, a student facing a period of suspension (to take effect at a specified time in the future) would be able to complete the course requirements, but, at the end of their course, the period of suspension would take effect and the student would be prevented from graduating, unable to access any academic results and official academic records.

- **Stage of enrolment**

  Most penalties will have a greater impact on students in their final teaching period when they are applying for jobs or for admission to graduate courses or registration/admission to professional bodies.

- **Financial penalties**

  Severe monetary penalties will have a greater impact on some international students and on students from economically disadvantaged groups.

- **Professional bodies**

  Certain penalties will have an impact on students who may wish to apply for registration/admission to professional bodies.

5. Admissions of wrongdoing/level of contrition of student

If a student has admitted the misconduct, and/or displays a high and genuine level of contrition for the misconduct, this may be taken into account where appropriate.

(1) The notice of penalty, the reasons and committee reports should explicitly state that the admission of wrongdoing and/or statement of contrition have been taken into account. Failure to do so would generally be taken to indicate that the admission or level of contrition was not given weight.

(2) The effect of admission or level of contrition on the penalty should be stated insofar as it is appropriate to do so. This effect could encompass any or all of the matters to which the admission or level of contrition may be relevant. Where other matters are regarded as relevant in a particular case, e.g. assistance to authorities, this should be included in the report or notice of decision and penalty.

(3) An admission of wrongdoing or statement of contrition should generally be assessed in relation to the seriousness of the misconduct. One consideration is the timing of the admission or statement of contrition. Another factor is the potential time saved by University staff to undertake investigations and attend hearings. The relevance of an early admission will vary according to the circumstances of the case.

(4) In some cases the admission or statement of contrition, in combination with other relevant factors, could lead to a degree of leniency in relation to the type of the penalties imposed. In some cases the weight given to the admission or statement of contrition will be significant in assessing parity between other students involved in the misconduct.

6. Intent

If a student is found to have acted with intent when committing an act of misconduct, the penalty imposed on that student should be more severe than in a case where intent cannot be proven.

7. Start/end dates of penalties

Penalties usually come into effect from the date of notification of the penalty to the student and last until the last day of the relevant teaching period. In determining penalties, it is preferable that start and end dates are specified on a teaching period basis (e.g. first day of teaching period to the last day of teaching period). It is important to consider the effective dates of penalties, as a penalty specified by dates as opposed to teaching periods may have the unintended consequence of preventing a student enrolling in the teaching period following the period of penalty.

8. Status of student pending appeal outcomes

Under Rule 16.13.4, a student may apply to the Vice-Chancellor or Vice-Chancellor's nominee for a stay of decision. The Vice-Chancellor or Vice-Chancellor's nominee may direct that a decision be stayed until the time for making an appeal has expired or, if an appeal is made within the permitted time, until the appeal has been determined.

In such cases the Vice-Chancellor or Vice-Chancellor's nominee will determine the status of the student during the appeal process; in other words, whether the student is to be on a restricted or conditional provisional program. This may include provisional class attendance, restricted attendance on campus, conditional use of University facilities, enrolment in online subjects, leave of absence and so on.

The following criteria will be considered in determining whether to grant a stay of decision and the student's status during the appeal process:

- student's reasoning for requesting the stay of decision;
- whether it is appropriate given the nature and seriousness of the misconduct to approve a stay of decision;
- whether there is a need to implement the penalty immediately to ensure the protection of other person(s) and/or facilities and property of University;
- an assessment of the likelihood of a successful appeal against the finding of misconduct and the penalty and, if the penalty includes payment of compensation to a third party under Rule 16.3.1(12), the capacity of the third party to repay the student if the penalty is nullified on appeal.

9. Timing of decisions

It is most important that decisions regarding penalties for misconduct and subsequent appeals are handled as expeditiously as possible to prevent lengthy delays and consequent applications by students for special consideration due to potential disadvantage. As a general guide, reports of the Student Misconduct Appeals Committee can be expected within six weeks from the date of the conclusion of the committee's first meeting.

10. Records of misconduct on transcripts

- For suspensions and exclusions from a course or from the University the official academic transcript shows the period of suspension or exclusion.
- A penalty of zero mark for a subject is shown on official academic records in the same way as other results.
- All other penalties are recorded on the student system as internal comments and will only be shown on internal academic records.
- In cases where an appeal against suspension, exclusion or zero mark is lodged, the external academic transcript will show 'appeal pending' under the relevant course and teaching period.

Schedule 5 - Guidelines for handling student misconduct involving plagiarism

Commented [AH67]: This should be a clear procedure for RAOs and accessible to students.

These guidelines have been prepared for the benefit of all people involved in the processes established by the University to deal with allegations of student misconduct involving plagiarism pursuant to Rules 16.6.2 and 16.10.

These guidelines have been prepared with a view to providing consistency in process and outcome.

1. Definitions

Academic judgment is the process by which a student's performance is measured in an assessment task, taking into account the stated learning outcomes and assessment criteria set for that assessment and based on the professional judgment of the academic staff member concerned.1

Plagiarism is taking and using someone else's ideas or manner of expressing them and passing them off as their own by failing to give appropriate acknowledgement of the source to seek to gain an advantage by unfair means (Rule 16.2.1(4)).

Responsible Academic Officer means a person appointed as such by the Vice-Chancellor or the Provost on the advice of the Dean and such other persons as the Vice-Chancellor approves (Schedule 1 (Definitions)). (Also see the current list of Responsible Academic Officers.)

1. Definition from Australian Learning and Teaching Council (ALTC) Good Practice Guide for Handling Student Grievances and Discipline Matters 2009.

2. Principles

2.1 All actions taken under these guidelines must be fair and reasonable, implemented in a timely fashion, and with due regard to privacy of all involved in the matters under consideration.

2.2 Each case must be dealt with on its own terms and merits and in accordance with its own circumstances.

2.3 The Responsible Academic Officer must be supplied with all relevant information by the relevant staff members upon which to base a decision.

2.4 Students must be informed of their rights with respect to appeal under Rule 16.13.

2.5 No person involved may divulge to any unauthorised person any information related to an individual student's personal information, circumstances, marks/results/grades or any other matters relating to an allegation of misconduct.

3. Conflict of interest

3.1 A Responsible Academic Officer must not deal with or determine an allegation of student misconduct if they are personally involved in any aspect of the allegation (Rule 16.5).

3.2 In the event that a Responsible Academic Officer, an officer of the University, or a student believes that the involvement of a Responsible Academic Officer in a matter would lead to a conflict of interest, they must consult with the Dean. The Dean will determine another appropriate Responsible Academic Officer to deal with the matter.

3.3 A Responsible Academic Officer is not personally involved in any aspect of an allegation by reason only of the fact that they hear or deal with the allegation under the Rules.

4. Notification of an allegation

4.1 When an academic staff member, in their academic judgment, identifies a possible incident of plagiarism the matter may be referred as an allegation of misconduct to the Subject Coordinator (if applicable).

4.2 The academic staff member and/or the Subject Coordinator will obtain and collate all information relevant to the allegation of plagiarism (supporting evidence) and submit this to the Responsible Academic Officer.

4.3 The Responsible Academic Officer may make such other inquiries as they consider necessary in order to consider the allegation.

4.4 If, after considering the supporting evidence and any other relevant information, the Responsible Academic Officer determines that the allegation is without foundation, or that there is insufficient information to support the allegation or to warrant further investigation, the Responsible Academic Officer may determine not to take further action in relation to the allegation.

4.5 In all other cases, the Responsible Academic Officer must, in writing, and as soon as possible:

(1) notify the student of the allegation and provide a copy of the supporting evidence, or if it is not appropriate for the student to receive a copy of the whole of the supporting evidence (for reasons including but not limited to privacy issues), provide a redacted copy of the supporting evidence which includes all of the information on which the Responsible Academic Officer's decision will be based; and

(2) provide the student with a copy of, or an electronic link to, the relevant Rules and guidelines; and

(3) give the student a reasonable period, being a period of not less than five working days, to respond in writing; and

(4) if the Responsible Academic Officer considers it necessary, request the student to attend a meeting with the Responsible Academic Officer and the Subject Coordinator at least five working days after the date of notification; and

(5) in the event that the student is requested to attend a meeting, advise the student that they are entitled to bring a support person to the meeting.

4.6 The Responsible Academic Officer may place limitations on the role of any such support person. For example, in some circumstances it may be appropriate for such a support person to assist by answering questions, or addressing issues raised, on the student's behalf. A support person will not be permitted to act as an advocate or legal representative on behalf of the student unless the Responsible Academic Officer determines that this is warranted by exceptional circumstances.

5. Meeting with the student (if required)

5.1 If the student has been requested to attend a meeting with the Responsible Academic Officer, they must:

(1) explain the nature of the allegation of plagiarism;

(2) provide an explanation of plagiarism and the reasons why the student's work appears to constitute plagiarism;

(3) inform the student that the University views plagiarism as serious misconduct and that a record of the meeting and the outcome will be placed on the student's confidential file; and

(4) invite the student to provide an explanation about the allegation.

5.2 At the conclusion of the meeting the student will be requested to sign a statement about good academic practice.

6. Matters to be referred to the Director, Governance Support Unit

6.1 If at any time during their consideration of the allegation the Responsible Academic Officer believes the alleged misconduct involves:

(1) misconduct other than plagiarism; or

(2) plagiarism and any other form of misconduct the Responsible Academic Officer must refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12.

7. Responsible Academic Officer's decision

7.1 If a student fails to respond to reasonable attempts by the Responsible Academic Officer for the student to provide a written response to the allegation of plagiarism, or fails to provide acceptable reasons for not complying with a request to attend a meeting, the Responsible Academic Officer must proceed to handle the matter in accordance with these guidelines and based on the supporting evidence.

7.2 In determining what penalty, if any, to impose, the Responsible Academic Officer may have regard to:

(1) the extent of the alleged plagiarism as it relates to the work being assessed;

(2) the proportion of the overall mark for the subject represented by the assessment item;

(3) any conventions associated with the discipline to which the subject relates and the academic discipline overall;

(4) whether the student has a previous record of plagiarism;

(5) whether the student is inexperienced or demonstrates a genuine lack of understanding of academic integrity and honesty;

(6) whether the circumstances reveal confusion among students enrolled in a subject about assessment (for instance, confusion about acceptable levels of cooperation among students involved in collaborative group work); and

(7) in relation to group work, if a particular student responsible for part of an assignment or project submits plagiarised work, another individual in the group should not be penalised unless that other individual in the group has knowingly participated in the submission of the plagiarised work.

7.3 In coming to a decision, the Responsible Academic Officer must have regard to:

(1) the student's written representation or representations at the meeting (if any); and

(2) any previous case of student misconduct which the Responsible Academic Officer believes is similar to the case that they are considering.

7.4 In cases where there is no record of previous misconduct involving plagiarism and the matter is found not to have involved a deliberate attempt to deceive or to gain an unfair advantage, or a clear disregard of assessment requirements including but not limited to situations where:

(1) the student is inexperienced or demonstrates a genuine lack of understanding of academic integrity and honesty; or

(2) the circumstances reveal confusion among students enrolled in a subject about assessment (for instance, confusion about acceptable levels of cooperation among students involved in collaborative group work). The Responsible Academic Officer may do one or more of the following:

(a) impose no penalty;

(b) issue the student with a formal warning;

(c) permit the student to re-do and submit the assessment item with appropriate acknowledgement of source material included with a reduced mark to no more than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task;

(d) allow further work to be submitted (normally a revised submission of the original work). The revised assignment or further work can only be awarded a specified percentage, normally 50 per cent, of the total possible marks for the assessment item. For subjects where the submission of a revised assessment item is not practical, the Responsible Academic Officer may determine another penalty as appropriate.

7.5 If the Responsible Academic Officer finds that there has been misconduct involving plagiarism, the Responsible Academic Officer must also inform the student that any similar incident occurring at any time in the future may result in a further penalty such as a zero mark, suspension or exclusion.

7.6 If there is a record of previous misconduct involving plagiarism, and/or there is clear evidence of an attempt to deceive, gain an unfair advantage, or a clear disregard of assessment requirements, the Responsible Academic Officer may impose any of the penalties below as appropriate, as provided in Rule 16.3.1(9):

(1) a reduction in marks for any part or parts of the assessment;

(2) a zero mark and 'Fail' result for any part or parts of the assessment of the subject;

(3) a requirement that the student re-write and submit a specific assessment task, with a reduction in marks to no more than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task;

(4) a requirement that the student must undertake another alternative assessment task, for which the maximum possible mark can be no greater than a specified percentage, normally 50 per cent, of the maximum possible mark in the assessment task;

(5) a zero mark and 'Fail' result for the subject, in which case the zero mark and 'Fail' result will be denoted on the official record of the student in the same way as a 'Fail' result awarded in the usual way.

7.7 Where one of the above penalties has been imposed, the Responsible Academic Officer must notify the student in writing of the decision and the student's right of appeal under Rule 16.13.

7.8 If the Responsible Academic Officer determines that a more serious penalty is appropriate, such as suspension or exclusion from the course or the University, the Responsible Academic Officer must refer the matter to the Director, Governance Support Unit to be handled in accordance with Rule 16.12. In accordance with Rule 16.11.4, the Responsible Academic Officer must notify the student in writing that the matter has been referred to the Director, Governance Support Unit and that the student may within five working days make written representations to the Director, Governance Support Unit about the recommendation.

7.9 A copy of all relevant documentation must be sent to the Student Misconduct and Appeals Team, Governance Support Unit, or as directed by the Director, Governance Support Unit, for relevant details to be entered on the student system as appropriate and to file the documentation on the student's confidential file.

8. Records

8.1 Records of previous misconduct may be accessed by a Responsible Academic Officer and taken into account in determining an appropriate penalty under Section 7 in Schedule 5.

Terms of Reference
Review of Student Rules in relation to Student Conduct and Behaviour
University of Technology Sydney

Notice on use of language

Please note that the subject matter of this review is sensitive, and it is possible that the content could be distressing for some. If you would prefer to discuss the content with support, or would like to delegate your involvement, please contact Sarah.Lok@uts.edu.au

Background

The University of Technology Sydney (UTS) has prioritised ongoing improvements for the student experience including responses to student behaviour that are evidenced, informed and reflect sector best practice.

Such a focus is critical in the context of legislative changes and scrutiny impacting the sector, including the following:

- Amendments to the *Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Act 2023*.
- Recommendation 18 of the *Final Report – Australian Universities Accord* proposing the establishment of a National Student Ombudsman to respond to student complaints about institutional processes.
- The *Action Plan Addressing Gender-based Violence in Higher Education* enshrining student co-designed intersectional approaches.
- TEQSA guidance in relation to academic integrity in an era of generative AI as a catalyst for higher education institutions to review how misconduct processes are considered and managed.

Within UTS, the DVC Education and Students has recently noted the need to clarify the processes for temporary exclusion of students, including the process for investigation, the decision-making process and the rights of appeal. Additionally, recommendations from a recently completed review (External expert review of sexual harm response for students, 2023) noted that further consideration to both governance and operational matters were warranted as highlighted in the following recommendations:

- *Given the centrality of the Student Rules in responding to sexual harm, consider revisions to Section 16 to:*
    - *include an explicit reference and definition of sexual harm that makes clear to all parties the nature of conduct that can be managed through the student misconduct process.*
    - *Clarify how UTS identifies an appropriate investigator for general misconduct.*
    - *Make clearer the mechanisms for natural justice and procedural fairness, including the separation of support staff for the victim survivor, and alleged perpetrator, and opportunities for the alleged perpetrator to be interviewed by an appropriate panel as part of the process.*
    - *Revising the range of people involved in applying a penalty for sexual harm to ensure current practice meets with sector expectations.*
- *Revise the role of the CBAIT process, including the policy, to adopt a more student centred, strength-based and proactive process that is transparent to students and staff, aligned to a safer communities approach, and engages all areas of the University as appropriate to address sexual harm incidents.*

Scope of the Review

Given the above, this Review focuses attention on the following:

- The appropriateness of University's governance framework (Student Rules, policies, and guidance materials) as they relate to students' behaviour.
- The suitability of existing suite policies that relate to student behaviour and general misconduct to determine the extent to which they support UTS ambitions for a safe and supportive student learning environment.
- The processes and mechanisms, including timelines that assist with management of student behaviours and the application of the current governance framework, including appropriate involvement of external agencies.
- The role and effectiveness of the current Concerning Behaviour Assessment and Intervention Team (CBAIT).
- The organisational location of relevant personal to support the management of student conduct matters, and the resourcing needs to effectively and efficiently manage these issues.
- The suitability of the current overarching framework to address academic misconduct, and the extent to which the current governance framework meets current and emerging sector requirements.

Deliverables

Findings from the above will be summarised in a report including:

- Recommendations for changes to Rules, policies and procedures related to student behaviour.
- Prioritisation matrix to highlight short term and medium term recommended changes.
- Recommended resourcing and operational model for addressing student behaviour issues, including high level implementation plan.
- High level recommendations in relation to the nature of responses to academic misconduct.

Reviewers

Professor Angela Hill (PhD, GAICD. PFHEA) is an experienced academic leader, who held the position of Deputy Vice Chancellor, Education at Edith Cowan University, until July 2022. Professor Hill is a registered expert in academic governance with TEQSA and has completed reviews in international and national contexts. Ms Michelle Rogers, former Director of Student Life, Edith Cowan University, has led national and institutional initiatives to operationalise responses to student conduct matters.

Timeline

Commencement: 4th November 2024
Submission of report: 15th December 2024

Proposal: Expert review of Student Rules in relation to student conduct and behaviour.

Background
The University of Technology Sydney (UTS) has prioritised ongoing improvements for the student experience including responses to student behaviour that are evidenced informed and reflect sector best practice.

Such a focus is critical in the context of legislative changes and scrutiny impacting the sector, including the following:

- Amendments to the *Higher Education Support Amendment (Response to the Australian Universities Accord Interim Report) Act 2023.*
- Recommendation 18 of the *Final Report – Australian Universities Accord* proposing the establishment of a National Student Ombudsman to respond to student complaints about institutional processes.
- The *Action Plan Addressing Gender-based Violence in Higher Education* enshrining student co-designed intersectional approaches.
- TEQSA guidance in relation academic integrity in an era of generative AI as a catalyst for higher education institutions to review how misconduct processes are considered and managed.

Within UTS, the DVC Education has recently noted the need to clarify the processes for temporary exclusion of students, including the process for investigation, the decision-making process and the rights of appeal. Additionally, recommendations from a recently completed review (*External expert review of sexual harm response for students, 2023*) noted that further consideration to both governance and operational matters were warranted as highlighted in the following recommendations:

- *Given the centrality of the Student Rules in responding to sexual harm, consider revisions to Section 16 to:*
    - *include an explicit reference and definition of sexual harm that makes clear to all parties the nature of conduct that can be managed through the student misconduct process.*
    - *Clarify how UTS identifies an appropriate investigator for general misconduct.*
    - *Make clearer the mechanisms for natural justice and procedural fairness, including the separation of support staff for the victim survivor, and alleged perpetrator, and opportunities for the alleged perpetrator to be interviewed by an appropriate panel as part of the process.*
    - *Revising the range of people involved in applying a penalty for sexual harm to ensure current practice meets with sector expectations.*
- *Revise the role of the CBAIT process, including the policy, to adopt a more student centred, strength-based and proactive process that is transparent to students and staff, aligned to a safer communities approach, and engages all areas of the University as appropriate to address sexual harm incidents.*

Proposed approach to review
Given the above, this Review focuses attention on the following:

- The appropriateness of University's governance framework (Student Rules, Policies, and guidance materials) as they relate to students' behaviour.
- The suitability of existing suite policies that relate to student behaviour and general misconduct to determine the extent to which they support UTS ambitions for a safe and supportive student learning environment.
- The processes and mechanisms, including timelines that assist with management of student behaviours and the application of the current governance framework, including appropriate involvement of external agencies.
- The role and effectiveness of the current Critical Behaviour Assessment and Intervention Team (CBAIT).

- The organisational location of relevant personal to support the management of student conduct matters, and the resourcing needs to effectively and efficiently manage these issues.
- The suitability of the current overarching framework to address academic misconduct, and the extent to which the current governance framework meets current and emerging sector requirements.

The reviewers will undertake the following tasks:

- Review current UTS *Student Rules* and make recommendations for revisions to better align to the current national context and institutional goals, including how current rules could be recast as policies and procedures (desktop review, including benchmarking in addition to interviews with key stakeholders).
- Review the suite of policies related to student behaviour and general misconduct and provide guidance as to their contemporary suitability to address the array of student behaviours within a large and diverse student body, including the identification of gaps and potential areas of improvement (desktop review, including benchmarking in addition to interviews with key stakeholders).
- Review the role of CBAIT and articulate alternative models for future consideration, including policy, membership and operating models that engage with contemporary best practice (engagement with stakeholders, benchmarking).
- Provide an initial review of academic misconduct policies including the management of academic integrity breaches and suggest a scope of future work to address emerging risks (desktop review, including benchmarking).

Deliverables

Findings from the above will be summarised in a report including

- Recommendations for changes to Rules, Policies and procedures related to student behaviour.
- Prioritisation matrix to highlight short term and medium term recommended changes.
- Recommended resourcing and operational model for addressing student behaviour issues, including high level implementation plan.
- High level recommendations in relation to the nature of responses to academic misconduct.

Reviewers

Professor Angela Hill (PhD, GAICD. PFHEA) is an experienced academic leader, who held the position of Deputy Vice Chancellor, Education at Edith Cowan University, until July 2022. Professor Hill is a registered expert in academic governance with TEQSA and has completed reviews in international and national contexts. Ms Michelle Rogers, former Director of Student Life, Edith Cowan University, has led national and institutional initiatives to operationalise responses to student conduct matters.

Budget

10 days consulting @$1500 per day
Total: $15 000

Budget assumptions: UTS assistance with identification of key stakeholders, organisation of interview schedule, including flights and accommodation for relevant reviewers – 2 days duration.

Timeline

Commencement: 29th October 2024
Submission of report: 15th December 2024

Short Form Professional Services Contract

Contract Details

Parties	
Contractor	Angela Hill Consulting (ABN 36 418 599 276) of s3.2 - Personal affairs [redacted]
UTS	University of Technology Sydney (ABN 77 257 686 961) of 15 Broadway Ultimo NSW 2007
Services	
Commencement Date (clause 2)	29 October 2024
End Date (clause 2)	31 December 2024, or any other date agreed in writing by the parties.
Services (clauses 1 and 3)	"The Services are further detailed in the 'Proposal- Angela Hill- Review of Concerning Behaviour' attached."(Proposal)
Contract Material and Milestones (clause 3)	The Contractor must the Milestones in accordance with the due dates set out below.

Contract Material/Milestone	Due date
Refer to "Deliverables" in the Proposal.	20 December 2024
Report, including the "Deliverables"	20 December 2024

Nominated Personnel (clause 4(a))	

Name and position	Role/responsibility
Dr. Angela Hill	Lead Person

Fees and payment	
Fees (clause 6)	The fee for the Services is: A fixed fee of $1,500 per day for 10 days excluding GST. The Contractor may claim the following actual and reasonable out-of-pocket expenses incurred by the Contractor in the provision of the Services for flights and 2 nights' accommodation for: Dr Hill (Townsville to Sydney return) Dr Michelle Rogers (Perth/Sydney return) up to a total maximum amount of $5,000, provided that the claim is supported by receipts:
Payment requirements (clause 6)	**Invoices** The Contractor may invoice UTS for the Fees on completion of the Services. **Address for invoices** Invoices are to be marked for the attention of Professor Kylie Readman at kylie.readman@uts.edu.au **Additional requirements for invoices** If the Contractor is not required to register for GST, the Contractor must provide with any invoice a statement in the form provided by the Australian Tax Office (ATO) confirming this [see here]. If no such statement is provided and no ABN is quoted on

	an invoice, UTS will withhold from the invoice the withholding amount required under the law for remittance to the ATO."
General	
Intellectual property rights ownership (clause 10(b))	Clause 10(b) of the General Conditions applies.
Insurance requirements (clause 13)	(a) Public liability insurance with a minimum cover of $5 million per claim. (b) [Professional indemnity insurance with a minimum cover of $2 million per claim] (c) Workers' compensation as required by the law.

Contract Managers (clause 18(b))

	Contractor's Contract Manager	**UTS's Contract Manager**
Name:	Angela Hill	Kylie Readman
Title/position:	Consultant	DVC ES
Address:	s3.2 - Personal affairs [redacted]	UTS 15 Broadway NSW 2007
Email:	s3.2 - Personal affairs [redacted]	kylie.readman@uts.edu.au

Other documents (clause 1)	"Not applicable."

Execution

Executed as an agreement.

In signing below, the parties agree that they enter into this Contract in accordance with and subject to the General Conditions attached.

Signed by the Contractor:	Signed for and on behalf of UTS by its authorised representative:
s3.2 - Personal affairs [redacted]	s3.2 - Personal affairs [redacted]
Signature of Contractor	Signature of authorised representative
Name: Dr Angela Hill	Name: Professor Kylie Readman
Date: 5th November 2024	Position: DVC ES
	Date: 05/11/2024

General Conditions

1 Scope of this Contract

(a) The Contractor agrees to provide the Services to UTS in accordance with this **Contract**, which consists of these **General Conditions**, the **Contract Details** and any other document expressly incorporated into the Contract Details.

(b) In the event of any inconsistency between the documents referred to clause 1(a), the document referred to earlier takes priority over the document referred to later to the extent of the inconsistency.

(c) Capitalised terms used in this Contract are as specified in the Contract Details, unless otherwise set out in these General Conditions.

2 Term of this Contract

This Contract begins on the Commencement Date and continues until the End Date, unless terminated earlier or extended in accordance with this Contract.

3 Performance

(a) The Contractor must, and must ensure its personnel, perform the Services:

(i) to meet the timeframes and all other requirements under this Contract;

(ii) with due care, skill and diligence and in a proper and professional manner; and

(iii) in accordance with relevant Australian industry standards and practice.

(b) The Contractor must ensure that all reports, documents and other work produced as part of the Services are suitable and adequate for the purpose for which they are required as detailed in, or reasonably ascertainable from, this Contract.

(c) The Contractor must keep UTS advised of the progress and status of the Services.

4 Personnel

(a) The Contractor must ensure that all personnel involved in the provision of the Services on behalf of the Contractor are suitably qualified and experienced.

(b) The Contractor must ensure that the Services are performed on its behalf by the Nominated Personnel (if applicable) as set out in the Contract Details, or such other Nominated Personnel as may be agreed by UTS.

5 Compliance

In providing the Services, the Contractor must comply with:

(a) all applicable laws and regulatory requirements;

(b) UTS's Supplier Code of Conduct which is published at https://www.uts.edu.au/supplier-code-of-conduct; and

(c) UTS's reasonable directions.

6 Fees and payment

(a) Subject to the Contractor's provision of the Services in accordance with this Contract, UTS agrees to pay the Contractor the Fees in the amounts set out in the Contract Details.

(b) Unless the Contractor obtains prior written approval of UTS, the Contractor must not charge UTS for any fees, charges or expenses in addition to the Fees.

(c) Subject to the further provisions of this clause 6, UTS must pay the Contractor the applicable Fees within 30 days of receiving a correctly rendered invoice. An invoice is correctly rendered where it is in the form of a tax invoice and if:

(i) the amount claimed is due for payment in accordance with this Contract;

(ii) the invoice is set out as an itemised account and enables UTS to ascertain what the invoice covers and the amount payable;

(iii) the invoice includes (where available) the purchase order number notified by UTS to the Contractor; and

(iv) the invoice satisfies any additional criteria for invoices specified in the Contract Details.

(d) The Contractor must provide any further details in regard to an invoice that are reasonably requested by UTS to the Contractor.

(e) Payment is not an acknowledgment that the Services have been provided or accepted in accordance with this Contract.

(f) If UTS disputes any invoiced amount, then UTS must promptly notify the Contractor and pay any amounts not in dispute.

7 Taxes

(a) Unless otherwise stated in the Contract, the Fees are inclusive of all taxes, excluding goods and services tax imposed under the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (**GST**).

(b) If GST is imposed on any supply, then the recipient of the supply will pay the supplier any GST on the supply after it receives a valid tax invoice.

8 Relationship

(a) The relationship between UTS and the Contractor is that of principal and independent contractor. Nothing in this Contract creates or is intended to constitute a contract of employment.

(b) The Contractor undertakes to comply with all applicable employment laws in relation to itself and its personnel and subcontractors, including in relation to the payment of wages or salaries, workers' compensation, superannuation contributions, all necessary taxes and all employment or related benefits or entitlements.

9 Records and audit

(a) The Contractor must keep and maintain accurate records and accounts relevant to the performance and discharge of its obligations under this Contract in accordance with all applicable laws and relevant industry practices and standards.

(b) On request by UTS, the Contractor must provide UTS (or its nominee) reasonable access to all records and accounts referenced in clause 9(a) and the Contractor's premises for the purposes of UTS performing any inspection or audit of the Contractor's performance under this Contract. This clause 9(b) applies for a period of six years following termination or expiry of this Contract.

10 Intellectual property rights

(a) In this Contract:

(i) **Contract Material** means any documents or materials brought, or required to be brought, into existence by or on behalf of the Contractor for the purpose of performance of the Services, including all things described or referenced as Contract Material in the Contract Details; and

(ii) **Contractor Pre-existing IPR** means the Contractor's pre-existing intellectual property rights and third party intellectual property rights used in providing the Services or the Contract Material.

(b) Unless otherwise specified in the Contract Details, and subject to clause 10(c), the Contractor assigns (and will ensure that its personnel assign) all intellectual property rights in the Contract Material to UTS immediately upon creation.

(c) Nothing in this clause 10 will affect the Contractor's ownership of the Contractor Pre-existing IPR. The Contractor grants (and must ensure that relevant third parties grant) to UTS, at no additional cost, a perpetual, irrevocable, non-exclusive, royalty free, transferable licence (including the right of sublicence) to use, reproduce, adapt, modify and communicate the Contractor Pre-existing IPR (in or required to use the Contract Material or Services) for UTS's operations.

(d) Before provision to UTS or use in connection with this Contract, the Contractor must ensure that it obtains from any person who is an author of the Contract Material consent in writing authorising UTS to do or omit to do anything that, but for the consent, would constitute an infringement of the author's moral rights.

11 Confidential information

The Contractor must keep UTS's information confidential and use such information solely for the purpose of performing its obligations or exercising its rights or under this Contract. The Contractor may disclose UTS's confidential information to its personnel and professional advisers where necessary for these purposes. This obligation does not apply to information that is or becomes publicly available through no fault of the Contractor or that is required to be disclosed by law.

12 Privacy

Where the Contractor deals with personal information (including health information) of UTS in connection with this Contract, the Contractor must not to do anything that would cause UTS to be in breach of privacy laws, including the *Privacy and Personal Information Protection Act 1998* (NSW) and the *Health Records and Information Privacy Act 2002* (NSW).

13 Insurance

For the term of this Contract, the Contractor must have and maintain the insurances to the extent and in the amounts required as specified in the Contract Details.

14 Indemnity

The Contractor indemnifies UTS from and against all loss or damage arising from or connected with:

(a) any personal injury (including sickness and death) or loss of or damage to property caused by the acts or omissions of the Contractor or its personnel;

(b) any claim that the Services infringe the intellectual property rights or moral rights of any third party; and

(c) any act or omission of fraud, dishonesty or wilful or intentional breach of this Contract by the Contractor or its personnel.

15 Limitation of liability

(a) To the extent permitted by law, a party's aggregate liability to the other party for any loss or damage arising under or in connection with this Contract, whether arising in tort (including negligence), contract, statute, equity or otherwise, is limited to an amount that is equal to two times the total Fees paid or payable to the Contractor under this Contact.

(b) The limitation of liability in clause 15(a) will not apply to:

  (i) liability for personal injury (including sickness or death) or loss of, or damage, to property;

  (ii) any claim alleging breach of a third party's intellectual property rights or moral rights;

  (iii) a breach of a party's confidentiality or privacy obligations; and

  (iv) liability that cannot be limited or excluded by law.

(c) Where the Contractor is a current member of a scheme approved under the *Professional Standards Act 1994* (NSW) (or any other equivalent laws), and that scheme applies to limit the liability of the Contractor in accordance with that scheme, then the Contractor's liability is not regulated by clauses 15(a) and 15(b), but will instead be limited only to the extent specified under that scheme.

(d) Neither party will be liable to the other party for loss which is consequential upon another loss, an indirect loss including loss of income or revenue, a loss of profits or savings or any special, incidental, indirect or consequential losses or damages of any kind.

(e) A party's liability under this Contract (including under an indemnity) will be reduced proportionally to the extent that the loss or damage is caused or contributed by the other party or its personnel.

16 Termination

(a) A party may, by providing written notice to the other party, terminate this Contract immediately if the other party breaches a material term of this Contract and the breach is not capable of remedy, or, if the breach is capable of remedy and the other party fails to remedy that breach within 14 days of receiving notice of that breach.

(b) UTS may, by written notice, terminate this Contract immediately if the Contractor becomes insolvent, bankrupt, or subject to any form of liquidation or administration, to the extent permitted by law.

(c) In addition, UTS may terminate this Contact without cause by providing notice to the Contractor. In this case, the Contractor will be entitled to invoice UTS for Services performed in accordance with this Contract up to the date of termination and for the unavoidable and substantiated costs (excluding any profit component or overheads) necessarily incurred by the Contractor as a result of the termination.

17 Consequences of termination

(a) On the expiry or termination of this Contract, the Contractor must, at UTS's election, securely return or destroy UTS's confidential information, equipment, data and intellectual property (except for any information that the Contractor is required by law to keep).

(b) The expiry or termination of this Contract will not affect or extinguish the terms which by their nature are intended to survive, including clauses 8(b) to 15 (inclusive), 17 and 18.

18 General

(a) **Public statements and use of logos and brands**: Neither party may make any public statement regarding this Contract or use the other party's logos or brands without the other party's prior written consent.

(b) **Notices**: All notices under this Contract must be in writing to the other party's Contract Manager nominated in the Contact Details or as otherwise advised by the other party from time to time.

(c) **Trust**: If the Contractor is a trustee, it is bound both personally and in its capacity as a trustee.

(d) **Variation**: Any change to this Contract (including any change in scope) must be in writing and signed by authorised representatives of each party.

(e) **Assignment and subcontracting**: The Contractor must not assign, novate, subcontract or otherwise transfer any of its rights or obligations under this Contract without UTS's prior written consent.

(f) **Signing this Contract:** The date of this Contract is the date this Contract has been signed by both parties. Subject to applicable laws, this Contract is properly signed if each party signs the same copy, or separate identical copies, including electronic copies, of the Contract Details section.

(g) **Entire agreement**: This Contract constitutes the entire agreement between the parties relating to its subject matter and supersedes any all prior understandings or agreements between the parties.

(h) **Applicable law**: This Contract is governed by the laws of New South Wales. Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in New South Wales.

From:	Kylie Readman
To:	Vicki Chen; Kylie Gould; Bill Paterson; Marshall Craddock; Kumar Srinivasan; Roze Abraham
Subject:	Re: UTS Complaints and Compliance - initial meeting
Date:	Tuesday, 18 February 2025 7:30:57 PM
Attachments:	22 January UTS Concerning Conduct Review - Draft.docx image002.png image003.png image004.png image005.png image006.png image007.png image008.png image009.png image010.png

Dear all,

As Vicki has indicated in her email, Bill, Kylie G and I requested an external review of student rules, in relation to Student Conduct and Behaviour in the second half of last year. I have attached the final draft of the report which I'd ask you to consider confidential at this time as our collective feedback is back with the reviewers to finalise. THis review followed a review of sexual harm response mechanisms at UTS in 2023 and a number of the actions from that review have been addressed. Where they haven't, they remained in scope for this review as we needed further insight and direction. I'm happy to share the first report as needed.

Kylie, Bill, Jacqui Wise (PVC Students) and Sarah Lok (Director Student Services) have met twice so far this year to consider the recommendations and talk about how we might move forward. Generally, we have agreed with the recommendations and the substance of the report although the timing and ordering of actions will likely be different .The key question around whether or not we take a collective 'safer/respectful communities' approach or not will really frame many of the actions, so I'm grateful for this meeting to start to clarify that.

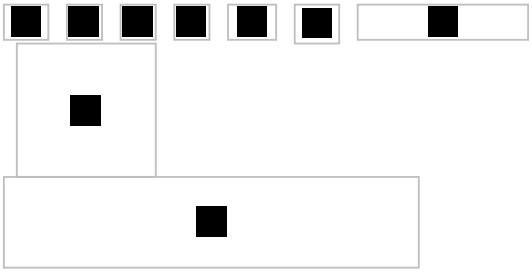
You will see that the scope relates to students, hence a unified staff and student approach is framed as 'Phase 2'. I would hope that we can make the move collectively as has been conceptualised through the GBV working group.

I look forward to talking this through on Friday.

All the best

Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au
For assistance and appointments:
Jacklyn McCauley
jacklyn.mccauley@uts.edu.au | Extension x1465



I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for this land.

From: Vicki.Chen@uts.edu.au
When: 8:00 AM - 9:00 AM 21 February 2025

Subject: UTS Complaints and Compliance - initial meeting
Location: CB.01.04b.12; and teams

Hi all
Confirming this timeslot and group of attendees for this initial meeting.
Thank you again for accommodating
Best regards
Melissa

Microsoft Teams Need help?

Join the meeting now

Meeting ID: 485 404 853 611

Passcode: TU7W9aS9

For organizers: Meeting options

From: Melissa Oey
To: Amy Persson; Jo Tilly
Cc: Amanda Campbell; Vicki Chen
Subject: FW: Review of current state of various complaints and compliance matters at UTS
Date: Tuesday, 18 February 2025 4:55:29 PM
Attachments: image001.png

Dear Amy and Jo

As the meeting attendee list ballooned out, we reduced attendees across all units for this initial meeting but she wanted to reassure you that you and Jo (and others) will be brought in as plan is drafted.

Best regards

Melissa

Executive Assistant to Professor Vicki Chen, Provost and Senior Vice-President
You can find me on UTS extension **1350**
I acknowledge the traditional owners of the land on which I live and work and pay my respects to Elders past, present and emerging.

From: Melissa Oey
Sent: Tuesday, 18 February 2025 4:52 PM
To: Vicki Chen ; Kylie Readman ; Kylie Gould ; Bill Paterson ; Marshall Craddock ; Kumar Srinivasan
Cc: Kristyna Nikro ; Christine Aarons ; Jacklyn McCauley ; Fran Vega ; Amanda Campbell ; Fatima Villavert ; Roze Abraham ; Jo Tilly ; Amy Persson ; Jacqui Wise ; Sarah Lok ; Jo Blackwell
Subject: RE: Review of current state of various complaints and compliance matters at UTS

Dear all

We are reducing attendees of this initial meeting to the primary group.

We appreciate that those who have been removed (and others not yet included) are core to complaints and compliance processes. They are welcome to contribute to the slide deck linked below to summarise current landscape, but they are not required at this initial meeting.

Additional colleagues will be brought in as the action plan is developed.

Best regards

Melissa

Executive Assistant to Professor Vicki Chen, Provost and Senior Vice-President
You can find me on UTS extension **1350**
I acknowledge the traditional owners of the land on which I live and work and pay my respects to Elders past, present and emerging.

From: Melissa Oey **On Behalf Of** Vicki Chen
Sent: Monday, 17 February 2025 10:54 AM
To: Kylie Readman <Kylie.Readman@uts.edu.au>; Kylie Gould <Kylie.Gould@uts.edu.au>; Bill Paterson <William.Paterson@uts.edu.au>; Marshall Craddock <Marshall.Craddock@uts.edu.au>; Kumar Srinivasan <Kumar.Srinivasan@uts.edu.au>; Jo Tilly <Jo.Tilly@uts.edu.au>; Amy Persson <Amy.Persson@uts.edu.au>
Subject: Review of current state of various complaints and compliance matters at UTS

Dear Colleagues,

I would like to convene an initial meeting with this primary group of stakeholders to discuss the active matters of complaints and compliance ongoing at UTS. Melissa will reach out to your offices to find a time.

The Vice-Chancellor has tasked me with outlining the cascade of risks, intersections and interdependencies in our current state. Additionally, the group is to consider the widely discussed matter of investigations.

I appreciate there have been external reviews conducted in some areas, please provide the findings for this group to review and consider the recommendations provided.

Meeting agenda

1. **Current landscape in each portfolio (20 minutes)**
   A. DVC ES – student misconduct, complaints and compliance
   B. EO Provost – intersection with GBV and National Code (5 - 10 min)
   C. General Counsel – legal complaints and compliance
   D. Director of GSU – academic misconduct
   E. Executive Director PC – staff misconduct and compliance
2. **UTS expectations and external expectations (10 minutes)**
3. **Investigations (10 minutes)**
   How are these currently managed? Potential models for more effective management?
4. **Discussion**
   What interdependent improvements are required?
   What current issues need to be addressed?
   What do we anticipate will be other emerging legislative requirements in the near term?
   Next steps to a cohesive UTS approach

Pre-meeting action please update the slide provided for a visual overview of each portfolio.

Post-meeting expectation

The discussion may generate some resolutions or provide some additional considerations for a further discussion. A paper will be prepared from the discussion, to summarise the current state and determine approach to strengthen our institutional approach considering future risks.

Next steps to be determined at the meeting.

Regards,

Vicki

Professor Vicki Chen
Provost and Senior Vice-President
University of Technology Sydney
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T. +61 (02) 9514 1350
E. vicki.chen@uts.edu.au
W. uts.edu.au

TS Logo

UTS acknowledges the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands our university stands. We would also like to pay respect to the Elders past, present and emerging, acknowledging them as the traditional custodians of knowledge for these lands.

From: Vicki Chen
To: Roze Abraham
Subject: Re: For review: Complaints and compliance meeting
Date: Thursday, 20 February 2025 9:30:10 PM
Attachments: image001.png
image002.png
image003.png
image004.png

Dear Roze,
Thanks. I will have a look at them but noticed that the agenda on the slide deck is not the same as the one in text below (which actually is the updated one).
I will think how we will frame the meeting and catch up with you tomorrow morning (will try to get by 7).
Regards,
Vicki

Professor Vicki Chen
Provost and Senior Vice-President
University of Technology Sydney
Building 1, Level 4A, 15 Broadway, ULTIMO NSW 2007
T. +61 (02) 9514 1350
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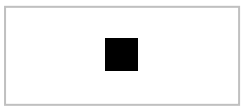
W. uts.edu.au



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From: Roze Abraham
Date: Thursday, 20 February 2025 at 4:57 PM
To: Vicki Chen
Subject: For review: Complaints and compliance meeting

Dear Vicki,
Context and briefing documents for your consideration for tomorrow's 8am meeting.
I would suggest you consider how best to guide the discussion to arrive at the outcome.
Andrew has asked Danielle to send an update post meeting.
I can give her a summary once you're comfortable.
Additional material: the draft code requirements I'll speak to this broadly in my 5 mins.
Please see slide 10 for our content. Happy to update if you have any changes.

For the meeting

- The slide deck we asked colleagues to collate with their current states.
- Please review before the meeting, the information is pertinent and useful –

interesting articulation by colleagues of their remits and current state.

The meeting agenda circulated:

1. **Current landscape in each portfolio (20 minutes)**
   DVC ES – student misconduct, complaints and compliance
   EO Provost – intersection with GBV and National Code (5 min)
   General Counsel – legal complaints and compliance
   Director of GSU – academic misconduct
   Executive Director PC – staff misconduct and compliance
2. **UTS expectations and external expectations (10 minutes)**
3. **Investigations (10 minutes)**
   How are these currently managed? Potential models for more effective management?
4. **Discussion**
   What interdependent improvements are required?
   What current issues need to be addressed?
   What do we anticipate will be other emerging legislative requirements in the near term?
   Next steps to a cohesive UTS approach

Post-meeting expectation

The discussion may generate some resolutions or provide some additional considerations for a further discussion. A paper will be prepared from the discussion, to summarise the current state and determine approach to strengthen our institutional approach considering future risks.

Roze Abraham
Executive Officer

It often suits me to work and send emails outside of normal operating hours, but I do not expect you to read, respond or action this email outside of your working hours.

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UTS acknowledges the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands our university stands. We would also like to pay respect to the Elders past, present and emerging, acknowledging them as the traditional custodians of knowledge for these lands.

Standard 1: Accountable leadership and governance - Effective governance and a Whole of Organisation approach prioritises safety and support in the prevention of and response to Gender based Violence.

Standard 2: Safe environments and systems - Higher Education Providers' environments are safe and systems continuously improve to prevent and respond to Gender-based Violence.
Standard 3: Knowledge and capability - Higher Education Providers build knowledge and capability to safely and effectively prevent and respond to Gender-based Violence.
Standard 4: Safety and support - Responses and support services are safe and person-centred.
Standard 5: Safe processes - All processes are safe and timely.
Standard 6: Data, evidence and impact - Higher Education Providers use evidence to inform their approach, measure change and contribute to the national evidence-base.

Standard 7: Safe Student Accommodation - Student accommodation is safe for all students and staff.

Standard 1: Accountable leadership and governance - Effective governance and a Whole of Organisation approach prioritises safety and support in the prevention of and response to Gender based Violence.

Requirements:

Leadership and Governance

Governance 1.1 A **Provider**, through its **Higher Education Principal Executive Officer**, is accountable for compliance with the **Code**.

Governance 1.2 A **Provider** must have expertise in **Student** and **Staff** safety and wellbeing within the membership of the **Provider's Governing Body** or a subcommittee that reports directly to the **Provider's Governing Body** that has delegated responsibility for **Student** and **Staff** safety and wellbeing.

1.3 A **Provider** must, in complying with the **Code**, provide **De-identified** information and otherwise undertake its obligations under the **Code** in accordance with applicable Commonwealth, State and Territory **Privacy Laws** or, where no other **Privacy Laws** apply, with reference to the Australian Privacy Principles.

Whole-of-Organisation approach to preventing and responding to Gender-based Violence.

1.4 A **Provider** must, led by its **Higher Education Principal Executive Officer**, prepare, implement and publish on its website a **Whole-of-Organisation Prevention and Response Plan** that:

(a) records the **Provider's Whole-of-Organisation** approach to preventing and responding to **Gender based Violence**, including in any **Student Accommodation** which the **Provider** directly owns, operates and/or manages, that prioritises the safety and support of its **Students** and **Staff**;
(b) responds to **Gender based Violence** wherever it is experienced by the **Provider's Students** and **Staff**;
(c) addresses the factors that drive and contribute to **Gender-based Violence**, as well as any factors relevant to the **Provider's** context.
(d) records how the **Provider** will implement the requirements in the **Code**, including in any **Student Accommodation** which the **Provider** directly owns, operates and/or manages;
(e) includes a **Whole-of-Organisation** assessment, which includes any **Student Accommodation** which the **Provider** directly owns, operates and/or manages, that identifies systemic risks, enablers and barriers to preventing **Gender based Violence**;
(f) includes actions that will be taken in response to findings of the assessment;
(g) includes a gender equality action plan, which the **Secretary** may require to be prepared in a prescribed manner and form;
(h) reflects the needs, experience and agency of all members of the **Provider's** community, particularly those members who are disproportionally affected by **Gender based Violence**, including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
(i) is developed in respect to its design and implemented through engagement and collaboration with **Students** and **Staff,** including those who have experienced **Gender based Violence**;
(j) is informed by the **Provider's** analysis of available data or other relevant publicly available data, as reported to the **Secretary** under Standard 6;
(k) includes a systemic review and analysis of the **Provider's** responses to **Disclosures** and **Formal Reports** to identify barriers, gaps and opportunities for improvement;
(l) is informed by available and relevant domestic and international evidence about the nature and extent of **Gender based Violence**; and
(m) is endorsed by the **Provider's Governing Body**.

1.5 The **Secretary** may require a **Provider** to report on how the engagement with and views of **Students** and **Staff** has informed the development of the **Prevention and Response Plan**.

1.6 A **Provider** that directly owns, operates and/or manages **Student Accommodation** must ensure that its **Prevention and Response Plan** comprehensively addresses how it will comply with its obligations under the **Code** in the **Student Accommodation**.

1.7 A **Provider** must develop and implement an outcomes framework to track and measure the effectiveness of actions under their **Prevention and Response Plan**.

1.8 A **Provider** must give to the **Secretary** a copy of the **Prevention and Response Plan** and outcomes framework by the **Initial Reporting Date** and every four years thereafter and must include a systemic review and analysis and is informed by the **Provider's** analysis of data, as reported to the **Secretary** under Standard 6.

1.9 Commencing after the **Initial Reporting Date**, a **Provider** must report to the **Governing Body** at least every six months against the outcomes framework for its **Prevention and Response Plan**. The report must include **De identified** data on incidents of **Gender based Violence** experienced by **Students** and **Staff** since the last report, including identification of any trends in the data.

1.10 Commencing after the **Initial Reporting Date**, a **Higher Education Principal Executive Officer** must give to the **Secretary** every two years a report on the **Prevention and Response Plan** and its outcomes framework. The **Secretary** may prescribe the manner and form in which these reports must be provided.

Standard 2: Safe environments and systems – Higher Education Providers' environments are safe and systems continuously improve to prevent and respond to Gender based Violence.

Requirements:

Safe environments

2.1 A **Provider** must:

(a) ensure its **Staff** comply with the **Working with Children Check** requirements of their governing State or Territory;
(b) as part of the engagement process, ask prospective employees and members of the **Governing Body** to declare whether they have been investigated for an allegation of **Gender based Violence**, or determined to have engaged in conduct that constitutes **Gender based Violence** during the course of their previous employment, or otherwise in a legal process;
(c) consistently with the **Provider's** duty of care to **Students** and **Staff,** take into consideration any declaration made under paragraph 2.1(b) and any risks arising from the declaration in determining the person's suitability for their position;
(d) take into consideration any substantiated allegation of **Gender based Violence** found by the **Provider** in the course of an employee's employment in the promotion, recognition and reward of that employee;
(e) address any material risk arising in relation to any **Staff** who are not employees where they have been investigated for, or determined to have engaged in, **Gender based Violence**; and
(f) make alternative teaching, research, research supervision, employment or living arrangements as necessary to ensure the safety of **Students** and **Staff** where a **Student** or **Staff** alleges that they have experienced **Gender based Violence**.

2.2 A **Provider** must:

(a) require employees to declare any existing or previous intimate personal relationship they have with:
(i) an employee, where one employee has, or is likely to have, any supervisory, oversight or decision making responsibilities in relation to the other employee; and
(ii) a **Student,** where the employee has, or is likely to have, any academic or other decision-making responsibilities in relation to the **Student**; and
(b) where a declaration is made in accordance with paragraph 2.2(a), implement a conflict-of-interest management plan that includes permanent alternative teaching, research or working arrangements as necessary.

Policies

2.3 A **Provider** must have and implement a **Policy** on preventing and responding to **Gender based Violence** that:

(a) provides information and increases awareness and understanding of the factors that drive and contribute to **Gender-based Violence**, as well as any factors relevant to the **Provider's** context.
(b) is **Person centred** and **Trauma informed** in its content and application;
(c) adopts the definition of **Gender based Violence** as defined in the **Code**;
(d) clearly states that **Gender based Violence** is unacceptable;
(e) includes information on available support services, including academic supports, in relation to **Gender-based Violence**;
(f) includes information on **Procedures** in relation to a **Disclosure** or **Formal Report** of **Gender-based Violence**; and
(g) is publicly available, drafted in plain English and able to be translated into different languages taking into account the student and staff demographics of the **Provider**.

2.4 A **Policy** on preventing and responding to **Gender based Violence** must apply to:

(a) **Students**, **Leadership**, **Staff** and **Affiliated Organisations**; and
(b) entities that conduct activities on behalf of the **Provider,** including but not limited to businesses and organisations that operate on, use or lease the **Provider's** land and facilities.

2.5 A **Provider** must develop and review its **Policy** on preventing and responding to **Gender based Violence** at least every three years including through engagement and collaboration with:

(a) **Students**;
(b) employees;
(c) those groups who are disproportionately affected by **Gender based Violence,** including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
(d) those who have experienced **Gender based Violence**;
(e) subject matter experts on **Gender based Violence**; and
(f) third parties whose facilities are utilised by **Students** or **Staff** to undertake clinical or other work, research placements, or practicums.

2.6 The **Secretary** may require a **Provider** to report on how the engagement with, and the views of **Students** and employees, experts in prevention of **Gender-based Violence** and other persons identified in 2.5, has informed the development and review of the **Policy** on preventing and responding to **Gender-based Violence**.

2.7 A **Provider** must, when developing, reviewing and implementing its Policies, ensure that the Policies support:

(a) the prevention of **Gender based Violence**, including by undertaking gender impact assessments;
(b) effective responses to **Gender-based Violence**;
(c) **Disclosers** achieving their educational outcomes, including through necessary academic adjustments; and
(d) the physical and psychological safety and wellbeing of **Students** and **Staff**.

Transparency

2.8 A **Provider** must prohibit the use of a **Non-disclosure Agreement**, unless requested by a **Discloser**.

(a) If a **Discloser** requests the use of a **Non Disclosure Agreement** in relation to **Gender based Violence**, any such agreement with the **Provider** must not stop the **Discloser** from sharing their experience for the purpose of seeking support and advice or prevent the **Provider** from complying with their reporting obligations under the **Code**;
(b) Any settlement terms agreed between the **Discloser** and the **Provider** must not contain a **Non-disparagement Clause** that could have the effect of requiring the **Discloser** to keep their experience of **Gender based Violence** confidential.

National Student Ombudsman Recommendations

2.9 A **Provider** must implement any recommendations made by the **National Student Ombudsman** in relation to **Gender based Violence** which are directed to the **Provider.**

Reporting

2.10. The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary.**

Standard 3: Knowledge and capability – Higher Education Providers build knowledge and capability to safely and effectively prevent and respond to Gender-based Violence.

Requirements:

Prevention education and training

3.1 A **Provider** must ensure delivery of ongoing, comprehensive prevention education and training to its **Students, Leadership** and **Staff** that includes the following learning outcomes for participants:

(a) increases awareness and understanding of what constitutes **Gender based Violence;**

(b) increases awareness and understanding of the factors that drive and contribute to **Gender based Violence**, as well as any factors relevant to the **Provider's** context;
(c) increase awareness and understanding of how forms of inequality and discrimination compound to effect **Gender based Violence**, particularly for those who are disproportionately affected by **Gender-based Violence;**
(d) increases awareness and understanding of healthy, respectful and safe relationships and consent;
(e) increases awareness and understanding of the role of power dynamics in **Gender based Violence**;
(f) increases awareness and understanding of the support services, resources and reporting channels available to a person who has experienced **Gender based Violence**;
(g) increases awareness and understanding of **Ethical Bystander** and compassionate responses to **Disclosures** and **Formal Reports**; and
(h) builds understanding of **Gender based Violence** by strengthening knowledge and capability over time.

3.2 A **Provider** must ensure that prevention education and training is:
(a) evidence-informed and aligns with current best practice in the prevention of **Gender based Violence**;
(b) **Trauma-informed** in its content and delivery;
(c) tailored to the **Provider's** community and context;
(d) culturally appropriate;
(e) inclusive and accessible to **Students** and **Staff** with disabilities;
(f) designed to support ongoing learning; and
(g) designed to safely manage any **Disclosures** that may arise in the course of the education and training, including by providing information about the internal and/or external support services and reporting channels available to a person who has experienced **Gender based Violence**.

3.3 A **Provider** must develop this prevention education and training through collaboration and engagement with:
(a) experts in the prevention of **Gender based Violence**;
(b) **Students**;
(c) **Staff**;
(d) people who have experienced **Gender based Violence**; and
(e) those groups who are disproportionately affected by **Gender-based Violence**, including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity.

3.4 The **Secretary** may require a **Provider** to report on how the engagement with and views of the persons referred to at paragraph 3.3 has informed the development of the education and training.

Prevention communication and initiatives

3.5 A **Provider** must promote and widely disseminate evidence-informed prevention communication and key messaging across its study, work, living and social environments.
3.6 Prevention initiatives, including programs and campaigns, delivered by a **Provider** must be evidence-based and evaluated. Evaluation findings must inform future prevention initiatives.
3.7 The Secretary may require a **Provider** to report on how the evaluation findings have informed future prevention initiatives.

Responding to Disclosures education and training

3.8 A **Provider** must, as part of the onboarding process and subsequently on at least an annual basis, deliver specialised education and training on responding to a **Disclosures** to **Students** in leadership positions, **Leadership**, **Staff** and any other person whom the **Provider** considers necessary.
3.9 The education and training on responding to a **Disclosure** must:
(a) teach participants how to take a **Trauma informed** and **Person centred** approach when responding to **Disclosures**;
(b) increase participants' awareness of the effect of trauma, including on a person's behaviour, memory and health and wellbeing;
(c) take account of the needs of all members of the **Provider's** community, particularly those members who are disproportionally affected by **Gender based Violence**, including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
(d) be developed through engagement with or approved by an **Accredited Specialist,** specialist organisation or a person with expertise in responding to **Gender based Violence**; and
(e) be designed to safely manage any **Disclosures** that may arise in the course of the education and training, including by providing information about the internal and/or external support services and reporting channels available to a person who has experienced **Gender based Violence**.

Monitoring and evaluation of education and training

3.10 A **Provider** must undertake ongoing monitoring and evaluation of its prevention and responding to **Disclosures** education and training having regard to:
(a) the learning outcomes;
(b) feedback from participants;
(c) feedback from experts in the prevention of and response to **Gender-based Violence**; and
(d) any other factors the **Provider** considers relevant for the purposes of monitoring the effectiveness of the education and training.

3.11 A **Provider** must use findings from monitoring and evaluation to inform future education and training. The **Secretary** may require a **Provider** to report on how the list at paragraph 3.10 (a) to 3.10(d) has informed the evaluation and future education and training.
3.12 The **Secretary** may require a **Provider** to provide copies of evaluation reports.
3.13 A **Provider** is responsible for determining whether this education and training is required to be updated having regard to its duty of care to **Students** and **Staff**.

Expertise and experience – risk assessments

3.14 A **Provider** must require that risk assessments conducted under the **Code** are undertaken by **Staff** who have:
(a) expertise in **Gender-based Violence** risk assessment;
(b) competency in working with specific cohorts including First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity; and
(c) relevant knowledge, including of:
(i) evidence-based static and dynamic risk factors and protective factors for experiencing **Gender based Violence**;
(ii) types, patterns and effects of **Gender based Violence**;
(iii) how **Gender based Violence** is experienced by different groups of people; and
(iv) the nature and impact of coercive control.

3.15 Where a **Provider** identifies that it does not have **Staff** with the necessary expertise and experience to conduct a risk assessment, the **Provider** must engage a person external to the **Provider** who has the necessary expertise and experience outlined at paragraph 3.14, except in urgent circumstances in which a **Provider** must take action consistently with its duty of care to **Students** and **Staff**.

Expertise and experience – Formal Reports, investigations and disciplinary proceedings

3.16 A **Provider** must require **Staff** involved in responding to **Formal Reports**, conducting an investigation, or determining a disciplinary proceeding to have:
(a) Knowledge in relation to **Gender-based Violence**, including in the following:
(i) risk and protective factors for experiencing **Gender based Violence**;
(ii) the types, patterns and effects of **Gender based Violence**;
(iii) how **Gender based Violence** is experienced by different groups of people; and
(iv) the nature and impact of coercive control; and
(b) experience and expertise, including in the following:
(i) how to respond effectively to people who have experienced and engaged in **Gender based Violence**, including consistently with **Trauma informed** and **Person centred** approaches;
(ii) the effects of trauma, including on a person's behaviour, memory and health and wellbeing;
(iii) competency in working with specific cohorts including First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
(iv) **Procedural Fairness**;
(v) taking and recording statements; and
(vi) handling reports and **Disclosures**.

3.17 A **Provider** must require **Staff** under paragraph 3.16 to undertake training in areas relating to paragraphs 3.16(a) to 3.16(b) once every three years.
3.18 Where a **Provider** identifies that it does not have **Staff** with the necessary expertise and experience to carry out an investigation or determine a disciplinary proceeding, the **Provider** must engage a person with the expertise under paragraph 3.16.

Reporting

3.19 The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary.**

Standard 4: Safety and support – Responses and support services are safe and person centred.

Requirements:

4.1 A **Provider** must ensure that its responses, practices and support services are safe, **Person centred** and consistent with a **Trauma informed approach** and best practice.
4.2 A **Provider** must provide or facilitate access to support services to persons making **Disclosures** and/or **Formal Reports** and to **Respondents**, including explaining the available support services and in particular any supports relevant to educational outcomes such as reasonable academic adjustments.
4.3 A **Provider** must actively promote and make widely available information about how **Students** and **Staff** can access **Policies** and **Procedures**, internal and/or external support services including supports for academic adjustments and educational outcomes in relation to **Gender based Violence.** This information must be accessible and publicly available, drafted in plain English and able to be translated into different languages taking into account the **Students** and **Staff** demographics of the
4.4 A **Provider** must undertake a risk assessment in response to all **Disclosures** and **Formal Reports** of **Gender-based Violence** and manage and monitor any identified risks on an ongoing basis.

Safety and support for Disclosers

4.5 When implementing safety measures in response to a **Disclosure** or **Formal Report**, a **Provider** must engage with and seriously consider the views of a **Discloser**.
4.6 A **Provider** must assign **Staff** with relevant expertise and experience to develop collaboratively with the **Discloser** a tailored support plan, including:
(i) implementing any measures necessary to ensure the safety of the **Discloser**;
(ii) explaining and prioritising urgent access to support services for **Disclosers** when needed and/or requested;
(iii) ensuring, to the extent possible, that the **Discloser** is not required to repeat the content of **Disclosures** and **Formal Reports** multiple times to multiple people;
(iv) prioritising urgent access to services of an **Accredited Specialist** for **Disclosers** when needed and/or requested;
(v) prioritising urgent access to translation and interpreter services for **Disclosers** when needed and/or requested;
(vi) considering and implementing academic and/or work adjustments to support the **Discloser** at work and/or in achieving their educational outcomes;
(vii) undertaking ongoing risk assessments to manage and monitor any identified risks;
(viii) where necessary, discussing the investigation and disciplinary processes, including the role of the person making the **Disclosure** in those processes, if any, and the range of resolutions and sanctions available if an allegation of **Gender based Violence** is substantiated against the **Respondent**; and
(ix) discussing the support options available to the **Discloser** through these processes, including the potential availability of work and/or academic adjustments as required.

Support for Respondents

4.7 A **Provider** must assign **Staff** with relevant expertise and experience to develop in consultation with the **Respondent** a tailored support plan, including:
(a) implementing any measures necessary to ensure the safety of the **Discloser** that may adversely impact the **Respondent**;
(b) explaining and prioritising access to support services for **Respondents** when needed and/or requested;
(c) explaining and prioritising access to services of an **Accredited Specialist** for **Respondents** when needed and/or requested;
(d) prioritising access to translation and interpreter services for **Respondents** when needed and/or requested;
(e) where necessary, discussing the investigation and disciplinary processes, including the role of the **Respondent** in those processes, and the range of resolutions and sanctions available if an allegation of **Gender based Violence** is substantiated against the **Respondent**;
(f) considering and implementing academic and/or work adjustments; and
(g) undertaking ongoing risk assessments to manage and monitor any identified risks.

4.8 A **Provider** must prohibit the same **Staff** from being assigned to support both the **Discloser** and the **Respondent**.

Effectiveness of support services

4.9 A **Provider** must monitor its support services and evaluate the effectiveness of those services at least once every three years. Monitoring and evaluation findings must inform future service delivery. The **Secretary** may require a **Provider** to report on how the monitoring and evaluation of its support services has informed future service delivery.

4.10 A **Provider** is responsible for determining whether its support services require change having regard to its duty of care to **Students** and **Staff**.

Reporting

4.11 The Secretary may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary**.

Standard 5: Safe processes – All processes are safe and timely.

Requirements:

Accessible and Anonymous Reporting

5.1 A **Provider** must make clear where and how:

(a) **Students** and **Staff** can make a **Disclosure** or a **Formal Report** of **Gender based Violence**; and

(b) third parties can make a **Disclosure** or a **Formal Report** of **Gender based Violence** where the **Respondent** is a **Student** or **Staff** of the **Provider**.

5.2 A **Provider** must have multiple channels, including in person, by email, phone, and online, to facilitate a **Disclosure** or **Formal Report**.

5.3 A **Provider** must ensure **Disclosures** and **Formal Reports** can be made anonymously.

5.4 A **Provider** must take reasonable and proportionate action in respect of anonymous **Disclosures** or **Formal Reports** where possible, including by identifying any trends and risks to inform future action to prevent **Gender based Violence**.

Multiple Pathways to manage Disclosures

5.5 A **Provider** must have multiple pathways for **Disclosures** to be managed, to ensure a proportionate and safe response to the **Disclosure**, including:

(a) a resolution that is implemented with the agreement of the **Discloser** and **Respondent**;

(b) the implementation of safety measures without progressing to an investigation;

(c) a decision not to proceed to an investigation of a **Disclosure** in the specific circumstances; and

(d) a decision to progress the **Disclosure** to an investigation.

5.6 A **Provider** must have regard to the wishes of the **Discloser** when determining the pathway by which it will manage the **Disclosure.**

Investigations

5.7 A **Provider** must seek and consider the views of a **Discloser** before progressing a **Disclosure** (as opposed to a **Formal Report**) to investigation. A **Provider** must inform a **Discloser** that the **Provider** may investigate a **Disclosure** where it is necessary for the safety and wellbeing of **Students** and/or **Staff**.

5.8 A **Provider** must investigate all **Formal Reports** where the **Respondent** is a **Student** or **Staff** of the **Provider**, regardless of the context in which the **Gender based Violence** occurs.

5.9 In relation to a **Formal Report** which has no connection to the **Provider** other than the status of the **Respondent** as a **Student** or **Staff**, a **Provider** must consider the safety and wellbeing of **Students** and **Staff** in determining the scope of investigation of a **Formal Report**.

5.10 A **Provider** must notify the **Discloser** and **Respondent** in writing if an investigation will be commenced. The notification must be made to the **Discloser** and **Respondent** on the same day, and the **Disclosure** must be notified first.

5.11 A **Provider** must ensure all parties, (including the **Discloser** and **Respondent**), have the opportunity to be accompanied by a support person when they are asked about the matters which are the subject of the **Disclosure** or **Formal Report**.

5.12 A **Provider** must not require a **Discloser** or **Respondent** to provide physical evidence relating to an alleged incident of **Gender based Violence**.

Multiple pathways to manage outcomes of investigations

5.13 A **Provider** must have multiple pathways for **Disclosures** or **Formal Reports** to be managed following investigation, to ensure a proportionate and safe response, including:

(a) a resolution that is implemented with the agreement of the **Discloser** and **Respondent**;

(b) the implementation of safety measures without progressing to a disciplinary process;

(c) a decision not to proceed to a disciplinary process; and

(d) a decision to progress to a disciplinary process.

5.14 Unless a **Discloser** requests otherwise, a **Provider** must notify the **Discloser** in writing once the investigation is concluded of the outcome of the investigation, including if a disciplinary process will be commenced, on the same day as the **Respondent** being notified.

Disciplinary processes

5.15 A **Provider** must ensure their **Procedures** are designed to allow **Formal Reports** to be finalised within 45 business days, including finalisation of a disciplinary process.

5.16 Subject to paragraph 5.15, a **Provider** must comply with the timeframes specified in their **Procedures**.

5.17 A **Provider** must only permit extensions of time for the finalisation of **Formal Reports** where required in the particular context. The **Higher Education Principal Executive Officer** must satisfy themselves that extensions are only being permitted where required.

5.18 A **Provider** must provide **Respondents Procedural Fairness** in the disciplinary process.

5.19 A **Provider** must update **Disclosers** and **Respondents** throughout the process of resolving **Formal Reports** having regard to the views of **Disclosers** and **Respondents**.

5.20 A **Provider** must impose sanctions proportionate to the conduct substantiated in the disciplinary process, which may include exclusion and expulsion.

5.21 Unless a **Discloser** requests otherwise, a **Provider** must give written notice to the **Discloser** of:

(a) the outcome of the disciplinary process, including the decision and, if relevant, sanctions;

(b) reasons for the outcome; and

(c) rights to make an internal and/or external complaint, including to the **National Student Ombudsman**.

5.22 Unless requested otherwise, the **Discloser** must be notified of the outcome of the disciplinary process on the same day as the **Respondent**.

Appeals

5.23 If a **Provider** gives notice of the outcome of the disciplinary process to a **Discloser**, the **Provider** must also give written notice to the **Discloser** within 2 business days of an appeal being lodged of:

(a) the **Respondent** appealing a disciplinary decision; and

(b) information on potential outcomes of the appeal.

5.24 A **Provider** must ensure their **Procedures** are designed to allow appeals to be finalised within 20 business days.

5.25 Subject to paragraph 5.24, a **Provider** must comply with the timeframes specified in their **Procedures**.

5.26 A **Provider** must only permit extensions of time to finalise appeals where required in the particular context. The **Higher Education Principal Executive Officer** must satisfy themselves that extensions are only being permitted where required.

5.27 Unless a **Discloser** requests otherwise, a **Provider** must give written notice to the **Discloser** of:

(a) the outcome, including the decision and, if relevant, sanctions;

(b) reasons for the outcome; and

(c) rights to make an internal and/or external complaint, including to the **National Student Ombudsman**.

5.28 Unless a **Discloser** requests otherwise, a **Provider** must notify the **Discloser** on the same day as the **Respondent** being notified of the outcome of the appeal.

Reporting

5.29 The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary**.

Standard 6: Data, evidence & impact – Higher Education Providers use evidence to inform their approach, measure change and contribute to the national evidence-base.

Purpose:

6.1 The **Code** recognises that strengthened data collection systems and expanding the evidence base are essential components of a comprehensive response to addressing **Gender-based Violence**. Data plays a critical role in understanding the nature and prevalence of **Gender-based Violence**, identifying the needs of different groups, measuring progress, and informing **Policy** and program design.

6.2 The specific data reporting requirements for a **Provider** includes collection and reporting of:

(a) process data on implementation of **Policies**, **Procedures**, plans and related activities;

(b) **De-identified** data on incidents of **Gender-based Violence** enabling trend analysis and systemic responses; and

(c) administrative **De-identified Demographic data** and enrolment/engagement characteristics of **Disclosers** and **Respondents**;

for the purpose of:

(d) ensuring compliance and accountability of a **Provider**, specifically:

(i) compliance with the **Code** and timely responses to non-compliance; and

(ii) accountability and transparency of ongoing compliance with the **Code**.

(e) providing timely recommendations to **Providers** to strengthen systems, **Policies**, **Procedures** and planning to improve prevention and responses to **Gender-based Violence**;

(f) evaluating **Provider** and sector impact and effectiveness of preventing and responding to **Gender-based Violence** by tracking:

(i) reporting rates of **Gender-based Violence** and support provided to **Disclosers**;

(ii) the implementation of **Providers' Whole-of-Organisation Prevention and Response Plans**;

(iii) systemic and cultural barriers for preventing and responding to **Gender-based Violence;** and

(iv) awareness among **Students** and **Staff** of **Policies**, support services and mechanisms for reporting; and

(g) collating the data to expand the national evidence base, specifically:

(i) providing transparency about the experiences of **Gender-based Violence** in the higher education sector;

(ii) informing national strategies to reduce **Gender-based Violence** in the higher education sector;

(iii) building the evidence regarding systemic and cultural barriers for preventing and responding to **Gender-based Violence**; and

(iv) analysing the impacts of **Gender-based Violence**, examining how different demographic characteristics influence risk and responses.

Requirements:

6.3 A **Provider** must, in complying with its obligations under this Standard:

(a) ensure that the data is collected in a safe, **Trauma-informed** and **Person-centred** manner, and held and handled securely;

(b) provide the information and data in the manner and form, requested by the **Secretary**; and

(c) provide **De-identified** information, and otherwise undertake its requirements under this Standard in accordance with applicable Commonwealth, State and Territory **Privacy Laws** or, and where no other **Privacy Laws** apply, with reference to the Australian Privacy Principles.

6.4 A **Provider** must comply with the obligations under this standard in relation to **Student Accommodation** as set out in Standard 7, as applicable.

6.5 A **Provider** must ensure the data collected in accordance with this standard is used to inform and strengthen the **Provider's Whole-of-Organisation** approach to preventing and responding to **Gender-based Violence**, including the **Prevention and Response Plan** and outcomes framework.

6.6 A **Provider** must ensure the data collected in accordance with this standard informs evaluation, impact and planning and enables a systemic approach to preventing and responding to **Gender-based Violence** through informing the understanding of:

(a) systemic and cultural barriers for preventing and responding to **Gender-based Violence,** including as they relate to particular communities or settings;

(b) the operation of systems; **Policies** and **Procedures**;

(c) strengthening education and training on prevention and responses to **Gender-based Violence** for **Students, Leadership** and **Staff**.

6.7 A **Provider** must ensure that evaluations undertaken in connection with the **Code** are robust and carried out objectively.

6.8 With respect to a **Provider's** obligations to engage and collaborate with **Students** and **Staff**, the **Secretary** may require a **Provider** to provide data on the number of engagements, including the number and breakdown of participants and whether participants felt satisfied with the engagement process.

6.9 With respect to Standard 1, the **Secretary** may require a **Provider** to provide data on **Student** and **Staff** awareness of the **Provider's**:

(a) **Whole-of-Organisation Prevention and Response Plan**;

(b) **Policies** and **Procedures** for making **Disclosures** and **Formal Reports**; and
(c) availability and accessibility of the **Provider's** support services, including academic adjustments, in relation to **Gender-based Violence.**

6.10 With respect to Standard 2, the **Secretary** may require a **Provider**, to provide data on the following;
(a) the number of recruitment processes that involved a declaration of an allegation or determination of **Gender-based Violence** and the number of people that made a declaration who were offered a position; and
(b) any additional **Policies**, **Procedures** or actions undertaken by the **Provider** to prioritise safety.

6.11 With respect to Standard 3, the **Secretary** may require a **Provider** to provide data on the number and proportion of:
(a) **Students, Leadership** and **Staff** who undertook training in relation to **Gender-based Violence**;
(b) **Students, Leadership** and **Staff** who reported in training feedback and evaluations an increase in awareness and understanding of **Gender-based Violence**, prevention learning outcomes and **Ethical Bystander** behaviours following the training.

Annual Reporting

6.12 A **Provider** must, by 30 June each year commencing after the **Initial Reporting Date**, seek and provide to the **Secretary,** and may be required to publish, the following data for the previous calendar year:
(a) Data in relation to **Gender-based Violence**, in a form that can be disaggregated by **Demographic Data**, including:
(i) the total number of **Disclosures** and **Formal Reports**;
(ii) the total number of individual **Disclosers** and **Respondents**;
(iii) the number of each type of **Gender-based Violence**;
(iv) the mode that was used to make the **Disclosure** including in-person, online or through a third party; and
(v) the number of anonymous **Disclosures**.
(b) Data for each **Disclosure** and **Formal Report** of **Gender-based Violence,** including:
(i) the total number of **Gender-based Violence** incidents that required an immediate safety response and whether emergency services were required to attend;
(ii) the number of **Gender-based Violence Disclosures** and **Formal Reports** that were based on a single experience/single type, or involved more than one experience/multiple types;
(iii) the number of **Disclosures** that involved or alleged to be committed by a third party;
(iv) the number of **Disclosures** that required a third party, including an interpreter, support person, legal representation or other;
(v) the location of each experience of **Gender-based Violence**;
(vi) the number of risk assessments undertaken and support plans implemented by a **Provider** for **Disclosures** and **Formal Reports**;
(vii) the number of **Respondents** required to relocate from **Student Accommodation** following the **Disclosure**;
(viii) the number of **Disclosures** that progressed to a **Formal Report** and investigation;
(ix) the number of **Formal Reports** that were resolved within 45 days; and
(x) if known, how satisfied the **Discloser** and **Respondent** were with the Providers response to the **Gender-based Violence**.
(c) Data on the **Provider's Trauma-informed** and **Person-centred** response following a **Disclosure** of **Gender-based Violence**, including:
(i) the types of safety measures implemented as a result of the **Disclosure** and during investigation;
(ii) the number and type of services and supports for **Disclosers** and **Respondents**, including academic adjustments;
(iii) the number and proportion of **Disclosures** and **Formal Reports** that did not result in a disciplinary process and types of alternative processes or pathways undertaken; and
(iv) the number and proportion of **Disclosures** and **Formal Reports** that resulted in no further action and at what stage of the process no further action was implemented.
(d) Data on the outcomes of each investigation and disciplinary process, including:
(i) the number of investigations and the number of disciplinary processes;
(ii) the types of outcomes arising from a disciplinary process and the number of each particular outcome and the timeframe for the matter to be resolved;
(iii) the number of **Non-disclosure Agreements** proposed by the **Discloser** and the number executed;
(iv) the number of appeals and the types of outcomes arising from an appeal and the number of each particular outcome; and
(v) if known, how satisfied the **Discloser** and **Respondent** were with the **Providers** response to the **Gender-based Violence** disciplinary process.
(a) The **Secretary** may require the **Provider** to publish the data collected in accordance with this clause on the **Provider's** website.

6.13 A **Provider** must, by 30 June each year commencing after the **Initial Reporting Date**, seek and provide to the **Secretary** where known, the following data obtained for the previous calendar year:
(a) for each **Discloser** and **Respondent**, their **Demographic Data**;
(b) if the **Discloser** or **Respondent** is a **Student**, their:
(i) mode of attendance including full time/part time, on campus/online and for post-graduate students whether their enrolment is coursework or research;
(ii) year of study (i.e. first year, second year etc);

Standard 1: Accountable leadership and governance - Effective governance and a Whole of Organisation approach prioritises safety and support in the prevention of and response to Gender based Violence.

Standard 2: Safe environments and systems - Higher Education Providers' environments are safe and systems continuously improve to prevent and respond to Gender-based Violence.
Standard 3: Knowledge and capability - Higher Education Providers build knowledge and capability to safely and effectively prevent and respond to Gender-based Violence.
Standard 4: Safety and support - Responses and support services are safe and person-centred.
Standard 5: Safe processes - All processes are safe and timely.
Standard 6: Data, evidence and impact - Higher Education Providers use evidence to inform their approach, measure change and contribute to the national evidence-base.

Standard 7: Safe Student Accommodation - Student accommodation is safe for all students and staff.

Standard 1: Accountable leadership and governance - Effective governance and a Whole of Organisation approach prioritises safety and support in the prevention of and response to Gender based Violence.

Requirements:

Leadership and Governance

Governance 1.1 A **Provider**, through its **Higher Education Principal Executive Officer**, is accountable for compliance with the **Code**.
Governance 1.2 A **Provider** must have expertise in **Student** and **Staff** safety and wellbeing within the membership of the **Provider's Governing Body** or a subcommittee that reports directly to the **Provider's Governing Body** that has delegated responsibility for **Student** and **Staff** safety and wellbeing.
1.3 A **Provider** must, in complying with the **Code**, provide **De-identified** information and otherwise undertake its obligations under the **Code** in accordance with applicable Commonwealth, State and Territory **Privacy Laws** or, where no other **Privacy Laws** apply, with reference to the Australian Privacy Principles.

Whole-of-Organisation approach to preventing and responding to Gender-based Violence.

1.4 A **Provider** must, led by its **Higher Education Principal Executive Officer**, prepare, implement and publish on its website a **Whole-of-Organisation Prevention and Response Plan** that:
(a) records the **Provider's Whole-of-Organisation** approach to preventing and responding to **Gender based Violence**, including in any **Student Accommodation** which the **Provider** directly owns, operates and/or manages, that prioritises the safety and support of its **Students** and **Staff**;
(b) responds to **Gender based Violence** wherever it is experienced by the **Provider's Students** and **Staff**;
(c) addresses the factors that drive and contribute to **Gender-based Violence**, as well as any factors relevant to the **Provider's** context.
(d) records how the **Provider** will implement the requirements in the **Code**, including in any **Student Accommodation** which the **Provider** directly owns, operates and/or manages;
(e) includes a **Whole-of-Organisation** assessment, which includes any **Student Accommodation** which the **Provider** directly owns, operates and/or manages, that identifies systemic risks, enablers and barriers to preventing **Gender based Violence**;
(f) includes actions that will be taken in response to findings of the assessment;
(g) includes a gender equality action plan, which the **Secretary** may require to be prepared in a prescribed manner and form;
(h) reflects the needs, experience and agency of all members of the **Provider's** community, particularly those members who are disproportionally affected by **Gender based Violence**, including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
(i) is developed in respect to its design and implemented through engagement and collaboration with **Students** and **Staff,** including those who have experienced **Gender based Violence**;
(j) is informed by the **Provider's** analysis of available data or other relevant publicly available data, as reported to the **Secretary** under Standard 6;
(k) includes a systemic review and analysis of the **Provider's** responses to **Disclosures** and **Formal Reports** to identify barriers, gaps and opportunities for improvement;
(l) is informed by available and relevant domestic and international evidence about the nature and extent of **Gender based Violence**; and
(m) is endorsed by the **Provider's Governing Body**.

1.5 The **Secretary** may require a **Provider** to report on how the engagement with and views of **Students** and **Staff** has informed the development of the **Prevention and Response Plan**.
1.6 A **Provider** that directly owns, operates and/or manages **Student Accommodation** must ensure that its **Prevention and Response Plan** comprehensively addresses how it will comply with its obligations under the **Code** in the **Student Accommodation**.
1.7 A **Provider** must develop and implement an outcomes framework to track and measure the effectiveness of actions under their **Prevention and Response Plan**.
1.8 A **Provider** must give to the **Secretary** a copy of the **Prevention and Response Plan** and outcomes framework by the **Initial Reporting Date** and every four years thereafter and must include a systemic review and analysis and is informed by the **Provider's** analysis of data, as reported to the **Secretary** under Standard 6.
1.9 Commencing after the **Initial Reporting Date**, a **Provider** must report to the **Governing Body** at least every six months against the outcomes framework for its **Prevention and Response Plan**. The report must include **De identified** data on incidents of **Gender based Violence** experienced by **Students** and **Staff** since the last report, including identification of any trends in the data.
1.10 Commencing after the **Initial Reporting Date**, a **Higher Education Principal Executive Officer** must give to the **Secretary** every two years a report on the **Prevention and Response Plan** and its outcomes framework. The **Secretary** may prescribe the manner and form in which these reports must be provided.

Standard 2: Safe environments and systems – Higher Education Providers' environments are safe and systems continuously improve to prevent and respond to Gender based Violence.

Requirements:

Safe environments

2.1 A **Provider** must:
(a) ensure its **Staff** comply with the **Working with Children Check** requirements of their governing State or Territory;
(b) as part of the engagement process, ask prospective employees and members of the **Governing Body** to declare whether they have been investigated for an allegation of **Gender based Violence**, or determined to have engaged in conduct that constitutes **Gender based Violence** during the course of their previous employment, or otherwise in a legal process;
(c) consistently with the **Provider's** duty of care to **Students** and **Staff,** take into consideration any declaration made under paragraph 2.1(b) and any risks arising from the declaration in determining the person's suitability for their position;
(d) take into consideration any substantiated allegation of **Gender based Violence** found by the **Provider** in the course of an employee's employment in the promotion, recognition and reward of that employee;
(e) address any material risk arising in relation to any **Staff** who are not employees where they have been investigated for, or determined to have engaged in, **Gender based Violence**; and
(f) make alternative teaching, research, research supervision, employment or living arrangements as necessary to ensure the safety of **Students** and **Staff** where a **Student** or **Staff** alleges that they have experienced **Gender based Violence**.

2.2 A **Provider** must:
(a) require employees to declare any existing or previous intimate personal relationship they have with:

(i) an employee, where one employee has, or is likely to have, any supervisory, oversight or decision making responsibilities in relation to the other employee; and
(ii) a **Student,** where the employee has, or is likely to have, any academic or other decision-making responsibilities in relation to the **Student**; and

(b) where a declaration is made in accordance with paragraph 2.2(a), implement a conflict-of-interest management plan that includes permanent alternative teaching, research or working arrangements as necessary.

Policies

2.3 A **Provider** must have and implement a **Policy** on preventing and responding to **Gender based Violence** that:
(a) provides information and increases awareness and understanding of the factors that drive and contribute to **Gender-based Violence**, as well as any factors relevant to the **Provider's** context.
(b) is **Person centred** and **Trauma informed** in its content and application;
(c) adopts the definition of **Gender based Violence** as defined in the **Code**;
(d) clearly states that **Gender based Violence** is unacceptable;
(e) includes information on available support services, including academic supports, in relation to **Gender-based Violence**;
(f) includes information on **Procedures** in relation to a **Disclosure** or **Formal Report** of **Gender-based Violence**; and
(g) is publicly available, drafted in plain English and able to be translated into different languages taking into account the student and staff demographics of the **Provider**.

2.4 A **Policy** on preventing and responding to **Gender based Violence** must apply to:
(a) **Students, Leadership, Staff** and **Affiliated Organisations**; and
(b) entities that conduct activities on behalf of the **Provider,** including but not limited to businesses and organisations that operate on, use or lease the **Provider's** land and facilities.

2.5 A **Provider** must develop and review its **Policy** on preventing and responding to **Gender based Violence** at least every three years including through engagement and collaboration with:
(a) **Students**;
(b) employees;
(c) those groups who are disproportionately affected by **Gender based Violence,** including women, First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity;
(d) those who have experienced **Gender based Violence**;
(e) subject matter experts on **Gender based Violence**; and
(f) third parties whose facilities are utilised by **Students** or **Staff** to undertake clinical or other work, research placements, or practicums.

2.6 The **Secretary** may require a **Provider** to report on how the engagement with, and the views of **Students** and employees, experts in prevention of **Gender-based Violence** and other persons identified in 2.5, has informed the development and review of the **Policy** on preventing and responding to **Gender-based Violence**.

2.7 A **Provider** must, when developing, reviewing and implementing its Policies, ensure that the Policies support:
(a) the prevention of **Gender based Violence**, including by undertaking gender impact assessments;
(b) effective responses to **Gender-based Violence**;
(c) **Disclosers** achieving their educational outcomes, including through necessary academic adjustments; and
(d) the physical and psychological safety and wellbeing of **Students** and **Staff**.

Transparency

2.8 A **Provider** must prohibit the use of a **Non-disclosure Agreement**, unless requested by a **Discloser**.
(a) If a **Discloser** requests the use of a **Non Disclosure Agreement** in relation to **Gender based Violence**, any such agreement with the **Provider** must not stop the **Discloser** from sharing their experience for the purpose of seeking support and advice or prevent the **Provider** from complying with their reporting obligations under the **Code**;
(b) Any settlement terms agreed between the **Discloser** and the **Provider** must not contain a **Non-disparagement Clause** that could have the effect of requiring the **Discloser** to keep their experience of **Gender based Violence** confidential.

National Student Ombudsman Recommendations

2.9 A **Provider** must implement any recommendations made by the **National Student Ombudsman** in relation to **Gender based Violence** which are directed to the **Provider.**

Reporting

2.10. The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary.**

Standard 3: Knowledge and capability – Higher Education Providers build knowledge and capability to safely and effectively prevent and respond to Gender-based Violence.

Requirements:

Prevention education and training

3.1 A **Provider** must ensure delivery of ongoing, comprehensive prevention education and training to its **Students, Leadership** and **Staff** that includes the following learning outcomes for participants:
(a) increases awareness and understanding of what constitutes **Gender based Violence;**
(b) increases awareness and understanding of the factors that drive and contribute to **Gender based Violence**, as well as any factors relevant to the **Provider's** context;

(a) must report to the **Secretary**, who may publish, the name of the **Affiliated Student Accommodation Provider**; and
(b) must not:
(i) authorise the **Affiliated Student Accommodation Provider** to continue to use the **Provider's** intellectual property or any domain names of the **Provider**; or
(ii) advertise, market or promote the **Affiliated Student Accommodation Provider**, including to the **Provider's Students**; or
(iii) have any agreement in place to reserve spaces for **Students**.

Reporting

7.11 The **Secretary** may require a **Provider** to report on how it has complied with its obligations under this Standard in a manner and form to be prescribed by the **Secretary.**

7.12 A **Provider** must, by 30 June each year commencing after the **Initial Reporting Date**, provide to the **Secretary** the names of:
(a) the **Student Accommodation** which the **Provider** directly owns, operates and/or manages;
(b) the **Student Accommodation** that it **Controls**; and

the **Student Accommodation** to which it is **Affiliated**.

Provider.

Overview

Governance *what do we know?*

TEQSA

DOE

National Student Ombudsman

Civil penalties *how do these apply?*

Units (define)

Accredited Specialist means a person who meets the following criteria:

(a) a psychologist, social worker or counsellor registered or accredited with their relevant industry body; and
(b) has undertaken formal training in supporting people affected by Gender-based Violence, including Trauma-informed practice; and
(c) has undertaken training to build competency in working with specific cohorts including First Nations people, culturally and linguistically diverse communities, people with disability and people of diverse sexual orientation and gender identity.

Affiliated and **Affiliation** have the non-exhaustive meaning ascribed to those terms by the definition of Affiliated Student Accommodation Provider.

Affiliated Organisation means an organisation that uses the Provider's intellectual property in its name, marketing, recruitment, or governance documents.

Affiliated Student Accommodation Provider means a provider of accommodation to Students that is not a Student Accommodation Provider or Provider, but is nevertheless affiliated with a Provider, including (without limitation) by:

- any statute, constitution or similar legal instrument that governs or otherwise regulates the Provider; or
- having a service agreement or other agreement with the Provider; or
- operating on the Provider's lands; or
- being authorised by the Provider to use that Provider's intellectual property in its recruitment or marketing materials or on its website; or
- being listed by the Provider on its website as 'student accommodation' or being promoted by the Provider in its recruitment or marketing material.

Code means the *National Higher Education Code to Prevent and Respond to Gender-based Violence* .

Control means the practical capacity of one entity to determine the outcome of decisions about another entity's financial and operating policies and otherwise has the meaning in section 50AA of the *Corporations Act 2001* (Cth).

De-identified has the same meaning as in the *Privacy Act 1988* (Cth).

Demographic Data means a person's:

- sex;
- gender identity;
- sexual orientation;
- year of birth;
- race / ethnicity;
- religion;
- country of birth of person;
- language/s used at home;
- requirement for an interpreter;
- Indigenous status; and
- disability status.

Discloser means a person who has shared information about their experience of Gender-based Violence.

Disclosure means the provision of information about a person's experience of Gender-based Violence to a Provider by the Discloser or another person.

Ethical Bystander means a person who witnesses an event that is disrespectful or harmful and chooses to intervene in a way that is safe and effective.

Formal Report means the provision through formal reporting channels of information about their experience of Gender-based Violence by a Discloser to a Provider, which requires the Provider to consider taking steps beyond the offer and provision of support services, including (without limitation) the commencement of an investigation and/or a disciplinary process in appropriate circumstances.

Gender based Violence means any form of physical or non physical violence, harassment, abuse or threats, based on gender, that results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty or autonomy.

Governing Body means the formally constituted governing body of the Provider for the purposes of the Higher Education Standards Framework made under the *Tertiary Education Quality and Standards Agency Act 2011* (Cth).

Higher Education Principal Executive Officer has the same meaning as in the *Ombudsman Act 1976* (Cth).

Initial Reporting Date means 1 January 2026, or for Providers that are registered under the *Tertiary Education Quality and Standards Agency Act 2011* (Cth) after 1 January 2026, the date on which compliance with the Code commences for that Provider.

Leadership means the Higher Education Principal Executive Officer and the Governing Body.

National Student Ombudsman means the National Student Ombudsman established under Part IIF of the *Ombudsman Act 1976* (Cth).

Non-disclosure Agreement means an agreement, including a deed of release or settlement agreement, that requires particular details to be kept confidential as part of reaching a settlement.

Non-disparagement Clause means a clause in an agreement that requires the parties not to say things about each other that are critical, dismissive or disrespectful.

Person-centred means ensuring that the Discloser's needs and preferences are at the centre of decisions made in response to the Disclosure. The response systems, Policies and Procedures affirm the Discloser's dignity and support their healing by genuinely considering their wishes and the impact that decisions may have on them, while at all times ensuring the safety and wellbeing of the Discloser and other Students and Staff.

Policies means a document approved in accordance with a Provider's governance framework, which binds the Provider and its Students and Staff, and includes without limitation statutes, regulations, by-laws, policies, procedures and guidelines.

Prevention and Response Plan means the plan prepared by a Provider in accordance with Standard 1 or the plan prepared by a Student Accommodation Provider / Affiliated Student Accommodation Provider in accordance with Standard 7and, where the context requires it, means any revised Prevention and Response Plan.

Privacy Laws means the *Privacy Act 1988* (Cth) and any other privacy laws applicable to a Provider under the laws of the relevant State or Territory.

Procedural Fairness in a decision-making context, means the decision is made in accordance with the rule against bias and the hearing rule (i.e., a Respondent is given an opportunity to present their case with knowledge of any prejudicial material that may be taken into account by the decision-maker).

Procedures means Policies that govern a Provider's response to a Disclosure or Formal Report of Gender-based Violence.

Provider has the same meaning as 'registered higher education provider' under the *Tertiary Education Quality and Standards Agency Act 2011* (Cth).

Resident means a person that resides in Student Accommodation.

Respondent means a person whom it is alleged has engaged in conduct that amounts to Gender-based Violence.

Secretary means the Secretary of the Department of Education.

Staff has the same meaning as 'worker' under the *Model Work Health and Safety Act* .

Student means a person who is enrolled as a student with the Provider or is undertaking a course of study or a unit of study with a Provider. Without limitation, it includes students undertaking higher degrees by research, non-award study, enabling or bridging courses, foundation programs and vocational education and training courses.

Student Accommodation means accommodation offered or provided to a Student by:

- a Provider directly;
- a Student Accommodation Provider; or
- an Affiliated Student Accommodation Provider

but in each case does not include any of the following accommodation:

- accommodation arranged under a homestay program where Students are offered opportunities to live with local families;
- rental properties that are leased through residential tenancy agreements with a private landlord and are not offered exclusively for accommodation for Students;
- rental properties that are in premises used for student accommodation and are owned by individual landlords and leased through residential tenancy agreements; or
- hotels or serviced apartments that are used to provide temporary accommodation for Students.

Student Accommodation Provider means a provider of Student Accommodation that is not itself directly owned, managed and/or operated by a Provider but is nevertheless under the Control of the Provider.

Student Accommodation Staff means pastoral care leader, residential student advisers and equivalents employed or engaged by a Provider, Student Accommodation Provider or Affiliated Student Accommodation Provider, including in a non-paid capacity.

Trauma-informed means an approach that applies the core principles of safety (physical, psychological and emotional), trust, choice, collaboration and empowerment. It should minimise the risk of re-traumatisation and promote recovery and healing to the greatest extent possible.

Whole-of-Organisation means an approach applied across all areas of a Provider's operations, including any Student Accommodation which it directly owns, operates and/or manages, or the operations of a Student Accommodation Provider or Affiliated Student Accommodation Provider as the context requires it, and at all levels that is evidence-informed, uses multiple strategies and is subject to ongoing monitoring and evaluation, including in respect to:

(a) leadership, culture and environment;
(b) structures, norms and practices;
(c) systems and infrastructure;
(d) service delivery, such as curriculum, teaching and learning;
(e) Policies and Procedures;
(f) management and governance;
(g) community engagement;
(h) business;
(i) research; and
(j) partnerships.

Working with Children Check means a working with children or vulnerable people check, registration or clearance, as the case may be, in accordance with the laws of the relevant State or Territory in which the person is employed or otherwise engaged.

Draft prepared by Provost's Office
Feb 2025
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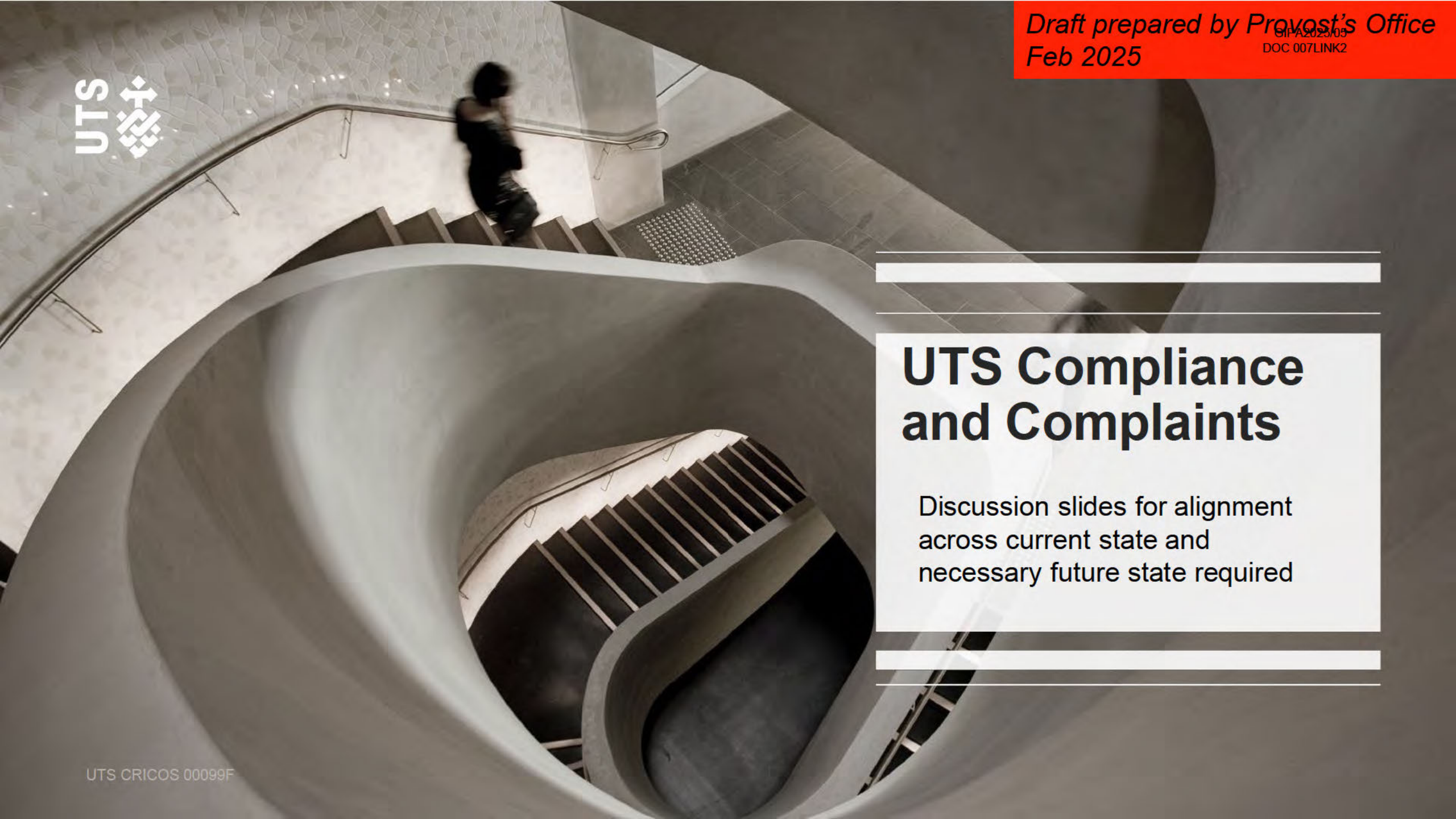


UTS Compliance and Complaints

Discussion slides for alignment across current state and necessary future state required

Contents

1. Current landscape
2. UTS expectations and external expectations
3. Investigations
4. Discussion

Why are we here today

The **meeting agenda**:

1. Current landscape in each portfolio (25 minutes)

A. DVC ES – student misconduct, complaints and compliance
B. EO Provost – intersection with GBV and National Code
C. General Counsel – legal complaints and compliance
D. Director of GSU – academic misconduct
E. Executive Director PC – staff misconduct and compliance

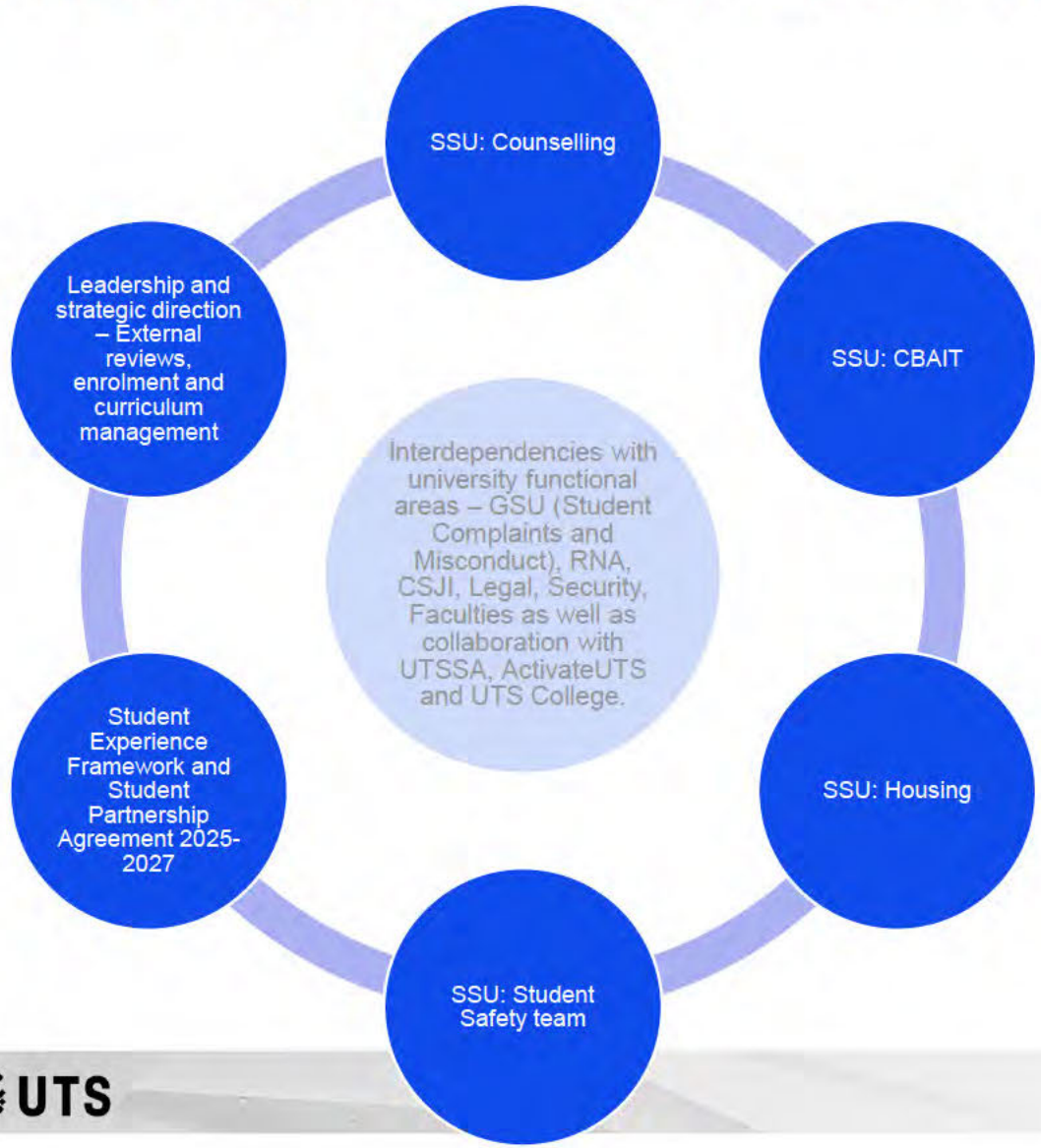
3. **Investigations (10 minutes)**

How are these currently managed?

4. Discussion

- What interdependent improvements are required?
- What issues need to be addressed?
- Next steps to a cohesive UTS approach

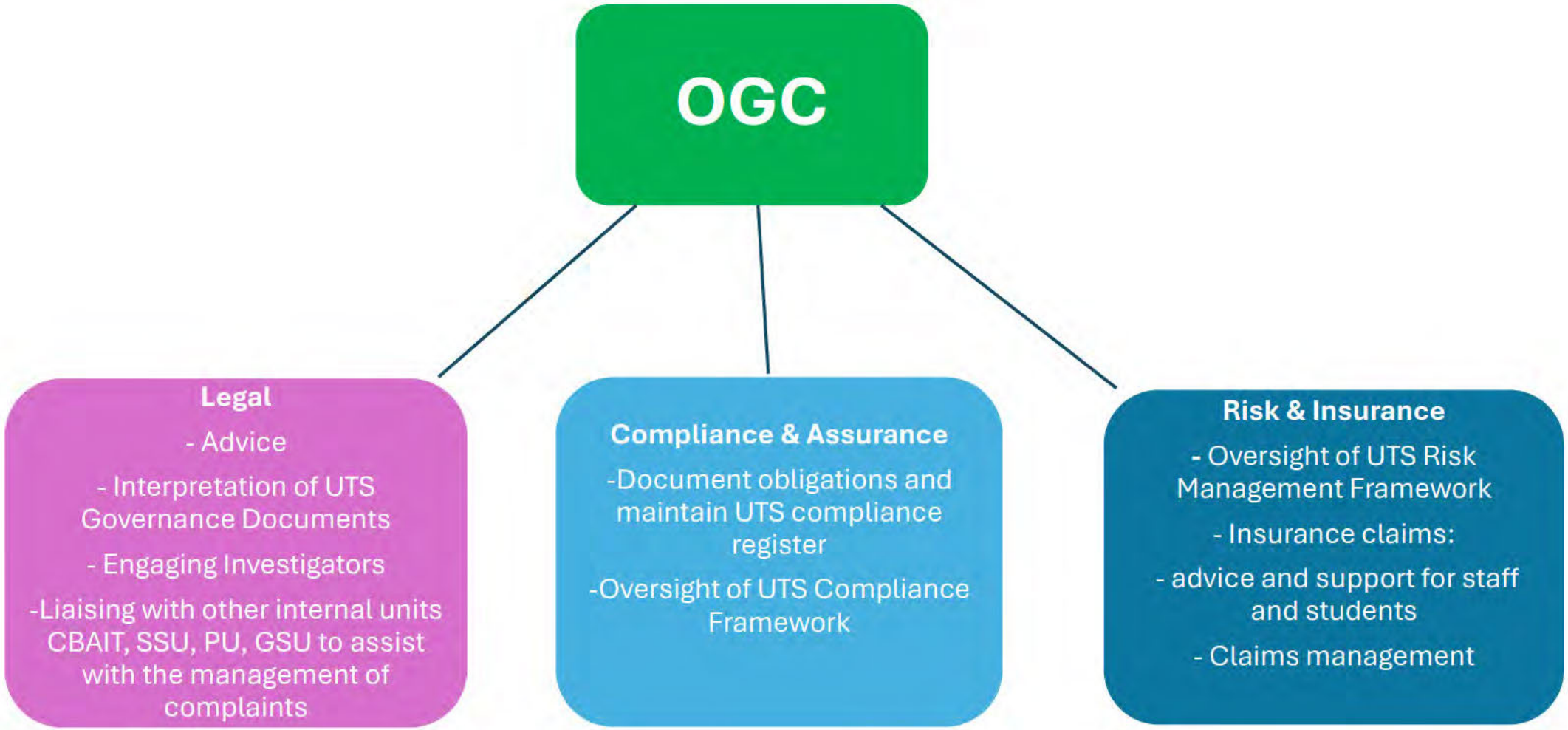
DVCES: Key functions, their connections to other areas, and issues



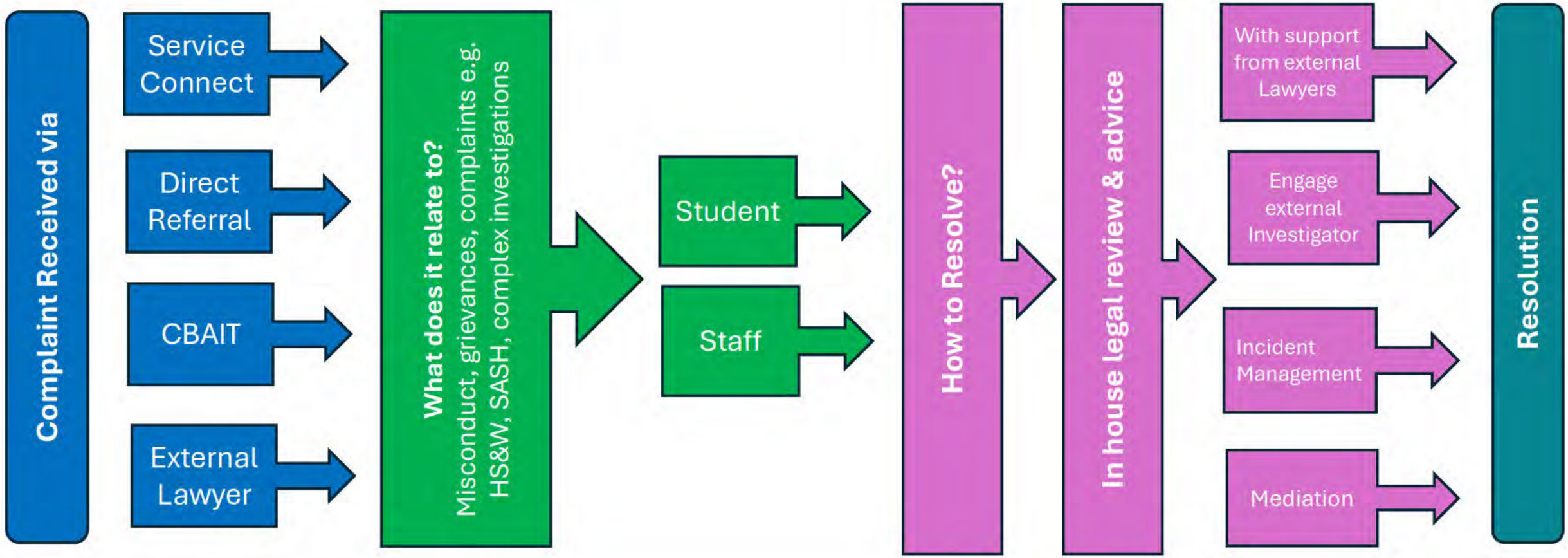
Issues:

- Significant overlap between sexual harm and concerning behaviour.
- It is critical that staff with appropriate skills are assessing associated risk for students reporting SASH and Concerning behaviour – mental health risk of reporting students/concerning students, risk to the student population of aggressive behaviour, risk to UTS reputation.
- Separation of the student response and prevention teams for SASH, no education framing for other forms of concerning behaviour.
- No current process for student reports about staff conduct.
- Can be challenging to update policy – e.g. SASH policy.
- Balancing community expectations for swift change to processes with the slow overall rate of change e.g. changing culture takes time.

Office of General Counsel - Complaints and compliance



OGC role in complaint resolution



Notify Insurer → **Claim**

UTS

Workplace Relations

Staff Misconduct & Compliance

- Increasing number of complaints
- Complexity and length to resolve is significant
- WR Team is under resourced and needs urgent attention as team members requiring leave
- Supplementing resourcing with Source Legal and support from OGC
- Support from WR/Source and OCG valued by faculties

Confidential - Total number of disputes and investigations supported by OGC 2024**

Dispute Matters by Subcategory	
Subcategory	Number of Matters
Research-Related Disputes	13
Staff Disputes*	19
Student Disputes*	21
Property Disputes	3
Supreme Court Litigation	1
Total	57

**Current as at 15 Jan 2025

Director of GSU: academic misconduct & student complaints

GSU currently manages:
- **Student Misconduct and Appeals (4FTE)**
- **Student Complaints and Resolution (2FTE)**

Student Misconduct and Appeals:
Reports: Annual Report to Academic Board
Volume: 1350 cases (2022), 1272 (2023)
External review by NSW Ombud: 0 over the last 10 years

2023 main areas of misconduct:
Academic Misconduct: 240 (plagiarism) 839 (cheating) 126 (exams)
Behavioural Misconduct: 47 cases (2023), **Fraud:** 18 cases (2023)
Admissions: 65-70% admit to allegations
Appeals: 43 cases appealed (2023), 55 cases appealed (2024)

Student Complaints and Resolution Office:
Reports: Annual Report to Audit & Risk Committee
Volume: 352 (2023), 361 (2022)
External review by NSW Ombud: 0 since 2021 (occasional queries but no reviews)

Main issues:
- Inadequate IT platform that supports case management, workflow and reporting
- SMA staff resources
- Complex student behaviour matters particularly in the RNA area
- Time delays in reporting academic misconduct (exams and faculties)
- No internal UTS capacity to support complex investigations particularly where there is a criminal law interface. Currently complex matters require outsourced investigation.
- Minimal capacity to support preventative strategies based upon case volume

Governance tools

- Rule 2.1.9 - Student Conduct Risk
- Section 16 Student Misconduct and Appeals Rules
- Student Declaration
- Concerning Behaviour Intervention Policy
- Sexual Harm Prevention and Response Policy
- Student Rights and Responsibility Policy
- Equity Inclusion and Respect Policy
- Student Complaints Policy
- Acceptable use of IT Resources Policy
- Campus Policy
- Academic Freedom and Freedom of Expression Policy

Opportunities

- IT Platform to support student misconduct case management & workflows.
- Policy/Rule simplification

Executive Director P&C: staff misconduct and compliance

Current state
Issues
Arising compliance or expectations
Any other relevant information

Governance tools
i.e relevant policies, procedures hyperlinks

Provost: relevant policies and primary actions

RNA Steer Co accepted the following 5 recommendations as driving pillars of the UTS Action Plan response to GBV, *current state in italics*.

1. A single reporting tool

Currently being re-evaluated by ITU (post change implementation).

2. Coordinated response and prevention approach

On-hold pending changes in People Unit and upcoming National Code requirements.

3. A core support structure for a holistic approach

On-hold pending broader compliance and complaints management decision.

4. Review and update all related policies and procedures

Pending 2 and 3 being agreed for implementation.

5. Reporting capability uplift for 2025

Pending recommendation 1 implementation and National Code.

Governance responsibility

GIPA2025/05
DOC 007LINK2

- **Academic Promotion Policy** (E, C, R)
- Accessibility and Inclusion Policy (E, C w/COO /DVC ES)
- Workplace Adjustment Procedure
- Admissions and Recognition of Prior Learning Policy (E, C, A)
- Admissions Procedure (A, E w/DVC ES)
- Award of University Medals Guidelines
- Recognition of Prior Learning Procedure
- Appointment of Distinguished Professors Procedure (O, E)
- **Code of Conduct** (O academics)
- **Conflict of Interest Disclosure Policy** (E, C w/COO)
- Coursework Assessments Policy (O, E, C, A)
  Coursework Assessments Procedure (O, E, C, A)
- **Equity, Inclusion and Respect Policy** (O, E, C, A)
- Honorary Titles and Awards Policy (R, E, C, A)
- Indigenous Policy (O, E, C)
- Wingara Indigenous Employment Strategy
- Indigenous Education and Research Strategy
- UTS Reconciliation Statement
- Guiding Principles for Welcome to Country and Acknowledgement of Country
- Confirmation of Aboriginal and Torres Strait Islander Status Procedure (NEW)
- Indigenous Cultural and Intellectual Property Guidelines (NEW)
- **Modern slavery policy**
- Professional Experience Program Policy
- Scholarships and Prizes Policy
- Scholarship and Prizes Procedure
- **Sexual Harm Prevention and Response** Policy (E, C, A)

Draft National Code to Address GBV

The objects of the Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025 (Cth) (Act) are:

a) to reduce the incidence of Gender-based Violence in higher education; and
b) to establish national standards and requirements for higher education providers to prevent and respond to Gender-based Violence; and
c) to establish a regulatory framework to monitor and enforce compliance with the national standards and requirements.

The Code establishes a Whole of Institution approach to preventing and responding to Gender-based Violence, inclusive of **staff, students and third parties** whose facilities are utilised by Students or Staff.

UTS through the VC is accountable for compliance with the Code. UTS Council, or a sub-committee reporting directly to it, must include dedicated expertise in student and staff safety and wellbeing.

The Code requires extensive evaluation and data reporting to the Secretary, with collected data published in aggregated form. For UTS, **the Code will take effect on 1 January 2026, with some evaluations metric required from 30 June 2026.**

Penalties range from 60 to 200 units. While enforcement of civil penalties applies from 1 January 2026, breaches may also constitute a failure to meet obligations under the TEQSA Act, potentially triggering further regulatory action.

The Code leverages data and public reporting as key compliance mechanisms. While standardised metrics and sector-wide reporting enhance transparency, they also introduce risks related to benchmarking and potential league table comparisons.

Draft National Code to Address GBV

The National Higher Education Code to Prevent and Respond to Gender-based Violence comprises the following seven Standards:

Standard 1: Accountable leadership and governance - Effective governance and a Whole-of-Organisation approach prioritises safety and support in the prevention of and response to Gender-based Violence.

Standard 2: Safe environments and systems - Higher Education Providers' environments are safe and systems continuously improve to prevent and respond to Gender-based Violence.

Standard 3: Knowledge and capability - Higher Education Providers build knowledge and capability to safely and effectively prevent and respond to Gender-based Violence.

Standard 4: Safety and support - Responses and support services are safe and person-centred.

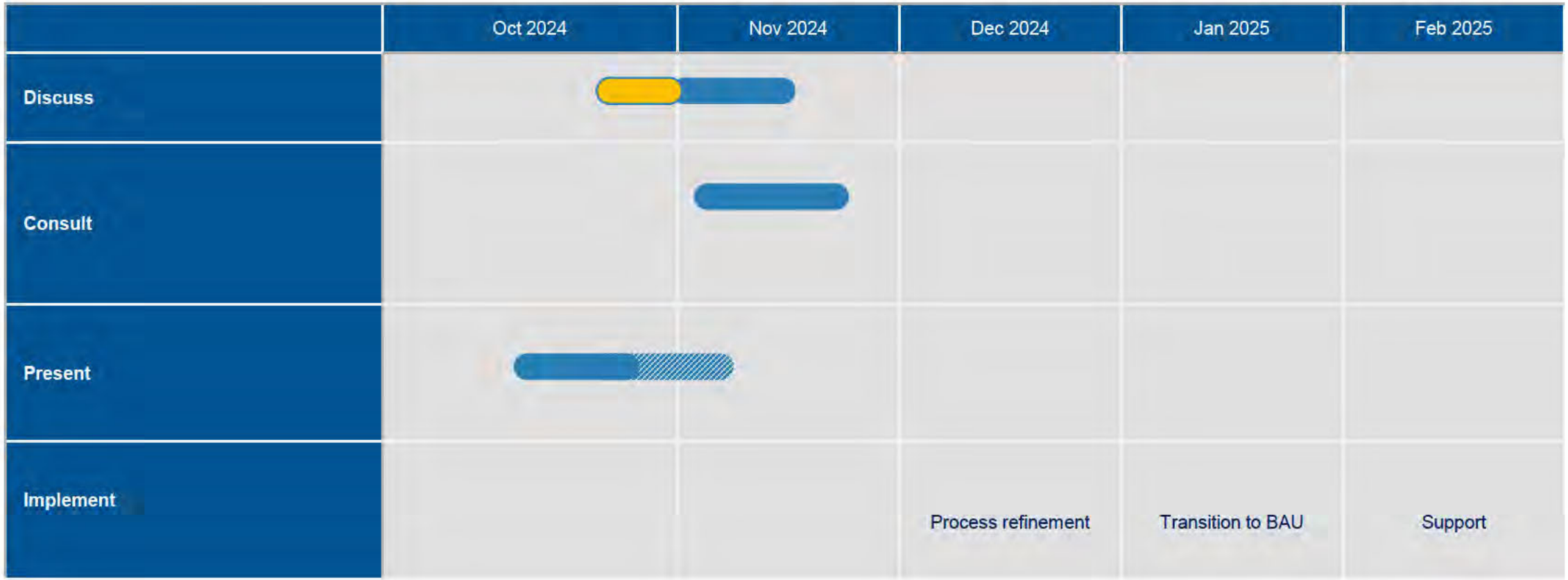
Standard 5: Safe processes - All processes are safe and timely.

Standard 6: Data, evidence and impact - Higher Education Providers use evidence to inform their approach, measure change and contribute to the national evidence-base.

Standard 7: Safe Student Accommodation - Student accommodation is safe for all students and staff.

2. UTS and external expectations

Timeline


Oct 2024
Nov 2024
Dec 2024
Jan 2025
Feb 2025
Discuss
Consult
Present
Implement
Process refinement
Transition to BAU
Support
To Do
In Progress
At Risk
Completed

From:	Bill Paterson
To:	Roze Abraham; Vicki Chen; Kylie Readman; Kylie Gould; Marshall Craddock; Kumar Srinivasan
Cc:	Danielle Woolley; Ellen Goh; Amy Persson; Jo Tilly; Steve Drissell
Subject:	RE: For review: meeting notes and BA"s brief
Date:	Monday, 24 March 2025 10:58:47 AM
Attachments:	image001.png

Hi Roze,

The Report provided by Angela Hill has been circulated to a number of impacted stakeholders for comment. Impacted stakeholders have been given until April 4 to provide comment in relation to the Report and the recommendations.

I think it is important that we allow that process to follow-through, and to then consider those responses in order to finalise the University's position on the recommendations contained in the Review, and then prioritise items for action.

Regards,

Bill

From: Roze Abraham
Sent: Monday, 24 March 2025 9:37 AM
To: Vicki Chen ; Kylie Readman ; Kylie Gould ; Bill Paterson ; Marshall Craddock ; Kumar Srinivasan
Cc: Danielle Woolley ; Ellen Goh ; Amy Persson ; Jo Tilly ; Steve Drissell
Subject: RE: For review: meeting notes and BA's brief

Deal All,

Following on from the below, the Business Analyst supporting on this current state mapping will be reaching out to the identified stakeholders listed in the below briefing document.

Noting DVC R has requested HDR be explicitly noted also. I will reach out to Kate for her nominated stakeholders.

Please advise your teams that Steve Drissell (cc'd) will be reaching out to them in due course.

I have updated item 2 with a review and approval process for group clarity on next steps. Melissa will coordinate a meeting where the draft current state map will be presented by Steve to this group.

Any questions, please reach out,

Roze

Roze Abraham
Executive Officer

It often suits me to work and send emails outside of normal operating hours, but I do not expect you to read, respond or action this email outside of your working hours.

Office of the Provost
University of Technology Sydney
T. +61 02 9514 1658
M. s3.2 - Personal affairs

From: Roze Abraham
Sent: Monday, 10 March 2025 4:36 PM
To: Vicki Chen <Vicki.Chen@uts.edu.au>; Kylie Readman <Kylie.Readman@uts.edu.au>; Kylie Gould <Kylie.Gould@uts.edu.au>; Bill Paterson <William.Paterson@uts.edu.au>; Marshall Craddock <Marshall.Craddock@uts.edu.au>; Kumar Srinivasan <Kumar.Srinivasan@uts.edu.au>
Cc: Danielle Woolley <Danielle.Woolley@uts.edu.au>; Ellen Goh <Ellen.Goh@uts.edu.au>; Amy

Persson <Amy.Persson@uts.edu.au>; Jo Tilly <Jo.Tilly@uts.edu.au>
Subject: For review: meeting notes and BA's brief

Dear Colleagues,

My apologies for the delay in getting these papers and minutes out to you all. CI / New Faculty have absorbed my time.

As the Provost indicated in her email, please find attached the brief for the BA and the minutes and actions from the meeting on 21 Feb 2025.
I took handwritten notes on the day, so appreciate your review and endorsement ahead of wider circulation to colleagues CC'd here.

Please advise (via comments in the documents) if there are any issues with the meeting notes or changes to the BA's brief. I have included stakeholders listed in the last Angela Hill review, appreciate your review and updates.

Steve will be on board with us from this week he will prioritise this work alongside his work on the next phase of CI.

1. Draft meeting notes
2. Draft brief for the Business Analyst – please provide your local subject matter experts, I have made an attempt to capture some.
3. Folder containing all the papers – including papers raised at the meeting (thanks to Kylie for the Angela Hill reports.)

Danielle, Ellen, Amy and Jo, please allow me to finalise the meeting notes ahead of sharing with you.

Thanks,

Roze
Roze Abraham
Executive Officer

It often suits me to work and send emails outside of normal operating hours, but I do not expect you to read, respond or action this email outside of your working hours.

Office of the Provost
University of Technology Sydney
T. +61 02 9514 1658
M. s3.2 - Personal affairs

From: Melissa Oey **On Behalf Of** Vicki Chen
Sent: Monday, 10 March 2025 4:13 PM
To: Kylie Readman <Kylie.Readman@uts.edu.au>; Kylie Gould <Kylie.Gould@uts.edu.au>; Bill Paterson <William.Paterson@uts.edu.au>; Marshall Craddock <Marshall.Craddock@uts.edu.au>; Kumar Srinivasan <Kumar.Srinivasan@uts.edu.au>
Cc: Danielle Woolley <Danielle.Woolley@uts.edu.au>; Ellen Goh <Ellen.Goh@uts.edu.au>; Amy Persson <Amy.Persson@uts.edu.au>; Jo Tilly <Jo.Tilly@uts.edu.au>
Subject: Update RE: Review of current state of various complaints and compliance matters at UTS

Dear All,

Roze will shortly send out the minutes and actions from our meeting 2 weeks ago. I appreciate your patience with the delay, we have had CI taking much of the team's time.

Since our meeting, I have had additional discussion with Andrew and noting his preference to understand clearly the current state of process, teams and remits. I am attaching a Business Analyst (on loan from Op Sus) to help map our current state.
I feel the BA will also be able to call out much of the interdependencies we discussed – and concerns the group raised about remit vs volume vs FTE.
The brief for the BA will be circulated with the meeting notes. Please review both.
Andrew is keen to understand the collective current state and I agree that we need a holistic view of the current ways in which we manage these matters – and the existing support systems – to clearly understand where we may be able to solidify or enhance our approach.
Kylie, Kylie, and Bill, thank you for extending invitation to Thursday's meeting regarding Student Rules in relation to Student Conduct and Behaviour.
Regards,
Vicki

From: Melissa Oey **On Behalf Of** Vicki Chen
Sent: Monday, 17 February 2025 10:54 AM
To: Kylie Readman <Kylie.Readman@uts.edu.au>; Kylie Gould <Kylie.Gould@uts.edu.au>; Bill Paterson <William.Paterson@uts.edu.au>; Marshall Craddock <Marshall.Craddock@uts.edu.au>; Kumar Srinivasan <Kumar.Srinivasan@uts.edu.au>; Jo Tilly <Jo.Tilly@uts.edu.au>; Amy Persson <Amy.Persson@uts.edu.au>
Subject: Review of current state of various complaints and compliance matters at UTS

Dear Colleagues,
I would like to convene an initial meeting with this primary group of stakeholders to discuss the active matters of complaints and compliance ongoing at UTS. Melissa will reach out to your offices to find a time.
The Vice-Chancellor has tasked me with outlining the cascade of risks, intersections and interdependencies in our current state. Additionally, the group is to consider the widely discussed matter of investigations.
I appreciate there have been external reviews conducted in some areas, please provide the findings for this group to review and consider the recommendations provided.
Meeting agenda

1. **Current landscape in each portfolio (20 minutes)**
   A. DVC ES – student misconduct, complaints and compliance
   B. EO Provost – intersection with GBV and National Code (5 - 10 min)
   C. General Counsel – legal complaints and compliance
   D. Director of GSU – academic misconduct
   E. Executive Director PC – staff misconduct and compliance
2. **UTS expectations and external expectations (10 minutes)**
3. **Investigations (10 minutes)**
   How are these currently managed? Potential models for more effective management?
4. **Discussion**
   What interdependent improvements are required?
   What current issues need to be addressed?
   What do we anticipate will be other emerging legislative requirements in the near term?
   Next steps to a cohesive UTS approach

Pre-meeting action please update the slide provided for a visual overview of each portfolio.

Post-meeting expectation

The discussion may generate some resolutions or provide some additional considerations for a further discussion. A paper will be prepared from the discussion, to summarise the current state and determine approach to strengthen our institutional approach considering future risks.

Next steps to be determined at the meeting.

Regards,

Vicki

Professor Vicki Chen

Provost and Senior Vice-President

University of Technology Sydney

Building 1, Level 4A, 15 Broadway, ULTIMO NSW 2007

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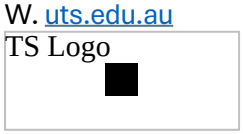
E. vicki.chen@uts.edu.au

W. uts.edu.au



UTS acknowledges the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands our university stands. We would also like to pay respect to the Elders past, present and emerging, acknowledging them as the traditional custodians of knowledge for these lands.

UTS UNIVERSITY OF TECHNOLOGY SYDNEY

COMPLAINTS AND COMPLIANCE MEETING

Notes from meeting held at 8AM on Friday, 21 February 2025.

Attendees: Prof Vicki Chen (Chair), Marshall Craddock (Executive Director of People & Culture/EDPC), Kylie Gould (General Counsel), Bill Paterson (Director of Governance Support Unit/GSU), Prof Kylie Readman (Deputy Vice-Chancellor Education & Students), Kumar Srinivasan (Director of Risk), and Roze Abraham (notes)

Apologies: Nil

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1. Overview and current landscape
The Chair outlined the meeting purpose was to consider the:

- incoming legislative requirements and expectations from the Commonwealth Department of Education
- consider the student complaints and misconduct review by Prof Angela Hill shared by Prof Readman
- discuss the current state of complaints and compliance at UTS, and how this may be coloured by the incoming governance expectations from external bodies.

The Chair asked each attendee to speak to their current state (referencing their slide if reasonable) and consider key areas of focus.

2. Prof Kylie Readman, Deputy Vice-Chancellor Education & Students (DVC ES)
Prof Readman spoke to the interdependencies that exist across all the pieces of work shared by her portfolio, General Counsel and Director GSU.

- The Student Support Unit (SSU) has multiple connections across the ecosystem. Housing, UTS College, under-age students and Indigenous students all inform the work ongoing and issues raised.
- PVC Students is expected to lead the strategic direction of where UTS may want to prioritise and direct student focused resourcing at the outset.
- The 2025 Angela Hill Report has highlighted growing areas of concern and presented recommendations for UTS to consider.
- The previous Angela Hill Report (2023/2024) had also of a number of recommendations and many have been implemented around additional support with case workers and counselling.
- Key issues remain there are multiple owners / remits and distributed workload across the ecosystem. This is without adding the complexity of staff elements. What do we (UTS) want to elevate quickly?

Prof Readman noted that student misconduct is linked to how faculty report and manage these incidents, as well as UTS's ability to track the workload involved. Implementing clear systems and services to triage and manage could help reduce this workload.

General Counsel spoke to the

- spectrum of student behaviour ranging from misconduct through to harm and areas in between. Academic managers often see signs early on which speaks to a need to ensure staff (particularly frontline staff) are adequately trained to support our students via a preventative conversation.
- Student behaviour in class was provided as an example of a tangible influence / management point for staff.

3. EO to Provost, General Counsel, Prof Readman and EDPC
EO Provost spoke to

- anticipated legislative expectations of the Draft National Code to Address Gender-Based Violence. The 2024 UTS Action Plan was a Provost led initiative, supported by the RNA Steer Co and colleagues present, *excluding* the current EDPC.
- The current draft Code is reflective of expectations anticipated in 2024, however provides further clarity on the civil penalties attached to institutional ability to track, report and manage as well as actively train and educate all concerned stakeholders – staff, students and third-party contractors.

EDPC noted the People Unit change plan (2024) did not address these concerns at the training and education level for staff.

Prof Readman noted the existing training provided by the RNA Program should be scaled to staff, as it is recognised to be sector leading and effective.

Action: Office of the General Counsel will review the code once the draft has been endorsed.

4. Kylie Gould, General Counsel

General Counsel spoke to the Office of the General Counsel (OGC) portfolio encompassing three key functional areas actively engaged in the management of complaints and compliance: legal, compliance and assurance, and risk and insurance.

- The broadest sense of complaints can fall into the OGC realm with the scope for misconduct varying from minor to complex.
- The high volume of matters raised coupled with rising complexity has caused the OGC to more frequently engage external legal support.
- The best protective step for UTS is to have an independent investigator.
- Student disputes have primarily resulted in legal disputes.

General Counsel spoke to the rising complexity in many staff matters, wherein they are multi-faceted situations. s2.2 Out of Scope

GC noted an 'investigations shepherd' expertise to escalate, manage the suite is lacking to really ensure robust oversight of the complex matters. Speaking to the *Workplace Relations slide* GC noted that the volume and length to resolve are significant placing significant demand on the Workplace Relations team who are under resourced.

The group agreed:

- Thresholds are important to explore, as well as the language and consistency of understanding across stakeholders tasked with frontline or middle management of. For example, what is a preliminary assessment to what requires investigation, and the depth required should be institutionally agreed.
- There are gaps in prevention and education as we see escalation occur due to lack of consistency in understanding of institutional and legal expectations – both for staff and student matters.
- Specifically at the preliminary intersection point, the care component of the process requires different capabilities at different stages, which may be missing our current management.
- Key is ensuring the prevention strategy to address, mitigate and train the effective management of cases by the first points of contact. GC noted the code and legislation also focus on the adequate training and education to support capability in management and supervisors of those managers.
- This would support the managing of preliminary assessment, escalation but also identifying early behavioural signs and mitigation as a part of preventative measures.

5. Bill Paterson, Director GSU

Speaking to academic misconduct, Director GSU noted that

- There is a significant volume captured in incidents raised, however there is under reporting due to there not being transparencies across central and faculty management practises.
- There is a need to streamline processes across the IT platform to manage and the workflows attached at various points of the management process.
- The risk lens is required to review noting the current volume needs addressing as 6 FTE in total manage student misconduct, appeals and complaints resolution.
- Recommends academic misconduct recommendations be prioritised out of the recent Angela Hill review.
- Focus for specific cohorts needs to be considered, for example international students, and identified substantial risk carrying cohorts.
- Prof Readman noted the PVC Education has an academic student's management area in her portfolio, that could be better utilised to support the understanding and implementation of academic integrity.

Referring back to the discussion on holistic training and informed continuous improvement, the group noted:

- A consistent and aligned reporting platform, and a standardised approach for central and faculty could be prioritised as the first form of action;
- Quality of information presented, central guidelines and oversight need to be provided;
- Responsible Academic Officers guidance needs to be clearer and well aligned to specific thresholds of escalation / standardisation;
- This group, and others, notable COO require visibility on the scope and breadth of the cohorts (student, staff, other) that are to be addressed, with the existing resourcing attached.
- Note that the volume of academic misconduct versus general misconduct is much higher (several thousand cases versus approx. 50 for general misconduc) although general misconduct can result in greater legal and other impacts

The group acknowledged,

- the complexity that exists in this space and staffing will likely need to be addressed for staff and students. The capability to diagnose and support it adequately needs to be addressed;
- the capacity to report is required but missing for most cohorts;
- an interface is required for all reporting and management. There should be a holistic integration, noting the work that took place in 2024 for the UTS GBV Action Plan recommended a holistic portal which has been paused in light of this discussion.
- A single UTS point of contact would be ideal, the UNSW example was noted by General Counsel in highlighting the combination of integrity, triage, addressing grievances which reports to their General Counsel.
- General Counsel also noted that rules, policy, procedures review should be prioritised and the resourcing requirements raised by Director GSU.

6. Attachments (provided post meeting, with meeting notes)

1. Dec 2024 Prof Angela Hill – Conduct Review on Sexual Harm
2. Feb 2025 Prof Angela Hill – UTS review of Conduct Matters
3. PPT draft discussed today showing critical areas
4. PDF copy of feedback from Director, Risk (provided prior to meeting but not discussed today)

This folder location houses all of this material and a copy of the final recommendations received at RNA Steering Committee 24/4 related to the UTS GBV Action Plan.

DRAFT

SCOPE OF WORK – COMPLAINTS AND COMPLIANCE AT UTS

Current state

This initiative seeks to unify many intersecting areas of complaints management for UTS. The UTS ethos of working together is embodied in many areas of responsibility coming together to review, design and develop a safe and inclusive environment for the UTS community – as well as effectively addressing our capacity in managing the volume of complaints and compliance management ongoing, and arising.

Business Analyst required to

Objectives

1. Map the current state of complaints management: including students, staff and others (and where complaints may also arise from alternative channels) Including academic misconduct, student misconduct, staff misconduct, sexual harm reporting, gender-based violence reporting.
2. Overlay the above visualisation and mapping with the current state of policies, units/teams and remits attached to triage, management and resolution across students, staff and community.
3. Map existing compliance and legal obligations of higher education providers and visualize how UTS is addressing these with reference to 1 and 2 above.
4. Map the current investigations process, stakeholders and high-volume areas.
5. Articulate existing strengths, gaps, interdependencies and high-traffic intersections.

Existing material to be considered

1. Meeting actions and expectations from 21 February 2025
2. With relation to Students: Angela Hill reports 2024 and 2023
3. UTS Risk Framework
4. Volume risks raised by General Counsel and Director, GSU
5. Process maps available from local areas

DRAFT

Stakeholders

Portfolio	Unit	Stakeholders
General Counsel	Compliance	Shabnam Gill
	Risk	Kumar Srinivasan
	Insurance	
Governance Support Unit	Student Misconduct	Andrea Thompson
	Student Complaints	Megan Cassidy
	Academic Misconduct	Andrea Thompson
	Policies and procedures	Richard Birrell, Elizabeth Miller
Education & Students	Students	Jacqui Wise, Sarah Lok
	Education	Joanne Gray
People Unit		Marshall Craddock, Alex Tillman, Glen Brooks
Provost	Equity & Diversity Unit	Jo Tilley,
	RNA	Catharine Pruscino
Research	Graduate Research School	DVC R to advise

Existing issues raised

Concerns from meeting and AH recommendations

Existing work underway

1. Recommendations from UTS 2024 Gender-Based Violence Action Plan have been paused, this includes the single reporting portal tool exploration that was underway with ITU.
2. Recommendations from Angela Hill 2025 are being reviewed with a focus on prioritisation within the context of OSI and OM.
3. Vice-Chancellor to receive current state landscape and Provost's recommendations on prioritizing.

Review and approval process

1. Business Analyst to draft the current state landscape within scope. Will utilize existing process maps, meetings identified stakeholders to articulate actual practice and any anomalies.
2. Business Analyst to present current state landscape to Provost, DVC ES, General Counsel, ED People & Culture, Director GSU and Director Risk for review.
3. Business Analyst to provide an overlay of future state intentions by area, incorporating proposals or business cases from any Unit captured within the current state view.
4. Provost to share final findings with Vice-Chancellor.

DRAFT

DOCUMENT 4.1

UNIVERSITY OF TECHNOLOGY SYDNEY

GOVERNANCE COMMITTEE

AGENDA ITEM 4.1 **MEETING 25/1**

PROVOST **08 APRIL 2025**
PROFESSOR VICKI CHEN

THE NATIONAL CODE TO PREVENT AND RESPOND TO GENDER-BASED VIOLENCE

Purpose

To provide the Governance Committee with a summary of the *National Higher Education Code to Prevent and Respond to Gender-Based Violence* that has been proposed under the Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025 (the Act) Bill and its impacts for UTS.

Executive Summary

The *National Higher Education Code to Prevent and Respond to Gender-Based Violence* (the Code) has been proposed under the Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025 (the Act) Bill. The purpose of the Code is to prevent and respond to Gender-based Violence (GBV) as part of the government's National Plan to End Violence against Women and Children 2022–2032. The Code has had two sittings at parliament and is awaiting approval.

Recommendation

The Governance Committee to receive and note the report as detailed in Document 4.1 – The *National Code to Prevent and Respond to Gender-Based Violence.*

Background

In November 2025, Governance Committee was provided with an update on the Gender-based Violence Action Plan and the recommendations of the Gender-based Violence Working Group. In this update it was anticipated that a National Code would pass through parliament in late 2024 with an implementation date of 1 January 2025.

Since that time, the draft code was presented to parliament on two occasions, and while there have been no objections to the content, the exact timing of the Act being passed is so far unconfirmed. In its current articulation the code would take effect from 1 January 2026. Given the lead time and the consultation over 2024, it is likely that this would remain the effective date irrespective of the date of passing. In

addition, the National Students Ombudsnam are likely to expect the proposed level of management and oversight articulated in the code in advance of its passing.
The objects of the Act are:

a) to reduce the incidence of Gender-based Violence in higher education; and

b) to establish national standards and requirements for higher education providers to prevent and respond to Gender-based Violence; and

c) to establish a regulatory framework to monitor and enforce compliance with the national standards and requirements.

This report is provided as a summary of key considerations insights included in the Code.

The Bill documentation is: available here

The Code documentation is: available here

Intention of the Code and Provider Obligations
The Code requires universities to:

1. develop and implement a gender-based violence prevention and response policy together with a gender-based violence prevention and response plan (with specific provisions) and an outcomes framework (against which the success of policy and plan will be measured)
2. establish a Whole of Institution approach to preventing and responding to Gender-based Violence, inclusive of staff, students and third parties which includes appropriate organisational structure, representation on UTS Council or a relevant sub-committee, better inclusion and coverage of entities, UTS housing and other student housing providers
3. trauma-informed and easily accessible single reporting portal (or data capture system) to enable appropriate data collection and case management while maintaining privacy considerations
4. multiple reporting options that triage into this single data capture system
5. undertake extensive evaluation and recording of prevention and response data
6. trauma-informed specialists in both prevention, response and risk assessment, training delivered to staff, students and Council members
7. undertake mandatory reporting to the Secretary of the department of education, with collected data published in aggregated form
8. deal with alleged perpetrators/complainants, who are also included in the Code's provisions, in a manner that supports the victim survivor and broader social change.
9. ensure all policies, plans, data collection and evaluation frameworks, and organisational infrastructure necessary for compliance must be in place by 1 January 2026 with evaluation metrics available from 30 June 2026.

Non-compliance with the Code as written carries significant consequences, including financial penalties (civil penalties outlined in the Bill), enforceable undertakings, and court-ordered compliance.

Penalties range from 60 to 200 units. While enforcement of civil penalties applies from 1 January 2026, breaches may also constitute a failure to meet obligations under the TEQSA Act, potentially triggering further regulatory action.

Provider Obligations

The Bill outlines numerous obligations which, if not compliant, a provider will incur a civil penalty. The value of a penalty unit is prescribed by the Crimes Act 1914 and is currently $330 for offences committed on or after 7 November 2024.
Requirement and civil penalties are outlined below.

Requirement	Detail	Civil Penalty
Provider must comply with National Code	"Such a failure may also constitute a failure to comply with other requirements that the provider is subject to and may lead to other consequences. For example, a failure may result in the Minister taking action in relation to a body's approval as a higher education provider under Division 22 of the *Higher Education Support Act 2003*, or TEQSA taking regulatory action in relation to compliance with the Threshold Standards made under the TEQSA Act."	200 penalty units Ministerial action in relation to approval as education provider.
Record keeping	Keep records in relation to compliance and retain records for 7 years.	60 penalty units
Giving information to Secretary	Information may be required by the Secretary. The rules will articulate the information requires, when it must be provided, the manner and form it must be provided and time frames for the giving the information.	60 penalty units
Notifying Secretary of changes to information or other events	In relation to a provider if they become aware, of could reasonably be expected to have become aware of inaccurate material, the provider has contravened the Act or a legislative instrument made under the act, or the is likely to, in the future, contravene the Act or a legislative instrument made under the act. Written notice to the Secretary is required within 14 days of being made aware of the matter.	60 penalty units

Provider must not give false or misleading information	Provider is liable to civil penalty if they give information or provide documentation that is false, or misleading, or omits material without which the information or document is misleading	60 penalty units
Failure to respond to notice to provide information	When information is required by Secretary the provider will receive written notice. The notice will specify a time period for compliance no shorter than 14 days, unless Secretary considers a shorter period necessary – in which case at least 24 hours after notice will be given.	60 penalty units
Failure to comply with compliance notice	The secretary may give a provider a written compliance notice if they are satisfied the provider has not complied or is aware of information that suggests the provider has not complied. The compliance notice must identify the provider, set out non-compliance details, specify action required and identify a reasonable period for the provider to take action. The compliance notice is not a legislative instrument. A compliance notice is not required before taking further action under the Act in relation to non-compliance with the Act of a legislative instrument made under the Act (e.g.: infringement notice).	60 penalty units

Deadlines and reporting requirements

As UTS is a Table A provider (within the meaning of the Higher Education Support Act 2003, p.17) the “application day” is 1 January 2026. It is from this date that:

> Civil penalties occur

> Non-compliance will be assessed

> Awareness of information suggesting non-compliance begins

> With all other Act content applied on or after this.

The Prevention and Response Plan will need to be submitted to the Secretary by January 1, 2026. Review and resubmission of the plan is required every 4 years.

Evaluation data under the Prevention and Response Plan is required every 6 months with trend identification. Evaluation data required under Section 6 is required 30 June 2026, and annually thereafter.

UTS current state

UTS Gender-based Violence Action Plan 2024

The UTS Respect.Now.Always Steering Committee is the primary body responsible for overseeing governance compliance at UTS. In 2024, a sub-committee, the 2024 UTS GBV Working Group undertook extensive discussion and assessment to create the UTS Action Plan Responding to Gender-based Violence. Five primary actions were recommended to prepare UTS for the implementation of the (then) draft Code. The recommendations addressed the whole-of organisation approach, data capture and appropriate education and training requirements. Recommendations included, a single reporting tool, clearer policy and procedures and robust training/education approaches.

The report on the UTS GBV Action Plan recommendations, previously provided to Governance Committee in November 2024, can be found at the following **hyperlink**.

UTS External Review of UTS Student Rules 2024

An external review of UTS Student Rules regarding student conduct and behaviour (Review of Student Rules) was commissioned in December 2024. Angela Hill Consulting completed the review, and the final report was received in February 2025.

The report addresses issues related to student conduct matters and highlights the importance of a comprehensive, trauma-informed approach to student conduct and behaviour, utilising sector best practices and ensuring procedural fairness.

The review proposed 17 recommendations and included the following key findings:

1. A proposed review and streamlining of governance instruments related to student behaviour and misconduct
2. A more comprehensive, resource-supported, and coordinated approach to managing academic misconduct
3. enhance procedural fairness and review the resourcing to ensure that all core activities in discipline matters maintain independence, enabling decision makers to approach matters without actual or perceived bias.

These findings and recommendations are under consideration by the Steering Committee which includes:

- The Deputy Vice-Chancellor (Education and Students)
- The Director, Governance Support Unit (GSU)
- The General Counsel and Executive Director, Risk and Compliance
- The Pro Vice-Chancellor (Students)
- Director, Student Support Unit

This review will also consider the relationship of these recommendations to the requirements outlined in the incoming National Code to Address Gender-Based Violence, with the goal of supporting a whole-of-institution approach to creating a safer UTS community. Actions will also be informed by the Vice-Chancellor's Review of Complaints and Compliance Management.

Aligning UTS activities and next steps

Vice-Chancellor's Review of Complaints and Compliance Management
The Vice-Chancellor has requested a current state map of complaints and compliance management across students, staff and community at UTS. Operationally supported by the Provost, primary stakeholders include the student support teams in the Division of Education and Students, Division of Research, the People Unit, Office of the General Counsel, Governance Support Unit and areas within faculties.

A Business Analyst has been commissioned to provide a high-level overview of processes, policies, staff and Units attached to triage, management and resolution of matters across students, staff and community. The Business Analyst will consider the following material:

- Recommendations from the UTS GBV Action Plan 2024 (presented to Governance Committee in November 2024)
- With relation to Students: Angela Hill reports 2024 and 2023 (refer UTS External Review information)
- UTS Risk Framework
- Volume of risks raised by General Counsel and Director, GSU
- Process maps available from local areas
- Any other information provided by local areas

The Business Analyst's work is expected to complete in mid-April and provided to the Vice-Chancellor by the end of April.

While the review of complaints and compliance is underway:

1. the recommendations from UTS 2024 Gender-Based Violence Working Group (presented to the Governance Committee in November 2024) have been paused this includes the single reporting portal tool exploration that was underway with ITU (as reported to the RNA Steering Committee in March 2025)
2. the recommendations from the UTS External Review of the UTS Student Rules will not be actioned or implemented, awaiting determination on prioritizing of this work, and
3. the finalised proposal for the UTS response to the code (including governance, operations and systems) will be paused.

All work is intended to be brought together to meet the requirements of the National Code.

Risks

Failure to adequately and sustainably develop, source and resource the required functions to meet the requirements of the Code risks:

- causing ongoing harm to members of our community
- adding cost to the university (though operational inefficiencies, penalties and retrospective or corrective actions), and

- reputational damage through regulatory non-compliance, and possible NSO actions (which may be made public).

From: Kylie Readman
To: Andrew Parfitt; Vicki Chen
Subject: Review of student misconduct rules
Date: Sunday, 6 October 2024 3:35:36 PM

Dear Vicki and Andrew,

I wanted to update you on where I am at with reviewing student misconduct, given that an internal audit on similar issues looks to be commencing soon. The internal audit will probably identify similar concerns to those I have voiced with both of you - Andrew, your suggested changes will enable this. Vicki, general misconduct has been identified as an activity adjacent to the work your office is leading on gender-based violence so I want to be confident it can effectively support the proposed ways of working with students. I'd like to be sure we are in a good position from the misconduct perspective before the Student Ombudsman is in place.

I have been working with Kylie Gould, who shares my concerns from a legal and risk perspective, and with Bill Patterson to scope out some work coming from the point of view of student rules to investigate the misconduct process and resourcing and come up with a way forward. That work should commence in the next couple of weeks and follows up on some recommendations from Angela Hill's review of sexual harm responses - particularly the role of the rules and associated policies and the function of CBAIT. We have all agreed these need to be reformed but we need a couple of pieces of work to untangle it first, with a view to taking any rule changes to Council in April.

We have agreed on a scope work which Kylie Gould prepared and Bill and others have commented on which I'll happily share with you once finalised. If you have any concerns about this approach or its timing I'd be happy to meet about it. I want it to align to other work and make sure I am being inclusive.

In addition, student leaders have advised that they intend to take a paper to the next Student Council Liaison Group (SCLG) outlining their concerns about misconduct. I've advised them of our work in progress so it remains to be seen whether they submit the paper.

All the best
Kylie

From: Kylie Readman
To: Andrew Parfitt
Cc: Sam Sandford
Subject: 1:1 agenda for Friday
Date: Wednesday, 16 October 2024 5:34:55 PM
Attachments: Scope for external reveiw of management of concerning behaviours FINAL.docx
s2.2 Out of Scope

Hi Andrew,

Here are the items (provisional) for our 1:1 meeting on Friday.

- s2.2 Out of Scope
- Student rules - external review of misconduct (attachment)
- s2.2 Out of Scope
-
-

All the best

Kylie

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Scoping Document for Review of Student Rules and Behaviours

Introduction

This document outlines the scope for a comprehensive review of the university's governance framework (Student Rules, Policies, and guidance materials) as it relates to students' behaviour, the tools available to assist with management of student behaviours and the application of the current governance framework. The review aims to evaluate and improve the current rules, policies, and processes to ensure they are effective, fair, transparent for our community and aligned with the university's goals. It is not a legal review.

Background

In a recent review of sexual harm responses, Professor Angela Hill identified a number of areas for review (noted in Appendix A), which are included in the proposed scope of work – particularly executive responsibilities and delegations, the intersection of rules with policy, and the clarity of the rules themselves as they are practiced.

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Objectives

1. Grouping and Proposed Order of the Review of Student Rules
    - General (non-academic) misconduct (Rules 2.1.9 and 16)
    - Academic misconduct (Rule 16)
    - Advise on a methodology for grouping and sequencing of review of remaining rules, reflecting intersecting proposed changes to policy (e.g. to support CMM implementation)
2. Review of Rules vs. Policy
    - Determine which student behaviour related rules can be moved to policy or process.
    - Review existing policies that relate to student behaviour and general misconduct, (for instance Temporary Exclusion Policy, proposed Fitness to Study Policy, Student Complaints Policy, SASH policies and UTS' proposed response to GBV standards) and advise regarding the most transparent and effective way forward to ensure that UTS can deliver a safer and more supportive environment for students and provide clarity for students and staff.
    - Review existing policies that relate to student academic misconduct and advise regarding the most transparent and effective way forward to ensure that UTS can preserve academic integrity, deliver a more supportive learning environment for students and provide clarity for students and staff.
    - Identify which, if any, elements should remain in the rules.
3. Review of Supporting Processes and practices

- Review the administration and implementation processes and current practices designed to support the management of student behaviours.
- Identify areas for improvement and process streamlining opportunities e.g. potential areas where a conflict of interest could exist; separation of processes to manage academic and general misconduct; role of faculty Responsible Academic Officers (RAO); role of proposed SASH team etc. Advise on how to connect opportunities for early interventions:
    - Identify opportunities for earlier intervention and educative approaches with respect to concerning student behaviours.
    - determine who should be involved, how interventions should be conducted, and when they should occur.
- Advise on appropriate timelines for actions during formal misconduct processes

4. Role of CBAIT and other areas in managing student behaviour and conduct
    - Evaluate the role and effectiveness of the Critical Behaviour Assessment and Intervention Team (CBAIT)
    - Advise on alternative preventative and interventionist approaches to effectively managing individual instances of student behaviour from low-level disruptive behaviour thought to and concerning, high risk/impact conduct, with consideration of appropriateness of areas currently involved (including Governance – student misconduct, Housing, GRS, OGC Legal, LLE, the new SASH team, International, Security, Counselling, WHS) and those adjacent to the process (ActivateUTS, UTS College, RNA)
5. Resourcing Needs
    - Assess the resources required to effectively manage and support the implementation of a revised approach to the rules and policies at both Faculty and Divisional levels, noting the need to support all staff and students involved.
6. Policy Intersections
    - Identify intersections with other policies (and rules).
    - Note the eventual desire to move from rules to policy.
7. Legal Considerations (noting that the scope of this work is not legal in nature)
    - Ensure the right to be heard.
    - Review the process for decision reviews.
    - Clarify who is responsible for investigating and making decisions.

Methodology

- Conduct a thorough review of existing rules, policies, and processes.
- Engage with relevant stakeholders, including students, faculty, and administrative staff.

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- Benchmark against best practices in other institutions.
- Assess impact of external drivers (eg. Government policy, regulation) and ensure alignment.
- Identify gaps and areas for improvement.

Deliverables

- A comprehensive report detailing the findings of the review.
- Recommendations for changes to the rules, policies, and processes.
- An implementation plan (including resourcing, timing, interrelationships, and change program) for the recommended changes.
- Identify KSFs, which will allow UTS to monitor the success (or otherwise) of the changes.

Timeline

- The review is expected to be completed within 8 weeks of a reviewer commencing the work.
- Key milestones include:
    - Initial briefing (October 2024)
    - Conduct desktop review or relevant policies, rules and practices
    - Interview key stakeholders and site visit (if required)
    - Provide draft report for consideration by UTS (mid December 2024)

Conclusion

This review aims to ensure that the university's student rules and behaviours are effectively managed, fair, and aligned with the institution's goals. The recommendations of the review, once implemented, mean that students and staff will have greater clarity about the framework for managing student behaviour, the instruments that guide them toward positive behaviour and the processes and communication that they should expect from the University. The recommendations from this review will help create a safer and more supportive environment for all students.

Appendix A: Relevant recommendations from the sexual harm review in scope for this work

7.1 Given the centrality of the Student Rules in responding to sexual harm, consider revisions to Section 16 to:

- include an explicit reference and definition of sexual harm that makes clear to all parties the nature of conduct that can be managed through the student misconduct process.
- Clarify how UTS identifies an appropriate investigator for general misconduct.

- Make clearer the mechanisms for natural justice and procedural fairness, including the separation of support staff for the victim survivor, and alleged perpetrator, and opportunities for the alleged perpetrator to be interviewed by an appropriate panel as part of the process.
- Revising the range of people involved in applying a penalty for sexual harm to ensure current practice meets with sector expectations.

7.2 Revise the role of the CBAIT process, including the policy, to adopt a more student centred, strength-based and proactive process that is transparent to students and staff, aligned to a safer communities approach, and engages all areas of the University as appropriate to address sexual harm incidents.

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From: Vicki Chen
To: Andrew Parfitt
Subject: Consultation commences on new TEQSA guidance materials
Date: Monday, 10 March 2025 3:54:41 PM
Attachments: image001.png
2025-MAR CC scope of work for BA.docx

Dear Andrew,

I have progressed the compliance and complaints work you requested last month. After a preliminary meeting with Kylie, Kylie Gould, Bill , and Marshall, I agree with you that the current state understanding is critical.

Each area is raising resourcing concerns; however, we need to understand the interdependencies and where our obligations require attention.

A business analyst has been attached to support on CI and this work, he will undertake a fast current state mapping exercise to understand where our processes and teams are supporting governance requirements. We may be able to alleviate the resourcing asks with in-house improvements or consolidation, but an agreed starting point is critical.

The draft current state map should be with us within the fortnight, look forward to discussing shortly. A brief of the business analyst for work is attached to give you our perspective on the approach.

Regards,

Vicki

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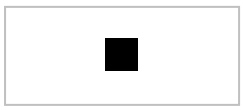

UTS acknowledges the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands our university stands. We would also like to pay respect to the Elders past, present and emerging, acknowledging them as the traditional custodians of knowledge for these lands.

SCOPE OF WORK – COMPLAINTS AND COMPLIANCE AT UTS

Current state

This initiative seeks to unify many intersecting areas of complaints management for UTS. The UTS ethos of working together is embodied in many areas of responsibility coming together to review, design and develop a safe and inclusive environment for the UTS community – as well as effectively addressing our capacity in managing the volume of complaints and compliance management ongoing, and arising.

Business Analyst required to

Objectives

1. Map the current state of complaints management: including students, staff and others (and where complaints may also arise from alternative channels) Including academic misconduct, student misconduct, staff misconduct, sexual harm reporting, gender-based violence reporting.
2. Overlay the above visualisation and mapping with the current state of policies, units/teams and remits attached to triage, management and resolution across students, staff and community.
3. Map existing compliance and legal obligations of higher education providers and visualize how UTS is addressing these with reference to 1 and 2 above.
4. Map the current investigations process, stakeholders and high-volume areas.
5. Articulate existing strengths, gaps, interdependencies and high-traffic intersections.

Existing material to be considered

1. Meeting actions and expectations from 21 February 2025
2. With relation to Students: Angela Hill reports 2024 and 2023
3. UTS Risk Framework
4. Volume risks raised by General Counsel and Director, GSU
5. Process maps available from local areas

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Stakeholders

Portfolio	Unit	Stakeholders
General Counsel	Compliance	Shabnam Gill
	Risk	Kumar Srinivasan
	Insurance	
Governance Support Unit	Student Misconduct	Andrea Thompson
	Student Complaints	Megan Cassidy
	Academic Misconduct	
	Policies and procedures	Richard Birrell, Elizabeth Miller
Education & Students	Students	Sarah Lok
	Education	
People Unit		
Provost	Equity & Diversity Unit	Jo Tilley,
	RNA	Catharine Pruscino

Existing issues raised

Concerns from meeting and AH recommendations

Existing work underway

1. Recommendations from UTS 2024 Gender-Based Violence Action Plan have been paused, this includes the single reporting portal tool exploration that was underway with ITU.
2. Recommendations from Angela Hill 2025 have not yet begun implementation, awaiting determination on prioritizing of this work.

   Vice-Chancellor to receive current state landscape and Provost's recommendations on prioritizing.

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UTS

UTS Position Description

UTS: PEOPLE UNIT

Position Title	Safety Caseworker
Unit/Division or Faculty	Student Services Unit
Position Number (if known)	
HEW Level	**HEW 7**
Date	June 2024
ANZSCO Code (People Unit Use Only)	

POSITION PURPOSE

This position will be the first point of contact for students making sexual harm reports at UTS, using a trauma-informed lens and evidence-based case-management approaches to collect information, undertake risk assessments and mitigation, and advise staff and students about university support, investigation, and local level resolution processes related to student behaviours of concern. This position will coordinate, monitor, and report on instances of sexual harm involving students at UTS, including significant liaison with relevant stakeholders.

ENVIRONMENT AND DIMENSIONS

The Education and Students division (Division) consists of over 500 personnel with an annual operating budget of over $70M. In addition to the delivery of support services to staff and students, the Division is implementing up to 20 projects or initiatives a year to enhance its capability.

The Division includes the following teams:

- Lifetime Learner Experience Unit (LLE)
- Student Services Unit (SSU)
- Teaching Learning & Curriculum Unit
- Learning Design & Technology Unit
- Education Partnerships & Product Strategy Unit
- Education Connections Unit [incorporating Connected Intelligence Centre (CIC)]

The position is situated in Student Services Unit that consists of:

- Accessibility and Financial Assistance
- Careers
- Counselling
- Health
- HELPS
- Housing.

RELATIONSHIPS

Supervision
The Safety Caseworker reports to the Director of the Student Services Unit.

Collaboration and Communication
- The Head of Counselling and the Counselling Service, including the Project Officer to ensure a coordinated approach to support, referrals, and case-management.
- Respect. Now. Always staff and the RNA Steering Committee to align Sexual Harm response with Sexual Harm prevention at UTS
- Staff involved in campus safety and wellbeing (currently the Concerning Behaviour and Intervention Team)

MAJOR RESPONSIBILITIES

Major Functions	***Expected Outcome***	***% of time spent***
Case management • Collection of student sexual harm reports • Providing case management support to students making reports, using a range of supportive skills and interventions consistent with currently accepted best practice. • Crisis management and critical incident responses. • Facilitating liaison, referral, and joint work with the Counselling Service.	Staff an intake service Maintain a caseload of ongoing clients.	Approx 70% time devoted to face-to-face client contact, but this will be flexible depending on the academic calendar and project needs.
Sexual harm project work • Reviewing, updating and ongoing coordination of the current student reporting process, liaising with key stakeholders, designing improvements to the online information and reporting experience, and working collaboratively with other relevant staff. • Contribute to university policy and procedures which are aligned with UTS vision and strategies. • Assisting with improving the quality of service. This incorporates ongoing review of policies/procedures; forms and information provided to students; soliciting and evaluating feedback from students;		Approx 15%

and the development and review of performance indicators within an ethical framework.		
Administration • Undertake client related research, report writing, and case consultation as required. • Maintain confidential clinical notes, CASS data entry, TRIM files, and any reporting as per work plan targets. • Manage project work for the Director of SSU as required. • Maintain consultation and liaison procedures with Faculties; UTS International; other University units; and student representatives. • Develop digital literacy skills relevant to required tasks.	Complete administration as requested by Director of SSU, and as per targets in work plan.	15%
Supervision • Attend regular meetings with line manager to review cases and practice • **Attend other meetings with stakeholders as required** • Regular consultation with supervisors to ensure best practice. • Participating in continuous professional development.	Supervision and meetings attendance.	One hour supervision per week if full time Other meetings as required

POSITION CHALLENGES

Challenges include providing effective support services while pro-actively contributing to the development or implementation of process improvements to meet student / staff and policy needs. This involves:

- Responding to all student disclosures of an incident of sexual harm
- Providing short term case management support, including where appropriate the development of risk assessments and safety planning for all parties.
- Providing support, advice and guidance on options and assistance to navigate the university's structure and processes and to make a report (Police, University Human Resources, Student Complaints or Student Conduct) where appropriate.
- Communicating complex and sensitive information to a range of diverse stakeholders, including domestic students, international students and staff across all levels of the University.
- Providing secondary consults to both academic and professional staff and external stakeholders
- Developing relationships with key University stakeholders.

- Providing interventions with students engaging in behaviour of concern from diverse communities, including those from CALD backgrounds and students with a disability including mental health.
- Maintain confidential case records and prepare case reports as required.

The incumbent must exhibit a high standard of quality, service orientation and have well developed communication skills and an understanding, professional manner - especially during times of peak demand and with students with accessibility needs or students whose problematic behaviour may create a highly stressful work environment.

The incumbent will operate within university policy whilst having opportunity to have some input into the development of future policy. The incumbent will present recommendations to the Director of the Student Services Unit regarding any future developments in the service.

The service will be operating within the financial constraints of the income available from the recurrent budget and non-recurrent funds.

The incumbent will have regular meetings with the Director of the Student Services Unit and the Head, University Counselling Service. The incumbent will also attend regular team meetings with the wider Student Services Unit when practical as well as with relevant committees such as required, including the RNA SteerCo and CBAIT.

AUTHORITY

The Safety Caseworker operates within the broad university framework and relevant professional standards (eg of Registered Psychologists in NSW).

UTS Capabilities for the Role

Pipeline				
Category	**Self Awareness**	**Relating to Others**	**Thinking Style**	**Performance**
Capabilities	Builds trust	Collaborates	Focuses on client	Achieves results
	Ability to self reflect	Communicates with impact	Embraces diversity	Promotes social justice

HEALTH AND SAFETY

All staff must:

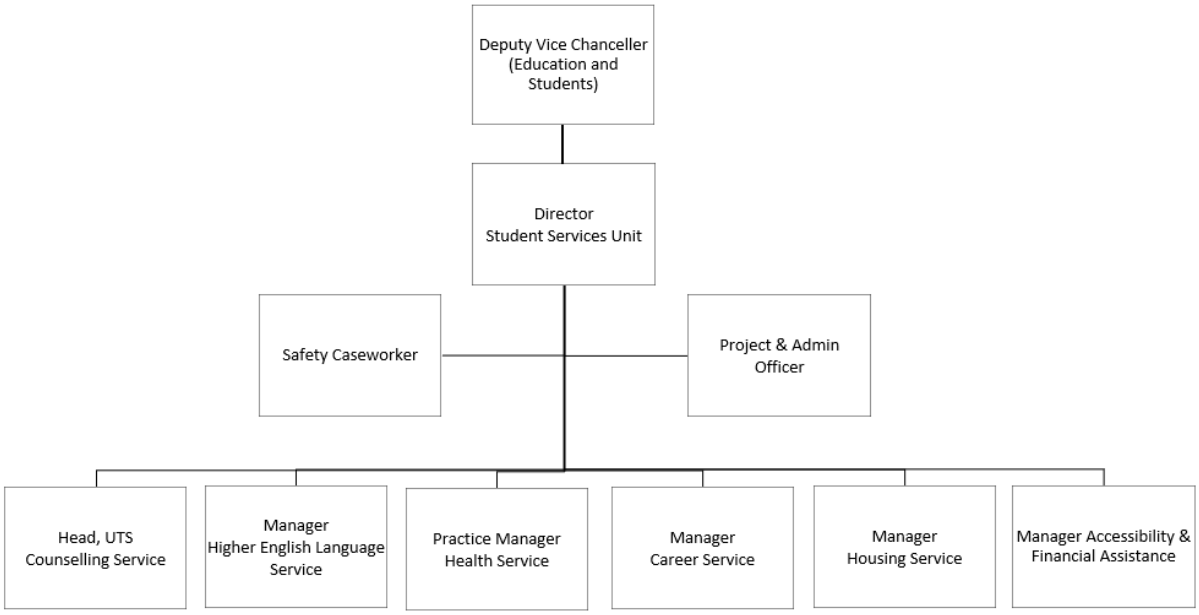
- *Take reasonable care of, and cooperate with actions taken to protect, the health and safety of both themselves and others and*
- *Follow specific health and safety procedures as directed.*

RECORDS MANAGEMENT

- Create and collect records that document your activities.
- Ensure records are captured into the official recordkeeping system.
- Manage records consistent with university procedures.

`

ORGANISATION CHART



UTS KEY SELECTION CRITERIA

UTS: PEOPLE UNIT

POSITION: *Safety Caseworker*
FACULTY/UNIT: *Student Services Unit*

Skills and Attributes

- Demonstrated expertise in triaging, risk assessing and case management, particularly as this relates to sexual harm, including the maintenance of comprehensive case records.
- Demonstrated awareness and understanding of current trends in responding to sexual harm and gender-based violence, particularly in a tertiary education setting.
- Excellent organisational skills, with a focus on balancing priorities, planning and responding to a changeable workload, and working to specific goals and deadlines.
- Excellent communication skills and an ability to tailor responses to a wide range of UTS staff and students both internally to the service and externally, including community services outside UTS.
- Collaborates well with others as a strong team player and consults appropriately.
- Embraces cultural diversity; champions and supports equality; treats individuals consistently and fairly with an understanding of the impact of intersectionality.
- Navigates complex situations; anticipates risks and plans accordingly.
- Demonstrates flexibility and adaptability and displays high level self-reflection skills. This includes being prepared to make adjustments based on reflection and feedback, responding to others with empathy, and ongoing skills development.
- Experience and knowledge of privacy legislation, due process and procedural fairness.
- Ability to make sense of data to inform decision making – implementing ideas to improve local practices.

Knowledge

- Understands the Higher Education sector; keeps up with legislation, policies, local health and safety procedures, technology, and information affecting UTS and UTS students.
- Deep understanding of current sexual harm issues, particularly in a tertiary education setting.

Qualifications

- Tertiary qualifications in Psychology, Social Work, or Counselling, or a related field and extensive experience working in a support service role, including managing serious or high-risk incidents and issues.

Experience

- Demonstrated high level expertise in case management for sexual harm, preferably in an educational setting or a similarly large and complex organisation.
- Ability to work well in a team
- Demonstrated experience in working with people from diverse backgrounds.

UTS Position Description

UTS: PEOPLE UNIT

Position Title	Project Officer (Student Safety)
Unit	Student Services Unit
Position Number (if known)	
HEW Level	HEW 6
Date	June 2024
ANZSCO Code (People Unit Use Only)	

POSITION PURPOSE

The Student Safety Project Officer provides support to the Director of the Student Services Unit (SSU) and Safety Caseworkers in the development and delivery of key objectives focused on student safety and wellbeing. The role assists in coordinating the continuous improvement of digital content as well as the systems, processes and practices that underpin it. In particular, this position will provide administrative support and contribute to the coordination, monitoring, and reporting on instances of sexual harm involving students at UTS, including significant liaison with relevant stakeholders.

ENVIRONMENT AND DIMENSIONS

The Education and Students division (Division) consists of over 500 personnel with an annual operating budget of over $70M. In addition to the delivery of support services to staff and students, the Division is implementing up to 20 projects or initiatives a year to enhance its capability.

The Division includes the following teams:

- Lifetime Learner Experience Unit (LLE)
- Student Services Unit (SSU)
- Teaching Learning & Curriculum Unit
- Learning Design & Technology Unit
- Education Partnerships & Product Strategy Unit
- Education Connections Unit [incorporating Connected Intelligence Centre (CIC)]

The position is situated in Student Services Unit that consists of:

- Accessibility and Financial Assistance
- Careers
- Counselling
- Health
- HELPS
- Housing

RELATIONSHIPS

Supervision

The Project Officer will report to and act under the broad direction of the Director, Student Services Unit, working with an element of autonomy to present recommendations for improvement in current practices. No positions report to this role.

Collaboration and Communication

- The Project Officer will have regular meetings with the Director of the Student Services Unit and the Safety Caseworkers. They will also attend regular team meetings with the wider Student Services Unit as well as with relevant committees such as required, including the RNA SteerCo and CBAIT.

- The Head of Counselling and the Counselling Service, including the Safety Caseworkers to ensure a coordinated approach to support, referrals, and case-management.
- Respect. Now. Always staff and the RNA Steering Committee to align Sexual Harm response with Sexual Harm prevention at UTS
- Staff involved in campus safety and wellbeing (currently the Concerning Behaviour and Intervention Team)

MAJOR RESPONSIBILITIES

Sexual Harm Project Work

- General administrative support of the safety caseworkers as required
- Review, update, and work on ongoing improvements to the administrative coordination of the current student reporting process, liaising with key stakeholders, designing improvements to the online information and reporting experience, and working collaboratively with other relevant staff
- Assist the Director and Safety Caseworkers to contribute to university policy and procedures which are aligned with UTS vision and strategies
- Assist with the overall improvement of quality of service incorporating ongoing reviews of: policies/ procedures; forms and information provided to students; soliciting and evaluating feedback from students; and the development and review of performance indicators within an ethical framework

Manage project work for the Director of SSU as required

Administration

- Undertake client related research
- Contribute to report writing
- Maintain consultation and liaison procedures with Faculties; UTS International; other University units; and student representatives

Develop digital literacy skills relevant to required tasks

Supervision

- Attend regular meetings with line manager to review practice
- Attend meetings with stakeholders as required
- Consult regularly with supervisors to ensure best practice approaches

Participate in continuous professional development

POSITION CHALLENGES

- The incumbent will be required to frequently coordinate competing priorities and often have a flexible approach to reprioritising tasks and workload.
- Communicate complex and sensitive information to a range of diverse stakeholders.
- Develop relationships with key University stakeholders in an environment where processes and frameworks are changing.
- Maintain processes for managing confidential case records and prepare case reports as required – requiring knowledge of privacy and confidentiality legislation and an ability to work with potentially impactful subject matter including sexual harassment, sexual assault and gender-based violence.
- Exhibit a high standard of quality service orientation and well-developed communication skills with an understanding, professional manner, particularly during periods of peak demand including students with accessibility needs or students whose problematic behaviour may create a highly stressful work environment

AUTHORITY

The Project officer operates within the broad university framework and relevant professional standards. The Project Officer will operate within university policy whilst having the opportunity to have some input into the development of future policy. They will present recommendations to the Director of the Student Services Unit regarding any future developments in the service.

UTS Capabilities for the Role

Pipeline				
Category	**Self Awareness**	**Relating to Others**	**Thinking Style**	**Performance**
Capabilities	Builds trust	Collaborates	Solution focused	Goal-oriented
	Ability to self reflect	Enhances team effectiveness	Adopts digital mindset	Manages projects

HEALTH AND SAFETY

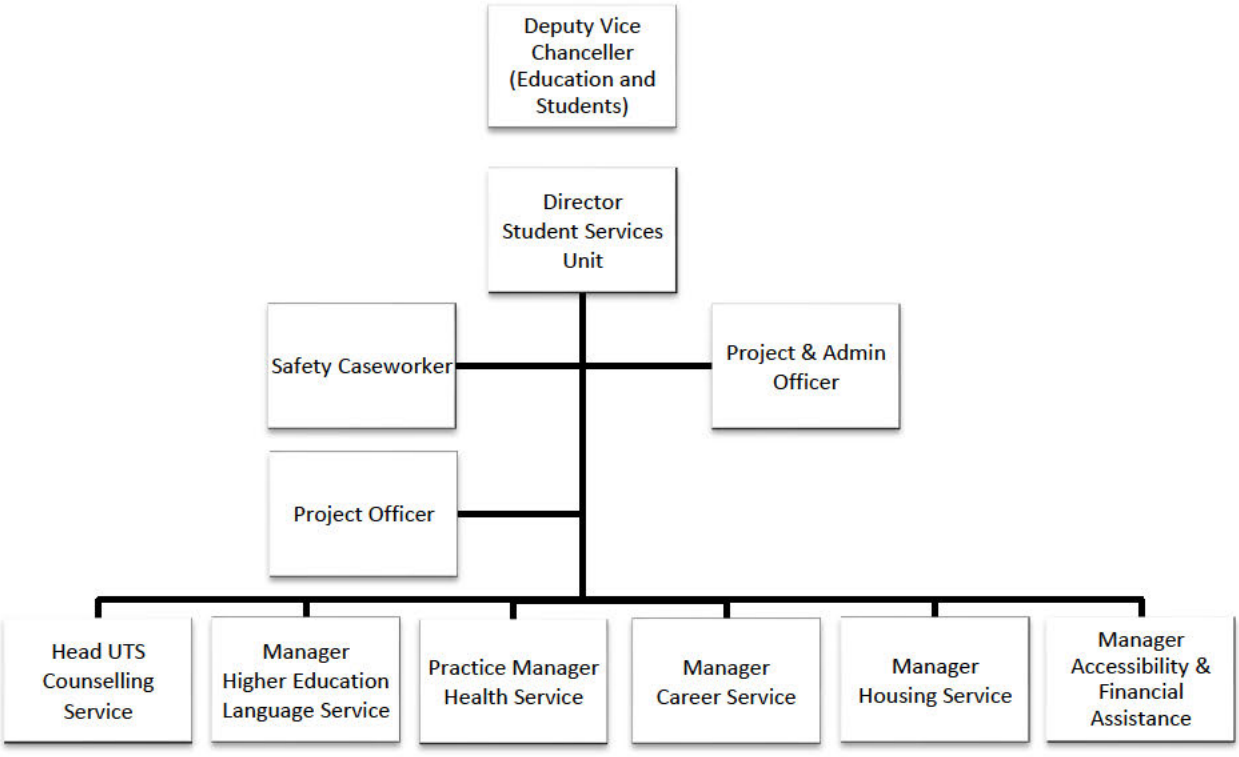
All staff must:

- Take reasonable care of, and cooperate with actions taken to protect, the health and safety of both themselves and others and
- Follow specific health and safety procedures as directed.

RECORDS MANAGEMENT

- Create and collect records that document your activities.
- Ensure records are captured into the official recordkeeping system.
- Manage records consistent with university procedures.

ORGANISATION STRUCTURE



UTS KEY SELECTION CRITERIA

UTS: PEOPLE UNIT

Position Title	Project Officer (Student Safety)
Unit	Student Services Unit

Skills and Attributes

- Excellent organisational, time management and project management skills, including the ability to manage workflows, responding to a changeable workload, manage competing priorities and work to deadlines.
- Excellent verbal and interpersonal communication skills with the proven ability to build productive and positive stakeholder relationships and utilise codesign approaches
- Collaborates well with others as a strong team player and consults appropriately
- Proven capacity to interpret complex policies and procedures.
- Ability to analyse qualitative and quantitative data to make recommendations for decision making and planning purposes
- Ability to research, review and synthesize information from diverse sources in order to develop online material, including forms, and to inform decision making, implement ideas and improve local practices as well as write formal reports for internal and external stakeholders.
- Embraces cultural diversity; champions and supports equality; treats individuals consistently and fairly with an understanding of the impact of intersectionality
- Demonstrates flexibility and adaptability

Knowledge

- Sound digital literacy including writing for web and awareness of digital trends and practices particularly in relation to online material, data collection and reports.
- Knowledge of legislation related to the experience of sexual assault, family violence, and child protection concerns. Experience and knowledge of privacy legislation, due process and procedural fairness
- Knowledge of current sexual harm issues in a tertiary education setting is highly regarded but not required

Qualifications

- Relevant tertiary qualification with subsequent relevant experience or equivalent competence gained through a combination of relevant experience and/or education/training

Experience

- Demonstrated experience, including working in team, working in a project environment, with a range of customers and stakeholders in a complex organisation.
- Experience working in support services on projects related to sexual assault, family violence, child protection or similarly complex concerns is highly regarded. Capacity to work with this subject matter is essential.
- Demonstrated experience in working with people from diverse backgrounds

UTS work planning and probation template (for professional staff)

Template instructions

- Download this template and save a copy on your own drive.
- Tailor this template to accommodate the needs of your area. For example, you may need to pre-populate the template with goals arising from your division and/or unit or team's specific action plans.
- Delete or amend any of the following tables as required.
- Learn more about how to develop your workplan

Plan type: Workplan	**Staff type:** Professional Staff **Role:** Project Officer	**From:** Click here to select a date.	**To:** Click to select a date
Staff number: Click here to enter text.	**Name:** Click here to enter text	**Area:** DVC ES	**Supervisor:** Sarah Lok

Leave plans

What are your leave plans for the next 12 months? • Note approximate dates if you haven't planned your leave • Under the Enterprise Agreements, you may accumulate up to **no more** than 30 days annual leave (pro rata) for professional staff or 20 days annual leave (pro rata) for SSG staff • Taking annual leave is an important part of managing your personal wellbeing and ensuring you have a good work-life balance • Discuss flexible working arrangements that meet personal and business needs	

Conflicts of Interest Declaration

UTS is committed to maintaining a culture of integrity and transparency in line with the behavioural standards outlined in the UTS Code of Conduct.

All staff must proactively declare and manage any actual, perceived, or potential conflicts of interest as part of their annual work planning. The requirements for declaring conflicts of interest are outlined in the Conflict of Interest Disclosure Policy.

I have discussed conflicts of interest with my supervisor and understand the policy requirements and the obligation for continuous disclosure.

Please check **ONE** of the following boxes:

☐ I understand and have no conflicts of interest to declare
☐ I understand and have declared my conflicts of interest by completing the **Declaration of Interest form** (also available from the Speak Up website)

Staff Member:		**Date**: Click here to select a date

Goals and key responsibilities: What will be achieved? How will they be achieved? How do the goals link to the UTS 2027 Strategic Plan and Values? (Click applicable values below).	**Key Performance Indicators (KPIs):** How and by when will I know I have achieved a goal? What are the measures of success? Use SMART goals. Collaboration is a key focus at UTS. How can you demonstrate that you have collaborated?
Sexual Harm Project Work • General administrative support of the safety caseworkers as required • Review, update, and work on ongoing improvements to the administrative coordination of the current student reporting process, liaising with key stakeholders, designing improvements to the online information and reporting experience, and working collaboratively with other relevant staff • Assist the Director and Safety Caseworkers to contribute to university policy and procedures which are aligned with UTS vision and strategies	**Sexual Harm Project Work** Weekly meeting with safety caseworkers to track support needs Develop and refine promotional strategy including promotional resources for distribution across units by Autumn session start Assist with refining student safety training materials and resources Develop content for upcoming student safety website

• Assist with the overall improvement of quality of service incorporating ongoing reviews of: policies/ procedures; forms and information provided to students; soliciting and evaluating feedback from students; and the development and review of performance indicators within an ethical framework Manage project work for the Director of SSU as required **Administration** • Undertake client related research • Contribute to report writing • Maintain consultation and liaison procedures with Faculties; UTS International; other University units; and student representatives • Develop digital literacy skills relevant to required tasks **Supervision** • Attend regular meetings with line manager to review practice • Attend meetings with stakeholders as required • Consult regularly with supervisors to ensure best practice approaches • Participate in continuous professional development	Review and update staff summary form, incorporating staff feedback, with a view to make more trauma-informed and accessible to staff across the University + promote form with focus on student facing staff. Refine and deepen monthly GBV data collected using PowerBI to align with upcoming requirements of National Code. Implement Hill review recommendations, to better clarify: Support for alleged perpetrator Support for students on exchange and placement Sharing of outcomes to victim-survivors Process for staff-student hybrid AP and VS Liaise with BAU teams to develop new online form **Administration** Develop student safety awareness survey, collaborated with UTS Counselling to administer to Counselling clients Collaborate with Student Experience team to refine brief student safety survey and student safety client feedback survey Organise regular meetings and maintain communication channels between UTSi client services, Library, SSU departments Prepare and submit annual SASH/GBV figures to Dir, SSU. Create and maintain monthly student safety data including insurance reports, summary forms, and Student Safety PowerBI **Supervision** Weekly meetings with Dir, SSU Arrange meetings/workshops with student facing teams: UTSSA, Activate, Library, UTSi, HELPS, Orientation team, PNs, Careers, Housing

	Liaise with safer communities teams at other institutions: UOW, UNSW, USYD Attend PD including: Student Safety Conference, eSafety Commissioner webinar, National Student Ombudsman webinar

Mid cycle comments:

Individual:

Supervisor:

End of cycle Comments:
Individual:
Supervisor:

Enable the UTS lifetime of learning experience and enhance student experience

Internal Cross Unit Collaboration:
GSU
Student Experience
RNA
LLE
International
Library

External collaboration:
RPA Sexual Assault Services – referral discussion
UOW and USYD safer communities teams – benchmarking SARC practices
ESafety commissioner safety resources

Due date: Click here to select a date.

Mid cycle comments:
Individual:

Supervisor:

End of cycle Comments:
Individual:
Supervisor:

Support the wellbeing and success of our community

Student Safety strategic priorities

- Arrange for reporting to flow direct to caseworkers
- Updates to reporting forms as needed
- Liaison with Respect Now Always events
- Promotion of service and reporting forms
- Policy work

- Compliance with mandatory work health and safety training (this goal is an essential responsibility for all UTS staff) – see below
- Identify additional training related to your role – see Training Matrix for more information

☐ Check your training is current
☐ Safety and Wellbeing Essentials
☐ Prevention of Bullying
☐ Consent Matters

Health and safety - Focus on maintenance and improvement of safe work environment and practices

KPIs:

Teams discuss maintenance and improvement of safety to reduce the risk of psychosocial or physical injury
Target: Discussions documented in meeting minutes
Target: psychosocial risk register
Target: psychosocial concerns documented at manager level and Dir SSU level as required.
Target: HIROs lodged for all hazards and incidents and thoughtful responses enacted

Contribute to safety support of offshore and off campus students

Comply with Unit Safety Plan

Due date: 30/06/25 31/12/2024
Mid cycle comments: Individual: Supervisor:
End of cycle Comments: Individual: Supervisor:

Compliance and Risk Management		
KPIs:		
Goal	**KPI**	**Complete or compliant check off ✓**
Under SLA ensure ITD document back-up and disaster recovery plans	Back-up plans documented by ITD with Medical and Housing nominated as SSU data and system recovery priorities in Business Continuity.	
Have local manual work-arounds for critical or time sensitive activities – e.g. medical, counselling and accessibility files	Local work-arounds for system failure documented (appointment schedule printed, notes taken manually)	
Maintain a culture that encourages consultation with peers and supervisors in situations where medico-legal or other breaches are most likely.	Evidence of consultation with supervisor regarding complex or potentially risky situations and cases. (C18, privacy audit)	
Data protection and data breach management	Demonstrable care for patient, staff and student privacy Target: Patient information handling practice reviewed and change where necessary and practical Target: Reception staff trained Target: Contracts with third party providers reviewed by ITD and/or UTS Legal (consultation with Records around retention of records and disposal, privacy breach notification if occurs)	
Promulgate UTS Policy on fraud, maladministration and waste by revision at team meetings.	Target: Evidence of promotion of policy on fraud, maladministration and waste	
SSU managers review management sign-off documentation.	Management level discussion of annual management sign-off documentation	NA
Consult with UTS Legal regarding all contracts.	Target: Protocol for execution of documents observed and retained on official records (E.g., Relyr, WPO, TalkCampus)	NA
Obtain UTS legal advice on all rules of residency and disciplinary process and ensure License Agreements are similar to Residential Tenancy Agreements	Evidence of UTS legal consultation.	

Managers conduct annual self-audit of financial and administrative processes with peer manager or FSU rep	Record of annual self-audit of financial and administrative processes. (e.g., leave audit)	NA
Monthly review of variances and payroll reports.	Evidence of monthly review of variances and payroll reports (reports & meeting with Vera Tibbertsma)	NA
Manager participation in the annual budget and re-forecasting processes	Manager participation in the annual budget and re-forecasting processes (reports & meeting with Vera Tibbertsma)	NA
Manager review of registration status for positions in Health and Counselling, and compliance certificates as required for volunteers, contractors, staff in all SSU areas.	Evidence that staff, volunteers and contractors have appropriate certification	NA
Forwarding of lists of volunteers to insurance@uts.edu.au	Volunteers registered with insurance@uts	NA
Ensure any software purchases or development are checked with IT prior to proceeding.	ITD sign-off on purchases & upgrades	NA

Develop and do
Note your development goals for the year. Useful links are as follows: • Staff Learning and Development and Portal • LinkedIn Learning Staff Workshops

Development goals	**Action steps** What specific actions or activities will you take to develop in this area?
s3.2 - Personal affairs	[redacted]

Development goals	Action steps What specific actions or activities will you take to develop in this area?
s3.2 - Personal affairs	[redacted]

Supervisor end-of-year rating and sign-off

PROFESSIONAL STAFF ONLY

PROBATION (if applicable)

☐ You have successfully completed your probation period and your employment will continue as per your contract of employment.

☐ Termination of employment

Overall rating for probation period (learn more about performance ratings):

☐ Exceeding expectations ☐ Met expectations ☐ Partially met expectations ☐ Below expectations

Supervisor's overall comment for probation (if applicable): *Enter comments here*

Date:

Click here to select a date

WORKPLAN REVIEW (if applicable)

Overall rating:

☐ Exceeding expectations ☐ Met expectations ☐ Partially met expectations ☐ Below expectations

Supervisor's overall comment (if applicable):

For workplan review year ending:

SENIOR STAFF GROUP ONLY

SSG PROBATION REVIEW (tick applicable):

☐ You have successfully completed your probation period and your employment will continue as per your contract of employment.

☐ Termination of employment

Supervisor's overall comment for probation (if applicable): *Enter comments here*

Date:

Click here to select a date

END OF CYCLE SSG REVIEW:

Please submit an indicative rating and this document into Compensation Workbench (CWB) in NEO, as part of the Senior Staff Group work plan review process. You may also indicate in the comments below, however, the Vice-Chancellor's Remuneration Advisory Committee determines **final ratings** for SSG staff.

The SSG Performance and Remuneration Review guideline provides detailed information on ratings. Contact your HR Partner for further information.

Supervisor's overall comment (if applicable):

For workplan review year ending:

Click here to enter a year

To sign this document, you can:

- **Use a digital signature**
- **Print, sign and scan**
- **Type your name**

Staff member:		**Date**: Click here to enter a date.
Supervisor:		**Date**: Click here to select a date
Supervisor's manager: comments (if applicable):	Enter name or insert signature *Enter comments here*	**Date**: Click here to select a date
At the end of the review cycle email the completed and signed form to hrclientservices@uts.edu.au and CC the employee.		

UTS work planning and probation template (for professional staff)

Template instructions

- Download this template and save a copy on your own drive.
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- Delete or amend any of the following tables as required.
- Learn more about how to develop your workplan

Plan type: Workplan	**Staff type:** Professional Staff **Role:**	**From:** Click here to select a date.	**To:** Click to select a date
Staff number: Click here to enter text.	**Name:** Click here to enter text	**Area:** Click here to enter text	**Supervisor:** Click here to enter text

Leave plans

What are your leave plans for the next 12 months? • Note approximate dates if you haven't planned your leave • Under the Enterprise Agreements, you may accumulate up to **no more** than 30 days annual leave (pro rata) for professional staff or 20 days annual leave (pro rata) for SSG staff • Taking annual leave is an important part of managing your personal wellbeing and ensuring you have a good work-life balance • Discuss flexible working arrangements that meet personal and business needs	

Conflicts of Interest Declaration

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Please check **ONE** of the following boxes:
☐ I understand and have no conflicts of interest to declare
☐ I understand and have declared my conflicts of interest by completing the **Declaration of Interest form** (also available from the Speak Up website)

Staff Member:		**Date**: Click here to select a date

Goals and key responsibilities: What will be achieved? How will they be achieved? How do the goals link to the UTS 2027 Strategic Plan and Values? (Click applicable values below).	**Key Performance Indicators (KPIs):** How and by when will I know I have achieved a goal? What are the measures of success? Use SMART goals. Collaboration is a key focus at UTS. How can you demonstrate that you have collaborated?
Case management • Collection of student sexual harm reports • Providing case management support to students making reports, using a range of supportive skills and interventions consistent with currently accepted best practice. • Crisis management and critical incident responses. • Facilitating liaison, referral, and joint work with the Counselling Service.	
Sexual harm project work • Reviewing, updating and ongoing coordination of the current student reporting process, liaising with key stakeholders, designing improvements to the online information and reporting experience, and working collaboratively with other relevant staff. • Contribute to university policy and procedures which are aligned with UTS vision and strategies.	

• Assisting with improving the quality of service. • This incorporates ongoing review of policies/procedures; forms and information provided to students; soliciting and evaluating feedback from students; and the development and review of performance indicators within an ethical framework.	
Administration • Undertake client related research, report writing, and case consultation as required. • Maintain confidential clinical notes, CASS data entry, TRIM files, and any reporting as per work plan targets. • Manage project work for the Director of SSU as required. • Maintain consultation and liaison procedures with Faculties; UTS International; other University units; and student representatives. • Develop digital literacy skills relevant to required tasks.	

Supervision

• Attend regular meetings with line manager to review cases and practice • Attend other meetings with stakeholders as required • Regular consultation with supervisors to ensure best practice. • Participating in continuous professional development.
Probation comments: Individual: Supervisor:
End of cycle Comments: Individual: Supervisor:
Service goals - development
Staff meet with supervisors regularly • Target: regular meetings and regular one-to-ones Response to outcome of Pulse survey • Targets 1. Engagement –discussion around career opportunity, feel supported to adapt to organisational change 2. Wellbeing – discussion around reward and recognition, career goals, work life balance 3. Intent to stay – discussion around clear understanding what is expected of me, open and honest communication.

Due date: Click here to select a date.

Probation comments:
Individual:
Supervisor:

End of cycle Comments:
Individual:
Supervisor:

Enable the UTS lifetime of learning experience and enhance student experience

- Target: Maintain or improve performance on Student Satisfaction Survey. Compare year on year results for individual SSS items, take note of verbatim comments, and plan interventions to improve services.
- High level occasions of service data:
- **Internal Cross Unit Collaboration:**
- Please populate with examples of cross unit collab
- **External collaboration**

Due date: Click here to select a date.

Probation comments:
Individual:
Supervisor:

End of cycle Comments:
Individual:
Supervisor:

Support the wellbeing and success of our community

Student Safety strategic priorities

- Build the team
- Arrange for reporting to flow direct to caseworkers
- Updates to reporting forms as needed
- Liaison with Respect Now Always events
- Compliance with mandatory work health and safety training (this goal is an essential responsibility for all UTS staff) – see below
- Identify additional training related to your role – see Training Matrix for more information

☐ Check your training is current
☐ Safety and Wellbeing Essentials
☐ Prevention of Bullying
☐ Consent Matters
☐ Advanced Health and Safety (for Supervisors)

Health and safety - Focus on maintenance and improvement of safe work environment and practices

KPIs:

Teams discuss maintenance and improvement of safety to reduce the risk of psychosocial or physical injury
Target: Discussions documented in meeting minutes
Target: psychosocial risk register
Target: psychosocial concerns documented at manager level and Dir SSU level as required.
Target: HIROs lodged for all hazards and incidents and thoughtful responses enacted
Target: 95% Trained in Supervisor Safety
Target: 95% Trained in Preventing Bullying
Target: 95% Trained in Safety essentials
Target: 95% Trained in Consent Matters module
Target: 100% Workplace Inspections completed on schedule

Contribute to safety support of offshore and off campus students

- Target – review supports available to offshore students.
- Target: All staff are aware of Protocol for responding to a student death – key action is to contact Manager as first step.

Comply with Unit Safety Plan

- Compliance reviews at service level
    - Standing item on agendas.

Annual report of critical incidents –
Comment on data, trends follow up of critical incidents here please

Critical incident is 'a traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury'. Critical incidents may cause damage to property, assets, environment or reputation and/or injury to staff, students, affiliates or other members of the community and require immediate response. Critical incidents at UTS include but are not limited to the following on a UTS campus:

a. serious injury, illness or the threat of serious injury or illness
b. any loss of life
c. attempted suicide or self-harm or the imminent risk of such
d. overdose
e. missing persons
f. assault including sexual harm, violence or robbery, severe verbal or psychological aggression
g. any mental health episode that may threaten personal safety or the safety of others
h. natural or unnatural disasters
i. war or civil unrest.

Due date: Click here to select a date.

Probation comments: Individual: Supervisor:
End of cycle Comments: Individual: Supervisor:

Compliance and Risk Management		
KPIs:		
Goal	**KPI**	**Complete or compliant check off ✓**
Under SLA ensure ITD document back-up and disaster recovery plans	Back-up plans documented by ITD with Medical and Housing nominated as SSU data and system recovery priorities in Business Continuity.	
Have local manual work-arounds for critical or time sensitive activities – e.g. medical, counselling and accessibility files	Local work-arounds for system failure documented (appointment schedule printed, notes taken manually)	
Maintain a culture that encourages consultation with peers and supervisors in situations where medico-legal or other breaches are most likely.	Evidence of consultation with supervisor regarding complex or potentially risky situations and cases. (C18, privacy audit)	
Data protection and data breach management	Demonstrable care for patient, staff and student privacy Target: Patient information handling practice reviewed and change where necessary and practical (consultation with Records around retention of records and disposal, privacy breach notification if occurs)	
Promulgate UTS Policy on fraud, maladministration and waste by revision at team meetings.	Target: Evidence of promotion of policy on fraud, maladministration and waste.	
SSU managers review management sign-off documentation.	Management level discussion of annual management sign-off documentation.	
Consult with UTS Legal regarding all contracts.	Target: Protocol for execution of documents observed and retained on official records. (E.g., Batyr, WPO, TalkCampus)	
[redacted]	[redacted]	
Managers conduct annual self-audit of financial and administrative processes with peer manager or FSU rep	Record of annual self-audit of financial and administrative processes. (e.g., leave audit)	
Monthly review of variances and payroll reports.	Evidence of monthly review of variances and payroll reports. (reports & meeting with Vera Tibbertsma)	
Manager participation in the annual budget and re-forecasting processes	Manager participation in the annual budget and re-forecasting processes (reports & meeting with Vera Tibbertsma)	

Manager review of registration status for positions in Health and Counselling, and compliance certificates as required for volunteers, contractors, staff in all SSU areas.	Evidence that staff, volunteers and contractors have appropriate certification.	
Forwarding of lists of volunteers to insurance@uts.edu.au	Volunteers registered with insurance@uts	
Ensure any software purchases or development are checked with IT prior to proceeding.	ITD sign-off on purchases & upgrades	
Due date: Click here to select a date.		
Probation comments: Individual: Supervisor:		
End of cycle Comments: Individual: Supervisor:		

Develop and do
Note your development goals for the year. Useful links are as follows: • Staff Learning and Development and Portal • LinkedIn Learning • Staff Workshops

Development goals	**Action steps** What specific actions or activities will you take to develop in this area?

Supervisor end-of-year rating and sign-off	
PROFESSIONAL STAFF ONLY	
PROBATION (if applicable) ☐ You have successfully completed your probation period and your employment will continue as per your contract of employment. ☐ Termination of employment **Overall rating for probation period** (learn more about performance ratings): ☐ Exceeding expectations ☐ Met expectations ☐ Partially met expectations ☐ Below expectations **Supervisor's overall comment for probation (if applicable):**	Date: 28/02/2025
WORKPLAN REVIEW (if applicable) **Overall rating:** ☐ Exceeding expectations ☐ Met expectations ☐ Partially met expectations ☐ Below expectations **Supervisor's overall comment (if applicable):**	**For workplan review year ending:**
SENIOR STAFF GROUP ONLY	
SSG PROBATION REVIEW (tick applicable): ☐ You have successfully completed your probation period and your employment will continue as per your contract of employment. ☐ Termination of employment **Supervisor's overall comment for probation (if applicable):** *Enter comments here*	Date: Click here to select a date
END OF CYCLE SSG REVIEW: Please submit an indicative rating and this document into Compensation Workbench (CWB) in NEO, as part of the Senior Staff Group work plan review process. You may also indicate in the comments below, however, the Vice-Chancellor's Remuneration Advisory Committee determines **final ratings** for SSG staff. The SSG Performance and Remuneration Review guideline provides detailed information on ratings. Contact your HR Partner for further information. **Supervisor's overall comment (if applicable):**	**For workplan review year ending:** Click here to enter a year
To sign this document, you can: • **Use a digital signature** • **Print, sign and scan** • **Type your name**	
Staff member:	**Date:** Click here to enter a date.

Supervisor:		**Date**: Click here to select a date
Supervisor's manager: comments (if applicable):	Enter name or insert signature *Enter comments here*	**Date**: Click here to select a date
At the end of the review cycle email the completed and signed form to hrclientservices@uts.edu.au and CC the employee.		

Responding to sexual harms

Student Safety Team, Student Services Unit

Today's Presentation Overview

- Understanding Trauma and Disclosure
- Responding with Compassion and Sensitivity
- Handling Formal Reports: Steps and Best Practices
- Supporting Students Who Disclose Sexual Harm
- Making Referrals

Disclosure of trauma

- Many people don’t ever tell anyone about what happened to them as a child or as an adult. This is for many different reasons including fear of not being believed.
- Many people blame themselves for their challenges. Being abused is never a person’s fault and is certainly never the fault of a child.
- Many people also feel deep shame which can stop them reaching out for help.

When someone discloses sexual or domestic violence, your response is critical to their recovery and decisions about what to do next.

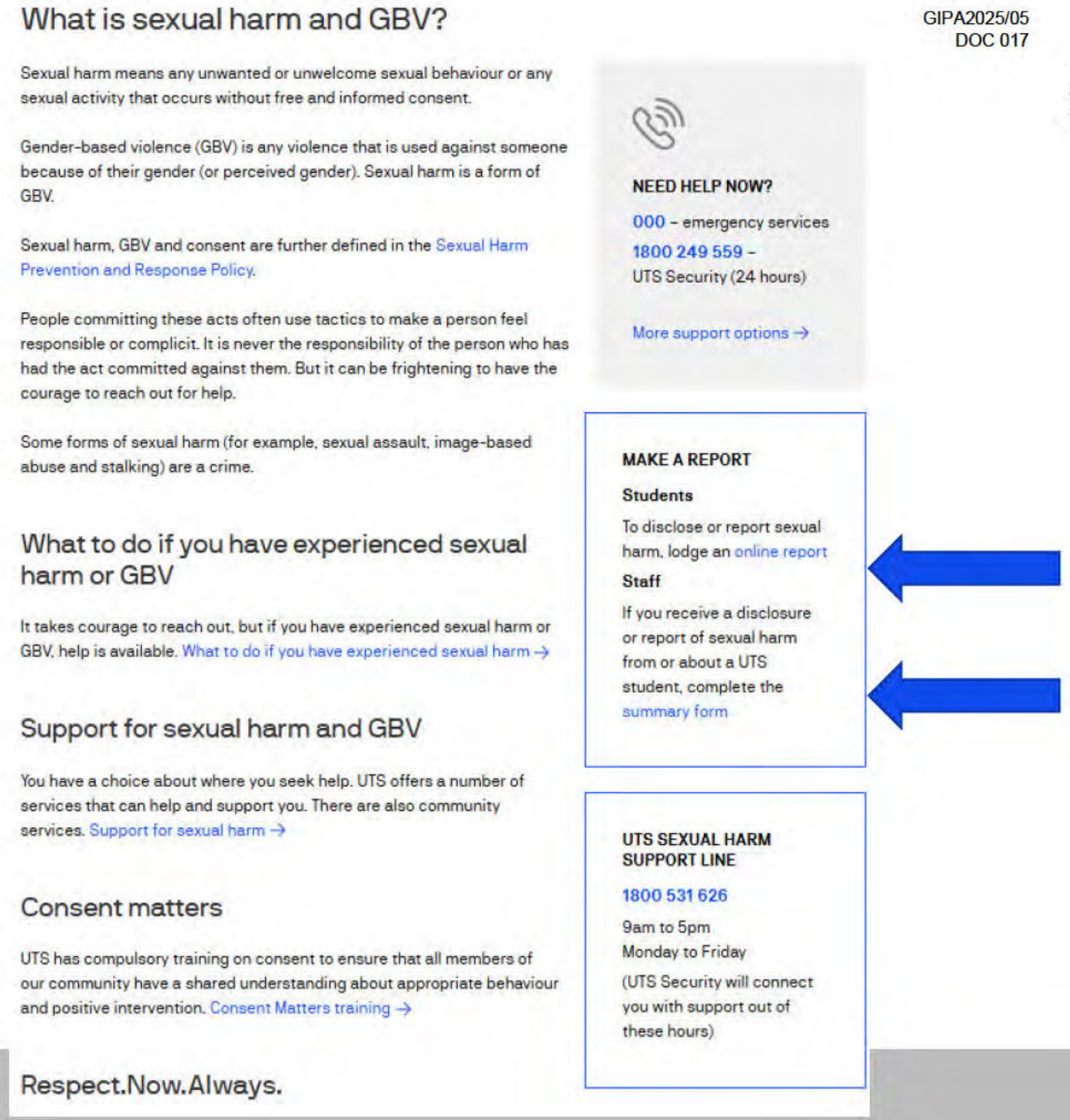
Responding with compassion

- Listen to the story
- Let them express how they feel
- Tell them you are sorry for what happened
- Ask them what you can do to assist (sometimes it is just listening)
- Explain what you can do
- Encourage the person to seek support and allow them to make their own decisions.

When you say	They hear
I am sorry for what has happened to you	I believe you
I will do what I can to help	You are not alone
Is there anything I can do to support you	Respect and empowered

Reporting Sexual Harms

- UTS staff who receive a disclosure or report of sexual harm related to a student (survivor, alleged perpetrator, witness) **must** complete a summary form (UTS website)
- If you work as a Peer Advisors as a student and receive a disclosure, please report to your manager and they will complete the summary form with you.



What is sexual harm and GBV?

Sexual harm means any unwanted or unwelcome sexual behaviour or any sexual activity that occurs without free and informed consent.

Gender-based violence (GBV) is any violence that is used against someone because of their gender (or perceived gender). Sexual harm is a form of GBV.

Sexual harm, GBV and consent are further defined in the Sexual Harm Prevention and Response Policy.

People committing these acts often use tactics to make a person feel responsible or complicit. It is never the responsibility of the person who has had the act committed against them. But it can be frightening to have the courage to reach out for help.

Some forms of sexual harm (for example, sexual assault, image-based abuse and stalking) are a crime.

What to do if you have experienced sexual harm or GBV

It takes courage to reach out, but if you have experienced sexual harm or GBV, help is available. What to do if you have experienced sexual harm →

Support for sexual harm and GBV

You have a choice about where you seek help. UTS offers a number of services that can help and support you. There are also community services. Support for sexual harm →

Consent matters

UTS has compulsory training on consent to ensure that all members of our community have a shared understanding about appropriate behaviour and positive intervention. Consent Matters training →

Respect.Now.Always.

NEED HELP NOW?

000 – emergency services
1800 249 559 – UTS Security (24 hours)

More support options →

MAKE A REPORT

Students

To disclose or report sexual harm, lodge an online report

Staff

If you receive a disclosure or report of sexual harm from or about a UTS student, complete the summary form

UTS SEXUAL HARM SUPPORT LINE

1800 531 626

9am to 5pm
Monday to Friday
(UTS Security will connect you with support out of these hours)

Internal and external resources

- Police and Online Reporting Options:
  - Online –
    - NSW Police Sexual Assault Reporting Option (SARO) ,
    - The eSafety Commissioner (Report image-based abuse)
  - In person – NSW Police station
  - Phone – call 000 (In an emergency) or 131 444 (24hr Police Assistance Line)
- Internal UTS Support Services:
  - Counselling Service, Safety Caseworkers, Health Service, UTS Student Legal Service, EAP
- External Community Support Services:
  - NSW Sexual Violence Helpline, NSW Health Sexual Assault Services, Victim Support Scheme

For more details, click here @ UTS website

Refer/Reach out to Safety Caseworker:

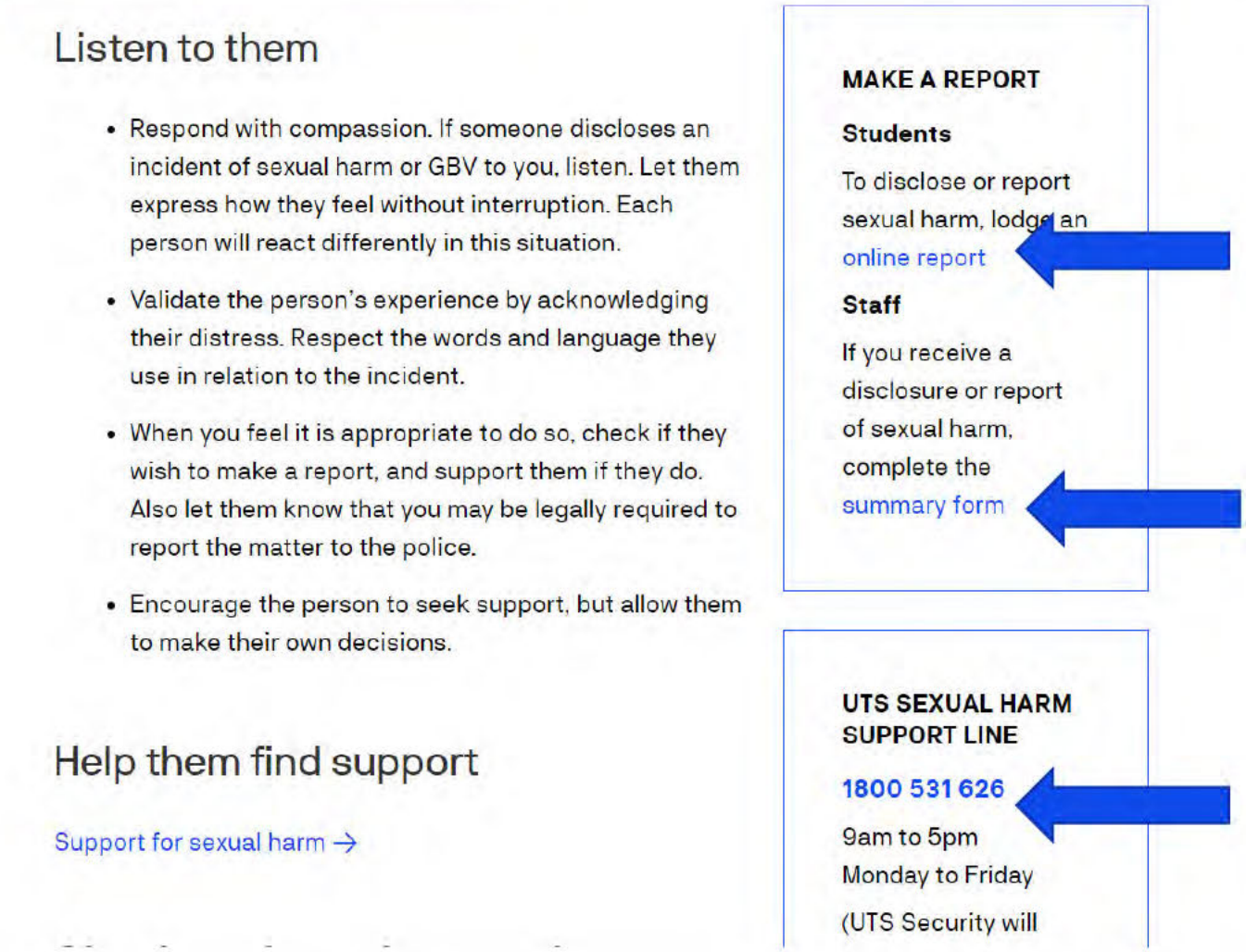
- Monday – Friday
  - 9AM- 5PM
  (on site in Student Services Unit office, CB.01.06)

- Individual appointments
  - In-person, Zoom, phone

  (option for appointment to be had with Caseworker who speaks Mandarin & Cantonese and interpreters can be used for all other languages)

- Appointments can be made by calling SSU reception on 9514 1177 or emailing safetycaseworker@uts.edu.au

- Drop ins are also welcome



Listen to them

- Respond with compassion. If someone discloses an incident of sexual harm or GBV to you, listen. Let them express how they feel without interruption. Each person will react differently in this situation.
- Validate the person's experience by acknowledging their distress. Respect the words and language they use in relation to the incident.
- When you feel it is appropriate to do so, check if they wish to make a report, and support them if they do. Also let them know that you may be legally required to report the matter to the police.
- Encourage the person to seek support, but allow them to make their own decisions.

Help them find support

Support for sexual harm →

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(UTS Security will

Student Safety at UTS

Responding to student disclosures of sexual harm or gender-based violence

Student Services Unit

Student Safety - Safety Caseworkers

Situated withing the Student Services Unit, **Safety Caseworkers** respond to student reports and referrals involving gender-based violence (GBV) and sexual harm.

How they help students

- **Casework support** with a designated Safety Caseworker to coordinate student cases.
- **Provide contact and support** through regular check-ins, either in person or online.
- **Safety planning** to help ensure students' safety and wellbeing.
- **Guidance on reporting options**, including making a police report or an internal report to UTS.
- **Referrals to services** such as counselling, health services, financial assistance, accessibility services and external services.
- **Confidentiality and respect**—all reports are handled in line with the Sexual Harm Reporting Privacy Notice.

How they help staff

- Guidance on how to respond to a disclosure of GBV
- Assistance with understanding the Staff Summary form
- Assistance with managing their reporting obligations, e.g., in the event of an offence that must be reported to police or another external agency.

Student Safety – responding to a disclosure or report of sexual harm or GBV

Responding to students with **compassion**

- **Listen** to the story
- Let them **express** how they feel
- Tell them you are **sorry** for what happened
- **Ask** them what you can do to assist (sometimes it is just listening)

When you say	They hear
I am sorry for what has happened to you	I believe you
I will do what I can to help	You are not alone
Is there anything I can do to support you	Respect and empowered

Student Safety – responding to a disclosure or report of sexual harm or GBV

- UTS staff who receive a disclosure or report of GBV related to a student, whether survivor, alleged perpetrator or witness, should complete a summary form, in line with the Sexual Harm Prevention and Response Policy.
- The summary form is received by a Safety Caseworker and acts as a referral. You can read more about the summary form by visiting the summary form sign in page
- The form also helps Student Safety collect important data which allows us to improve our service and better respond to students experiencing gender-based violence.
- Additional links to the summary form and more details on support for GBV can be found here: Our commitment to a campus free of sexual harm

Contact the Student Safety team
safety.caseworker@uts.edu.au
Building 1, level 6 – Student Services Unit
(02) 9514 1177 (SSU reception)
Students can disclose or report sexual harm or GBV here: **bit.ly/UTSReport**

Responding to sexual harms

Safety Caseworkers:
- Ciara Reddington (She/her)
- Holly Choi (She/her)

Project officer: Kaitlin Moore (She/her)

Disclosure of trauma

- Many people don’t ever tell anyone about what happened to them as a child or as an adult. This is for many different reasons including fear of not being believed.
- Many people blame themselves for their challenges. Being abused is never a person’s fault and is certainly never the fault of a child.
- Many people also feel deep shame which can stop them reaching out for help.

When someone discloses sexual or domestic violence, your response is critical to their recovery and decisions about what to do next.

UTS Sexual Harm Prevention and Response Policy

4.3 To respond to reported incidents of sexual harm, UTS takes a 'support and report' approach as follows:

a. Support: People who have experienced sexual harm will be supported by UTS. UTS can provide help and advice to members of the UTS community. Support is at zero cost to the individual and is provided for current and past incidents of sexual harm at UTS (refer Our commitment to a campus free of sexual harm).

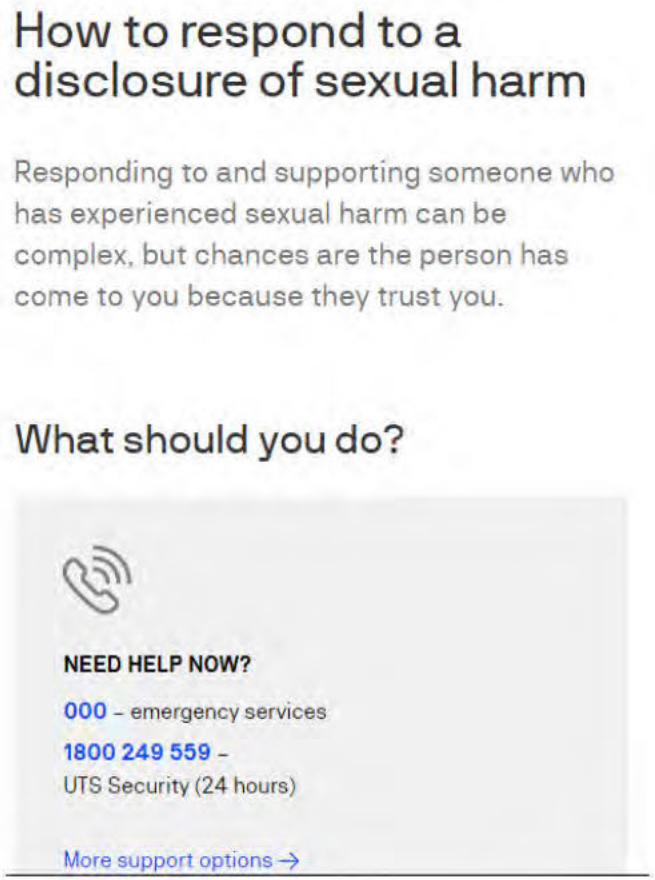
b. Report: UTS encourages anyone who has experienced sexual harm at UTS, or has experienced sexual harm perpetrated by members of the UTS community, to formally report such incidents in line with this policy (refer also Our commitment to a campus free of sexual harm). This allows UTS to respond to immediate and ongoing safety issues resulting from sexual harm and to undertake investigations where possible.

If you receive a disclosure of sexual harm:

1. Attend to their immediate safety
2. Listen to them
3. Help them find support
4. Give them the option to make a report

This information is laid out on the UTS website: How to respond to a disclosure of sexual harm:

https://www.uts.edu.au/about/university/community/our-commitment-campus-free-sexual-harm/how-respond-disclosure-sexual-harm



Responding with compassion

- Listen to the story
- Let them express how they feel
- Tell them you are sorry for what happened
- Ask them what you can do to assist (sometimes it is just listening)

When you say	They hear
I am sorry for what has happened to you	I believe you
I will do what I can to help	You are not alone
Is there anything I can do to support you	Respect and empowered

3. Help them find support (Australia)

- https://www.uts.edu.au/about/university/community/our-commitment-campus-free-sexual-harm/support-sexual-harm
- UTS Support Services, including Counselling Service, Safety Caseworkers, Health Service, UTS Student Legal Service, EAP
- Community support services, NSW Sexual Violence Helpline, NSW Health Sexual Assault Services, Victim Support Scheme
- SARO, NSW Police, 24hr Police Assistance Line (131 444)
- Support for image-based abuse (the eSafety Commissioner – reporting option)
- Support for Indigenous women
- Support for young people
- Support for all genders

4. Give them the option to make a report

- The person disclosing an incident may want to make a report immediately.
- Alternatively, they may wish to make a report after seeking further support.
- Support them in whichever decision they make.
- A report can be made at any time, even at a later date.
- https://www.uts.edu.au/about/university/community/our-commitment-campus-free-sexual-harm/what-do-if-you-have-experienced-sexual-harm

Refer to Safety Caseworker:

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  - 9AM- 5PM (on site in SSU office)
- Individual appointments with Safety Caseworker
  - In-person, Zoom, phone (option for appointment to be had with Caseworker who speaks Mandarin & Cantonese and interpreters can be used for all other languages)
- Appointments can be made by calling SSU reception on 9514 1177 or emailing safety.caseworker@uts.edu.au
- Drop ins also welcome

Listen to them

- Respond with compassion. If someone discloses an incident of sexual harm or GBV to you, listen. Let them express how they feel without interruption. Each person will react differently in this situation.
- Validate the person's experience by acknowledging their distress. Respect the words and language they use in relation to the incident.
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Help them find support

Support for sexual harm →

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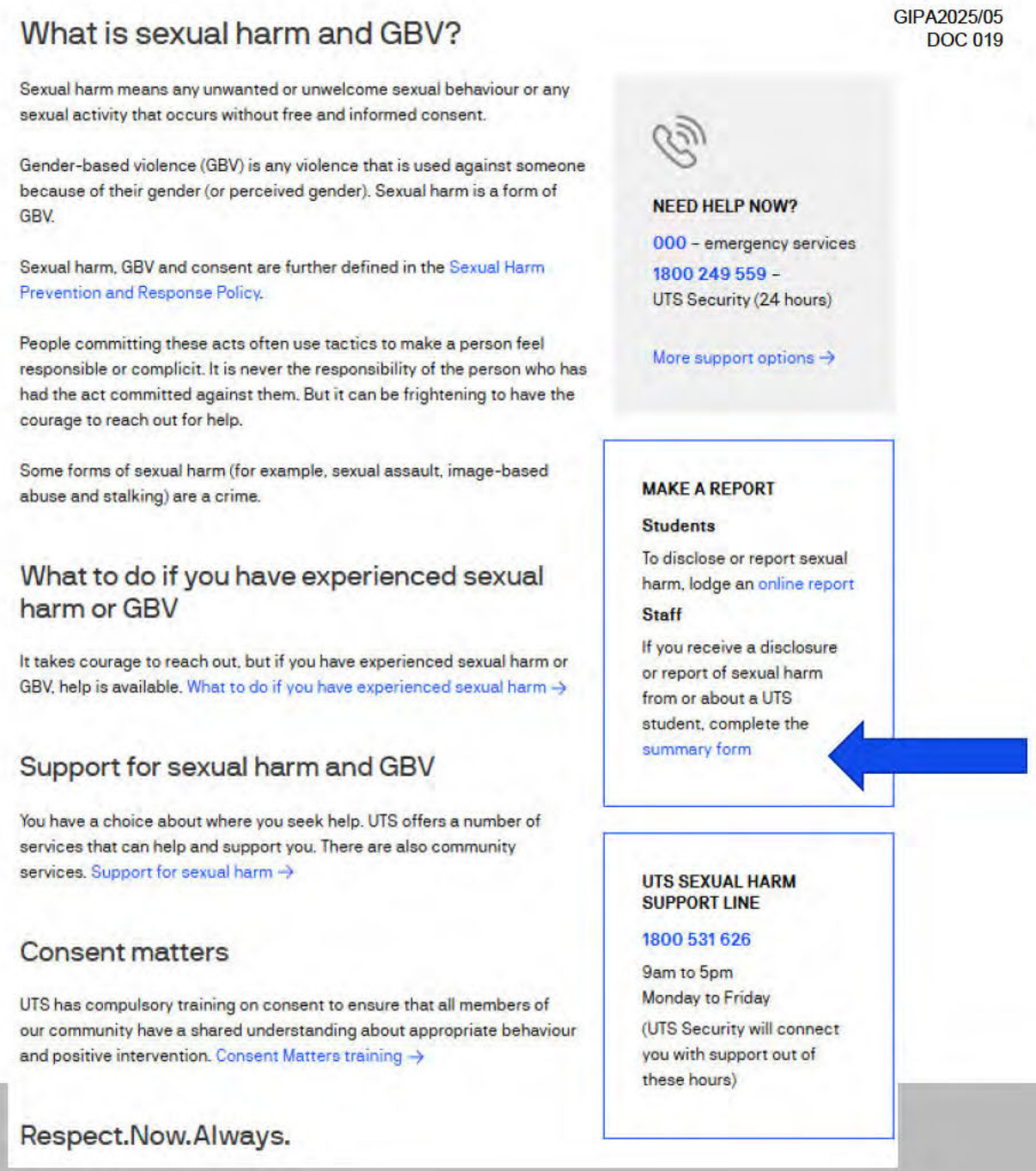
(UTS Security will

UTS staff who receive a report

- UTS staff who receive a disclosure or report of sexual harm related to a student (survivor, alleged perpetrator, witness) **must** complete a summary form
- The form will provide guidance on your obligations to report if you think a crime has been committed
- UTS Safety Caseworkers can provide assistance to manage your obligations



What is sexual harm and GBV?

Sexual harm means any unwanted or unwelcome sexual behaviour or any sexual activity that occurs without free and informed consent.

Gender-based violence (GBV) is any violence that is used against someone because of their gender (or perceived gender). Sexual harm is a form of GBV.

Sexual harm, GBV and consent are further defined in the Sexual Harm Prevention and Response Policy.

People committing these acts often use tactics to make a person feel responsible or complicit. It is never the responsibility of the person who has had the act committed against them. But it can be frightening to have the courage to reach out for help.

Some forms of sexual harm (for example, sexual assault, image-based abuse and stalking) are a crime.

What to do if you have experienced sexual harm or GBV

It takes courage to reach out, but if you have experienced sexual harm or GBV, help is available. What to do if you have experienced sexual harm →

Support for sexual harm and GBV

You have a choice about where you seek help. UTS offers a number of services that can help and support you. There are also community services. Support for sexual harm →

Consent matters

UTS has compulsory training on consent to ensure that all members of our community have a shared understanding about appropriate behaviour and positive intervention. Consent Matters training →

Respect.Now.Always.

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How do UTS Safety Caseworkers help?

- **Casework support** with a designated Safety Caseworker to coordinate students' cases
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- **Guidance on reporting options**, including making a police report or an internal report to UTS.
- **Referrals to services** such as counselling, health services, financial assistance, accessibility services and external services.
- **Confidentiality and respect—**all reports are handled in line with the **Sexual Harm Reporting Privacy Notice**.

From: Kristyna Nikro
To: Cameron Kenney
Cc: Kylie Readman
Subject: FW: ActivateUTS Board Request: SASH Support Update
Date: Friday, 16 August 2024 1:19:00 PM
Attachments: ActivateUTS - SASH Support Update v1.0.pdf
Importance: High

Dear Cameron

Please see the University's response to your email addressed to Prof Kylie Readman, the Deputy Vice-Chancellor (Education and Students), which requested an update on the University's actions to enhance support for students in SASH-related matters.

While I initially indicated that this would be an interim update, the situation has evolved, and we are now presenting ActivateUTS with a final response to their request.

It is important to note that in our recommendations, we have expressed our intention to seek ActivateUTS' s approval to adopt the University's SASH Policy.

I plan to arrange a meeting with you, Aimee Purcel, and Sarah Lok next week to discuss the next steps regarding the alignment of governance instruments between UTS and ActivateUTS. I wanted to bring this recommendation to your attention, as we hope ActivateUTS will consider it a preliminary step towards this alignment.

If you have any questions, please do not hesitate to contact me.

Kind regards

Kristyna Nikro (she/her)
Executive Officer
Office of the Deputy Vice-Chancellor (Education and Students)

University of Technology Sydney
T. +61 (02) 9514 7307
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au
UTS acknowledges the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands our university stands.

From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Wednesday, July 17, 2024 12:41 PM
To: Kylie Readman <Kylie.Readman@uts.edu.au>
Cc: Anne Dwyer <Anne.Dwyer@uts.edu.au>
Subject: ActivateUTS Board Request: SASH Support Update
Importance: High

Dear Kylie,

I hope this email finds you well. On behalf of the ActivateUTS Board, I'm writing to request an update on the University's actions to enhance support for students in SASH (Sexual Assault and Sexual Harassment) related matters.

Our primary concern is, and always has been, the well-being and appropriate support of our students. It is crucial that students receive comprehensive, timely, and sensitive support throughout any SASH-related processes. This is not just a matter of policy, but of ensuring our students feel safe, heard, and supported during what can be an incredibly challenging time.

While we acknowledge the improved collaboration between our organisations, we are increasingly concerned about the lack of visible progress in enhancing student support. Our students are seeking clarity on concrete changes and how these will directly benefit them. Additionally, from both a student support and risk management perspective, we continue to face challenges in coordinating responses to overlapping student incidents, which underscores the need for immediate action.

We request a comprehensive update on:

1. Current initiatives to improve SASH-related complaint processes and student support mechanisms
2. Measurable outcomes of these initiatives, focusing on improved student experiences
3. Planned steps to further enhance student support, with clear timelines
4. How UTS is addressing increased government reporting requirements while prioritising student needs
5. Opportunities for ActivateUTS to further support these efforts, leveraging our close relationships with students

The well-being of our students is paramount, and we believe UTS has the potential to set a new standard in student support for SASH-related matters. ActivateUTS is committed to collaborating closely to achieve this goal.

We look forward to your detailed response and to working together to ensure our students receive the support they need and deserve.

Regards,

___

Cameron Kenney

Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 - Personal affairs

E. cameron.kenney@uts.edu.au

Executive Assistant:

Aleen Pang | aleen.pang@uts.edu.au | 02 9514 1642

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My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.

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Title: SASH Support Update to ActivateUTS

Date: 16th August 2024

Prepared by: The Office of Provost and the Office of Deputy Vice-Chancellor (Education and Students) on behalf of the University of Technology Sydney.

Background:

Cameron Kenney, the CEO ActivateUTS wrote to Prof Kylie Readman, the Deputy Vice-Chancellor (Education and Students) on behalf of the ActivateUTS Board on 17th July 2024 to request an update on the University's actions to enhance support for students in SASH-related matters. They requested a comprehensive update on current initiatives, measurable outcomes, planned steps, government reporting requirements, and opportunities for ActivateUTS to further support these efforts. Please see the summary of the University's progress to date below:

Summary of progress to date:

1. **Current initiatives to improve SASH-related complaint processes and student support mechanisms**

The recruitment process for two Student Safety Caseworkers is in progress, with the expected start date in early October 2024. An ActivateUTS representative has been invited to be on the recruitment panel. Concurrently, the internal communication templates for victim/survivors are being developed and UTS Sexual Harm Prevention and Response (SASH) Policy is being revised to incorporate the initial set of recommendations from the Sexual Harm and Response External Review conducted at the end of 2023. Additionally, a review of ActivateUTS Student Complaints Policy, Procedure, and Privacy notice is underway to provide a recommendation to ActivateUTS. This aims to align ActivateUTS governance instruments with those of UTS and facilitate the sharing of certain types of information between the two entities.

2. **Measurable outcomes of these initiatives, focusing on improved student experiences**

The Student Safety Caseworkers will oversee the SASH-related student cases that are referred from ActivateUTS to the University. The additional resourcing and internal communication templates will enhance the reporting process, timelines and improve the communication with victim/survivors.

The current student reporting form has been revised to simplify the process for victim/survivors, allowing them to complete the form more easily. The form is designed to maintain anonymity if that is a preferred option. Additionally, the form can facilitate the transfer

of information from ActivateUTS to the University. For example, ActivateUTS staff could complete the form on behalf of victim/survivors to further assist in the process.

Consultation has also occurred to improve processes for updating victim/survivors throughout the reporting and misconduct processes. A meeting with ActivateUTS representatives and UTS representatives will be scheduled for the week of 19th August 2024 to discuss the recommendations on governance instruments alignment and the implementation of those recommendations.

3. **Planned steps to further enhance student support, with clear timelines.**

The Sexual Harm and Response External Review, carried out at the end of 2023, aimed to evaluate the University's current sexual harm response mechanisms and ensure comprehensive support for students affected by sexual harm. The University has initiated the implementation of the review's first set of recommendations, which includes updating the UTS SASH Policy and other ongoing initiatives as outlined in point 1 and 2 above. The majority of the review's recommendations are expected to be finalised by the end of 2024. The recommendations are:

- Make clearer the mechanisms for natural justice and procedural fairness, including the separation of support staff for the victim/survivors, and alleged perpetrator, and opportunities for the alleged perpetrator to be interviewed by an appropriate panel as part of the process.
- Continue to benchmark, monitor and evaluate the UTS SASH Policy, and associated cross-referenced policies to meet the needs of the UTS community.
- Expand the information about the limitations on action a university can take and expectations for time frames for resolution/outcomes.
- Ensure ongoing efforts to improve the experience of victim/survivors and reporting parties in relation to timeliness and communication during and after an investigation, including where such reports engage with third parties.
- Continue to re-evaluate and benchmark the ways in which victim/survivors can be informed of the outcome of an investigation, as changes in relevant privacy legislation allow, to promote the robustness of UTS processes and consequently encourage reporting.
- Design an evaluation system that enables the voice of victim/survivors to be heard in relation to their experience of reporting, alongside a proactive feedback loop for those engaged in supporting disclosures and reports.

In support of this effort, the recruitment for a Project Officer to manage the Review's project is currently underway.

4. **How UTS is addressing increased government reporting requirements while prioritising student needs**

The federal Department of Education is yet to provide clarity on the components that will require extensive reporting in 2025 and 2026. That said, the University is working to address challenges in the existing processes identified by the RNA Steering Committee alongside a response to the DOE Gender Based Action Plan, released alongside the forthcoming legislation and Code. The Action Plan (and UTS's response) outline the institutional onus, sector expectations and provide an approximation of reporting that can be anticipated.

The University intends to address upcoming increased reporting, as well as address the primary challenges student (and UTS) representatives have identified, including:

- Clear, transparent and trauma informed approach to reporting incidents
- Ease in navigating the UTS response and recovery systems
- Transparent reporting and institutional accountability in annual reports pertaining to sexual harm, and or gender-based violence.

5. Opportunities for ActivateUTS to further support these efforts, leveraging our close relationships with students

ActivateUTS and other close stakeholders, such as UTS College will be key in ensuring the University's planned approach to the gender-based violence and sexual harm mitigations are holistically implemented. Once the primary activities have progressed – a singular reporting tool/mechanism and revised approach to internal management – close stakeholders will be engaged to ensure the updated policies, procedures and primarily processes are aligned to those of ActivateUTS.

There will be a coordinated effort to ensure that the UTS community is able to access, report and navigate the newly established process equitably. ActivateUTS will be a critical partner in ensuring students are aware of the change in approach, new tool and revised processes.

Direct activities of support may include:

- Communications
- Policy, procedure and process alignment
- Process mapping to ensure a holistic approach with dynamic situation mapping for first line responders.

Recommendations:

- It is recommended that ActivateUTS adopt the UTS SASH Policy, including any future revisions. This action is crucial for supporting our students and enhancing their overall experience.
- Further, it is recommended that ActivateUTS consider updates to all application forms regarding the agreements in place for information sharing, reporting processes and implications for membership during investigations.
- In turn, it is recommended that the University implement changes to the UTS SASH Policy, to facilitate a streamlined feedback process from UTS to ActivateUTS.

The adoption of the UTS SASH Policy will represent the beginning of aligning the governance instruments of the University and ActivateUTS. It will enhance our capacity to communicate with victim/survivors and improve the sharing of information between the University and ActivateUTS.

From:	Laura Jones on behalf of Cameron Kenney
To:	Catharine Pruscino; Nick Glover; Kylie Gould; Aimee Purcell; Megan Cassidy; Andrea Thompson; Sarah Lok; Liz Penny; Shaun O"Mara; President ActivateUTS; Shivangi Singh; Samantha Urquhart
Subject:	ActivateUTS x UTS incident mapping #1
Start:	Monday, 1 August 2022 2:00:00 PM
End:	Monday, 1 August 2022 4:00:00 PM
Location:	CB01.16.016

Hi all,

You are receiving this invitation as you have been identified as a key stakeholder in the management and reporting of student incidents within ActivateUTS & UTS.

In response to several investigations, it has been identified that there is a disconnect between ActivateUTS and UTS reporting, investigation and outcomes of SASH and serious misconduct incidents that have an affiliation with ActivateUTS. Whilst each organisation has strong individual processes, the commitment of ActivateUTS and UTS to working together to ensure a professional student-centred, efficient, and consistent approach to responding to student reports of SASH is not supported by the current procedures and policies. Whilst ActivateUTS is a separate company, the expectation of our students for SASH and serious misconduct matters are that the two organisations work collaboratively to align reporting, investigation, and determination of outcomes.

After consultation with Nick Glover, the VC has been briefed and is fully supportive of providing recommendations for progress, including the creation of this working group.

As part of the initial meeting, we will look to provide some further background and complete stakeholder mapping:

1. From the perspective of the student/member map out the types of incidents that could occur (e.g. Activate event on UTS space, Activate event off campus etc.) and what options we should provide to the member/student (e.g. report to Activate, report to UTS etc.).

Please consider the below in advance of the first meeting.

* Think if an example of when the student's reporting process has worked well – what were the components that supported this?
* Think of an example where the outcome hasn't seemed student-centred and consistent – what were the aspects that could be improved?

From here the intention is to further review the below steps:

2. Work out proposed draft processes for the types of incident and options, to ensure a consistent approach and how these will be reported (e.g. reporting lines and escalation)
3. Having defined the above, develop an inter-company agreement between Activate and UTS to enable the drafted processes in 2 for the handling of incidents setting clear roles and responsibilities, reporting frameworks and strengthen the student experience to be possible
4. Engage Legal to review the agreement and ensure that this fits with the existing relationship and entity parameters between Activate UTS and UTS
5. Inter-company agreement reached and a communication plan developed to roll out the arrangements across the entities.
6. Roll out revised processes

Regards,

___

Cameron Kenney

Chief Executive Officer
ActivateUTS <https://www.activateuts.com.au/activateuts-strategy-2022/>

P. 02 9514 1638 | M. s3.2 - Personal affairs

E. cameron.kenney@uts.edu.au <mailto:cameron.kenney@uts.edu.au>

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From:	Cameron Kenney
To:	Sarah Lok
Cc:	Aimee Purcell
Subject:	Consultation on ActivateUTS"s Updated Student Complaints Policy and Procedures
Date:	Wednesday, 7 February 2024 5:18:19 PM
Attachments:	ActivateUTS Student Complaints Policy DRAFT.docx ActivateUTS Student Complaints Procedure DRAFT.docx

Hi Sarah,

I hope you are well.

As part of our commitment to ensuring a supportive and responsive environment for our students, we have recently undertaken a review and update of our Student Complaints Policy and Procedures. Given the close relationship between ActivateUTS and UTS, especially in areas concerning student engagement and welfare, we have aimed to align our updated documents as closely as possible with the UTS versions. Our goal is to ensure consistency, transparency, and efficiency in handling student complaints across both our organisations.

Attached to this email, you will find draft copies of the updated ActivateUTS Student Complaints Policy and Procedure documents. These drafts are the result of thorough deliberation and are designed to reflect both our operational realities and the best practices established by UTS.

We highly value your expertise and insight into student services and would greatly appreciate any initial thoughts, comments, or feedback you might have on these documents at this stage. Your input would be instrumental in helping us refine our approach and ensure that our procedures not only align with UTS standards but also effectively address the needs and concerns of our students.

We are open to any suggestions for improvement and are particularly interested in any areas where you believe further alignment or clarification may be beneficial. Our aim is to facilitate a seamless experience for students who engage with both ActivateUTS and UTS, ensuring that we provide a coherent and supportive framework for addressing their concerns.

Please feel free to share your thoughts at your earliest convenience. If you prefer, I would be more than happy to arrange a meeting to discuss this in further detail.

Regards,

___

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 - Personal affairs
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

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From:	Kristyna Nikro
To:	Aimee Purcell; Sarah Lok; Cameron Kenney
Subject:	FW: Policy comments
Date:	Thursday, 29 August 2024 12:34:17 PM
Attachments:	Student Complaints Policy - DE comments 30.07.2024.pdf ActivateUTS Incident Reporting Process - 2024 - DE comments 30.07.2024.pdf Activate Privacy Policy - from website - 27.05.2024 - UTS Legal amendments .docx

Thank you, Sarah.

I am forwarding the email and its attachments to Aimee while Cameron is away.

Kind regards
Kristyna

Kristyna Nikro (she/her)
Executive Officer
Office of the Deputy Vice-Chancellor (Education and Students)

University of Technology Sydney
T. +61 (02) 9514 7307
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au
UTS acknowledges the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands our university stands.

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, August 28, 2024 11:58 AM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Kristyna Nikro <Kristyna.Nikro@uts.edu.au>
Subject: FW: Policy comments

Hi Cameron,
Please see attached for some commentary on some of the policies provided to date to start things off. Please note, this was prepared before our last meeting but I've had a quick scan and I believe it will still be relevant. Happy to discuss of course.
Thanks,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: +61 2 9514 1174
uts.edu.au /Cricos Provider Code 00099F

If you require emergency assistance outside of UTS office hours, please contact UTS Security on 1800 249 559 or visit the UTS Security office on level 4 of the Tower (near the main entrance to the Tower)

ActivateUTS

Student Complaints Policy

Abstract

The Student Complaints Policy (the policy) outlines the framework for the identification, management and resolution of student complaints.

Dates	Policy or amendment approved Policy or amendment takes effect Policy is due for review (up to 5 years) Policy reviewed	27/06/2024 15/07/2024 2025 27/06/2024
Approved by	Authorising body: ActivateUTS Board Meeting number/date: 24-4	
Implementation Officer	Director of Student Engagement	
Relevant to	ActivateUTS staff, affiliates, contractors, students and visitors involved in managing a student complaint.	
Related documents	Clubs Code of Conduct, Clubs Handbook, Student Complaints Procedure, UTS Student Rules	
Legislation		
Superseded documents		
Review notes	New Policy	

Contents

1. Purpose
2. Scope
3. Definitions
4. Policy principles
5. Policy statement
6. Roles and responsibilities
7. Version control and change history

1. Purpose

1.1. The Student Complaints Policy (the policy) outlines the framework for the identification, management and resolution of student complaints. This is supported by the Student Complaints Management Procedures (the procedures).

2. Scope

2.1. This policy applies to all ActivateUTS staff, affiliates, contractors, students and visitors involved in managing a student complaint.

2.2. This policy should only be used for managing student complaints relating strictly to a UTS student's involvement with ActivateUTS (Clubs, Events, Programs).

2.3. Complaints of a serious nature may qualify as being disclosures to which legislative protections apply.

3. Definitions

Affiliates include ActivateUTS and Haberfield Club Board Directors, and ActivateUTS Affiliated Club Members and Executives.

Complaint means a statement of dissatisfaction made by a student about an area under the direct control of the ActivateUTS where a response or resolution is explicitly or implicitly expected or legally required. Complaints processes may be informal or formal.

- A complaint is managed informally where students raise a grievance, normally with the individual, faculty or unit that is the subject of the complaint, and this is managed and/or resolved locally.
- A complaint is managed formally when it either originates with or is escalated to the Director of Student Engagement, and is investigated by or under the guidance of the Director of Student Engagement. A proposal is put forward for decision by the CEO at the conclusion of the investigation.

Complainant means the individual who is making a complaint. For the purposes of this policy, the complainant is the student.

Conflict of interest is defined in the Code of Conduct

Reprisal means any intentional retaliation as a result of making a complaint in line with the policy.

Resolution means a formal decision or agreement. Resolutions do not necessarily require the complete satisfaction of all parties to a complaint, but rather an agreement that the complaint or issue has been reasonably investigated and/or resolved, or has provided a reasonable outcome given the available evidence. Resolutions are normally, but not always, a result of basic agreements allowing for some compromises by the complainant, the respondent and/or ActivateUTS.

Respondent means a person(s) subject to a complaint.

Summary of Comments on Student Complaints Policy - DE comments 30.07..pdf

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Review refers to a review of a decision relating to a student complaint or an appeal against a decision.

Students refers to current UTS Students who are engaged or associated with ActivateUTS programs.

4. Policy principles

4.1. ActivateUTS is committed to providing a supportive environment and is committed to supporting students to make complaints.

4.2. ActivateUTS will seek to support all parties to a complaint and work towards a timely resolution, at the local level appropriate to the circumstance.

4.3. Complaints will be taken care of confidentially so far as it is practical. ActivateUTS will disclose information in connection with complaints on an as-needed basis, including compliance with legal obligations and when necessary, cooperating with external authorities and institutions such as UTS for serious complaints.

4.4. Student complaints and the complaint management process are an opportunity for continuous improvement.

4.5. Students who complain will be protected from reprisal.

5. Policy statement(s)

Complaints management and support

5.1. Any ActivateUTS staff member can receive a complaint and may work towards complaint resolution.

5.2. ActivateUTS may draft procedures to support this policy and, in particular, the resolution of complaints in a timely manner.

5.3. Students are encouraged to raise complaints at the earliest opportunity, directly with an ActivateUTS staff member in the closest proximity to the events and/or with the ability to resolve the complaint.

5.4. ActivateUTS aims to resolve complaints within 20 working days of receipt of the complaint. Where a complaint cannot be resolved in 20 working days, the complainant will be advised of the delay, the reasons for the delay, and provided with a revised timeframe.

5.5. Where safety concerns arise, ActivateUTS may take any necessary action to protect staff, students, or the wider community.

5.6. ActivateUTS seeks to finalise all complaints by offering the complainant a reasonable and appropriate resolution that addresses the issues raised.

5.7. ActivateUTS is committed to ensuring the safety and welfare of its community. In cases involving serious allegations, ActivateUTS may report to or cooperate with external authorities, including law enforcement and UTS, to effectively manage the complaint. This

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action will be taken with due consideration for the complainant's privacy and consent, except where legal obligations necessitate otherwise.

5.8. All parties involved in a complaint are expected to act in a cooperative, fair, and respectful manner to achieve a resolution, and maintain regular, honest, open and unbiased communication.

5.9. Staff are bound by the behavioural expectations of the Code of Conduct.

5.10. Staff members will not generally take care of a particular complaint or complaints where there is any actual, perceived, or potential bias or conflict of interest.

Informal complaint resolution

5.11. ActivateUTS staff resolve most student complaints informally, close to where the events giving rise to the complaint took place. Complainants should make a direct approach to the individual, club or department who is the subject of the complaint or who has the knowledge, tools and resources to deal with the complaint.

5.12. Informal complaint resolution may not be suitable where the student feels personally intimidated by the individual and/or the complaint relates to allegations of any unlawful behaviour or serious misconduct (including sexual assault or harassment, discrimination, any other type of harassment, corruption, or other illegal activities). In this case, the student may seek guidance from UTS services including counselling services, or the Centre for Social Justice and Inclusion.

Formal complaint resolution

5.13. The Director of Student Engagement is responsible for assessing whether a formal process is warranted.

5.14. Formal complaints processes may involve:

- investigation by the Director of Student Engagement or an independent investigator, or
- an internal dispute resolution process such as mediation or conciliation.

5.15. In managing formal complaints, especially those of a serious nature, cooperation with external authorities and institutions, including UTS, may be sought to ensure comprehensive resolution.

5.16. The Director of Student Engagement may make recommendations to the Chief Executive Officer (CEO) based on the results of an investigation resulting from a formal complaint process.

5.17. The principle of procedural fairness will be applied to any recommendations, particularly where such recommendations may have an adverse outcome for either the complainant or the person who is the subject of the complaint.

5.18. The CEO is responsible for making final determinations resulting from a formal complaint investigation and is responsible for approving the standards and procedures for making determinations in relation to formal complaints.

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Withdrawal of a complaint

5.19. Students may withdraw a complaint at any time during the process. Students who wish to withdraw a complaint should advise the Director of Student Engagement in writing or email.

5.20. ActivateUTS will act in respect of withdrawn complaints if appropriate or required by legislation.

Recordkeeping and complaints management

5.21. Staff involved in any complaints process are to ensure that full and accurate official records are kept in line with the requirements outlined in the procedures.

5.22. All documentation relating to a complaint will be confidential and will be accessible on an as-needed basis or as required by law. This includes the responsible sharing of information with external authorities or institutions, such as UTS, under circumstances that involve serious complaints or when legal obligations necessitate such cooperation.

6. Roles and responsibilities

Accountable Officer: The Chief Executive Office is responsible for managing policy compliance and initiating the policy review process (at least every five years).

Implementation Officer: The Director of Student Engagement is the primary point of contact for advice on implementing and administrating the policy; for establishing and maintaining the official file; for proposing amendments as required; and for managing the consultation process when the policy is due for review.

Other positions and committees: All ActivateUTS staff must be aware of their obligations under the policy.

7. Version control and change history

Date	Version	Approved by and resolution no.	Amendment

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ActivateUTS Incident Reporting Process

Summary

The objective of this process is to develop the incident reporting system to help improve student well-being whilst engaging with ActivateUTS programs.

It is important to note that ActivateUTS is not an emergency support service nor are staff qualified to deal with crisis management, diagnosis, and treatment.

Process

1) Student informs initial report or concerns via the ActivateUTS Complaints form, or via an ActivateUTS staff member. The report is then categorised and handled by the relevant staff member as per the table below.

Category	Example	Action	Handler
Category 4 (Critical Risk):	Life-threatening incidents, severe mental health crises, significant criminal activities	Immediate referral to emergency services and crisis management protocols initiated	Senior Manager/CEO
Category 3 (High Risk):	Non-life-threatening injuries, serious breaches of conduct, threats to personal safety	Investigation and intervention with potential for external referrals to specialized services	Middle Manager/Senior Manager
Category 2 (Moderate Risk):	Moderate injuries, code of conduct violations, substantial disputes	Internal resolution processes, mediation, and potential disciplinary actions	Middle Manager/Senior Manager
Category 1 (Low Risk):	Minor disputes, low-level misconduct, minor injuries	Local resolution, minor disciplinary actions, and guidance	Club Coordinator/Middle Manager

2) The relevant staff member arranges a confidential meeting with the student where possible to capture information, or if it is clear it is an emergency, refers them directly to UTS Counselling or other UTS professional support services such as UTS Security. If not an emergency, a standard list of questions is asked to determine whether the incident can be managed within ActivateUTS, or requires referral to professional staff or external support services.

3) If the incident is deemed Category 1, 2 or 3, ActivateUTS will manage the process, meet with all groups involved, and deliver an outcome.

4) If the incident is Category 4, it will require referral to UTS professional support services or external groups, for example the NSW Police.

ActivateUTS

SASH reports:

- UTS Counselling notified (Vivilia.Widjaja@uts.edu.au – Head of Counselling; or Senior Clinical Psychologist Matthew.Vaughn@uts.edu.au; and if relevant, UTS Security (Shaun.Omara@uts.edu.au – Head of Security and Emergency Management)
- Student asked to fill out UTS SASH reporting form: https://forms.uts.edu.au/web/index.cfm (goes directly to Sarah.Lok@uts.edu.au and other counselling staff)

Serious Complaints (cyber-bullying, threatening behaviour, harassment):

- UTS Counselling notified (Vivilia.Widjaja@uts.edu.au – Head of Counselling, or Senior Clinical Psychologist Matthew.Vaughn@uts.edu.au and if relevant, UTS Security (Shaun.Omara@uts.edu.au – Head of Security and Emergency Management)
- ActivateUTS report sent directly to Counselling, for their follow up and referral to relevant UTS support services.

5) Once the investigation has been completed by UTS professional services, ActivateUTS is given general notification of an outcome, in order to take appropriate action via the club – e.g. remove a club member if necessary or ban from ActivateUTS events and venues.

Summary of Comments on ActivateUTS Incident Reporting Process - 2024 .pdf

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https://www.activateuts.com.au/activate-uts-policies/privacy-policy/

ABOUT OUR PRIVACY POLICY

ActivateUTS (ACN 107 038 684) (ActivateUTS, us, we, our) is a company limited by guarantee incorporated under the Corporations Act 2001 (Cth). We respect the privacy of information with which we are provided.

By visiting our website at https://www.activateuts.com.au/ (Website), joining one of our affiliated clubs or societies, attending our venues, using our goods and/or services or by otherwise providing your personal information to us, you confirm your acceptance of the terms of this policy and consent to the handling of your personal information as set out in this policy. If you do not agree with the terms of this policy, please do not join one of our affiliated clubs or societies, attend our venues, use our products, services, Website or otherwise provide us with your personal information.

Purpose

The purpose of this policy is to ensure that ActivateUTS complies with the Privacy Act 1988 (Cth) (Privacy Act) (including any amendments to the Privacy Act) and the Australian Privacy Principles (APP), which regulate how APP entities must manage personal information (as defined in the Privacy Act), and to protect your personal information, which we take very seriously.

This policy sets out how ActivateUTS collects, holds and discloses personal information.

This policy applies to all personal information provided to ActivateUTS. This includes personal information of University of Technology Sydney (UTS) students and staff, and existing and prospective members of affiliated clubs or societies. It also applies to prospective employees or volunteers who may provide ActivateUTS with personal information in relation to potential employment (whether paid or on a volunteer basis).

Collection

Types of information collected

ActivateUTS seeks to only collect personal information that is reasonably necessary to provide our services and to operate and manage our business. This may include the collection of sensitive information to enable us to provide or tailor our services to you.

The type of personal information we collect will depend on your dealings with us. The kinds of personal information we may collect includes: your name, street address, mailing address, email address, phone number, student status (including your degree(s)), date of birth, gender, proof of age, photograph, affiliations, memberships

of other organisations, live or recorded CCTV or video or audio, Internet Protocol address (IP address), other contact details and the extent of your use of (and preferences in relation to) products and services offered by, or available at or from ActivateUTS or our facilities, and other information relevant to providing you with the services you are seeking.

If you are applying for employment or volunteering with ActivateUTS, we may also collect your resume, qualifications, skills, education history, residency status, previous employment history and criminal history information.

How we collect information

Where possible, we will collect your personal information from you in a number of ways. These include, but are not limited to you:

- signing up, or signing in, to ActivateUTS via the Website with your UTS or personal credentials;
- completing and submitting a club or society membership application or renewal form;
- sharing your health information with us including any medical conditions you may have in order for us to provide our facilities or services to you;
- participating in activities or events associated with any of our clubs or societies;
- signing up to and participating in any sports events or competitions coordinated by ActivateUTS or UTS Sport; booking use of a functions space, or attending an event hosted by one of our affiliated clubs or societies;
- otherwise using our facilities or services and being observed by our staff, including use of the ActivateFit Gym, The Terrace, The Underground, The Loft UTS, UTS Red Bull Gaming Hub, and the Aerial UTS Function Centre;
- contacting us via telephone or email with queries;
- any disclosure or report you make to us including under our Complaints Policy, which may also include any sensitive or health information you disclose to us [link to Complaints Policy]
- when you make a purchase from us in person or online;
- applying for a job with us; and
- using the Website.

In general, if you contact us, we may keep a record of that correspondence.

Whilst we strive to only collect personal information about you from you, there may be circumstances where it is unreasonable or impractical to do so. For example, it may be unreasonable or impractical to collect information from you when the information is provided by other persons, the UTS, our staff or the police.

If you provide us with personal information about a third party, you represent, and we collect it on the basis, that you have that person's consent for us to collect and handle their personal information in accordance with this privacy policy.

Purpose of collection

ActivateUTS collects this personal information in order to:

- verify your age, identify you and process your membership application for any club or society;
- contact you to promote events, activities, opportunities, offers and the goods and services provided by ActivateUTS, affiliated clubs and societies, or entities in which ActivateUTS has an ownership interest (including by direct mail, telephone, SMS and MMS);
- analyse usage of the goods and services offered by ActivateUTS (including those provided by its contractors);
- provide you with goods or services you are receiving or utilising as made available by ActivateUTS;
- provide a safe environment for you, other persons and guests and our staff;
- share your information with companies in which ActivateUTS has an ownership interest for the purpose of them marketing their offerings to you;
- analyse Website usage;
- respond to your questions, comments, requests and complaints;
- process payments for products or services processed by you;
- conduct our internal business and management processes, for example accounting or auditing purposes;
- if you are a job applicant, to assess your suitability for employment with us;
- comply with any relevant obligations under legislation; and
- for any other purposes that would reasonably be expected by you.

Use and Disclosure

We only use and/or disclose your personal information for the purpose for which it was collected (e.g., for application of membership to one of our affiliated clubs or societies, to participate in any affiliated club events or activities, or to gain entry to our premises) or for other purposes as permitted by the Privacy Act or that are set out in this policy or for which you consent.

From time to time, you may be able to visit the Website or deal with us anonymously or by pseudonym. However, we require certain personal information to be able to provide you with the services and information you request. If you do not provide us with certain personal information, we may not be able to provide you with access to those services or respond to your request, or we may need to request that personal information at a later time.

For example, you are unable to join an affiliated club or society, or participate in events or activities operated by ActivateUTS, unless you have provided us with the required personal information (which may include your student ID and name).

ActivateUTS will otherwise only disclose your personal information (which may include sensitive information, where necessary) to third parties on the basis that they agree with us to keep your information confidential (except where we are authorised or required by law to disclose the information). These third parties may include (but are not limited to):
~~affiliated clubs or societies;~~

- the University of Technology Sydney and its affiliates and related entities
- Investigators, police and law enforcement authorities in connection with actual or potential misconduct, unlawful activity or matters relating to our business or licences,
- affiliated clubs or societies;
- our related companies, companies in which ActivateUTS has an ownership interest, or our agents, in order to: provide products and/or services to you; or to market their products and/or services to you;
- employees, third party service and content providers, dealers and agents, contractors and advisors, in order to: provide products and/or services to you; or to market their products and/or services to you;
- law enforcement bodies to assist in their functions, courts of law or as otherwise required or authorised by law; and
- regulatory or government bodies for the purposes of resolving customer complaints or conducting investigations.

You consent to us disclosing your personal information to the third parties listed above, and similar organisations who may in turn provide your information to other third parties. You can withdraw your consent at any time by informing us in writing (except where we are authorised or required by law to disclose the information).

Internet Users

If you access our Website we may collect additional personal information about you including your Internet Protocol (IP) address, domain name, type of operating system, type of browser and your general area of location. Also, our Website uses cookies. The main purpose of cookies is to identify users and to prepare customised web pages.

Cookies do not identify you personally, but they may link back to a database record about you. We use cookies to monitor usage of our Website and to create a personal record of when you visit our Website and what pages you view, so that we may serve you more effectively.

Marketing and Promotional Material

We may use your personal information for the purposes of marketing our services/products or to inform you of new services, promotions or events that we believe you may be interested in. For example, from time to time, ActivateUTS may wish to carry out a voluntary survey for feedback. Before collecting survey results, we will advise you of the purpose of the survey (e.g. to gain information for us to improve services, etc).

You may limit the amount of personal information you provide to us by informing us that you no longer wish to receive any promotional material from us.

Surveillance of Venues

Our premises are subject to video and at times audio surveillance for security reasons. Details of suspected or actual illegal and/or undesirable activities on our premises may be shared with UTS (or by UTS with ActivateUTS), and law enforcement bodies.

Security and storage

We may store your personal information in hard copy document or electronic form (depending on the form it was provided to us).

We are committed to keeping your personal information secure, and we will take reasonable steps to ensure that the personal information collected and held is protected from loss, or unauthorised use, access, modification or disclosure.

We will take reasonable steps to destroy or permanently de-identify your personal information when we no longer require it for any purpose for which it was collected.

We may retain your personal information for as long as necessary to comply with any applicable law, for insurance and corporate governance purposes, for the prevention of fraud and to resolve disputes. Your personal information may also be retained in our IT system back-up records.

Personal information (both electronic and hard copy) is also protected via a range of measures including but not limited to:

- single sign-on authentication when accessing our Website;
- secure storage of information in our servers and customer relationship management (CRM) technology;
- where your personal information has been provided in hard copy format, this personal information is either converted into a digital format, destroyed, or is held securely by us on site or in off site storage;
- access to information systems is controlled via access management procedures;
- ActivateUTS policies and procedures regarding keeping information secure which all employees are bound by; and
- all employees are required to complete training on information security and privacy as required.

If we receive personal information about someone that we did not solicit (either directly or by facilitating the provision of that information to us) then within a reasonable period after receiving the information we aim to destroy the information, or if destruction is not possible in the circumstances, to ensure the information is deidentified.

Where appropriate, our Website provides a secure environment by using Secure Sockets Layer (SSL). This establishes a session, and encrypts all traffic, between our web server and your browser.

There are however inherent risks in transmitting information across the internet and we cannot guarantee that any information you transmit to us over the internet is 100% secure (including personal information provided to us via our websites, via online services or via email).

Access and Correction

If you need to access your personal information that is held by us, you will be required to make a written request to ActivateUTS' Privacy Officer using the details below. Where possible, ActivateUTS will provide you access to your information, except where this information is maintained by the UTS, the Privacy Act prohibits it, or if there are exceptions under law where we may refuse your request for access.

We encourage you to update or correct your personal information when it changes, so that the information is accurate and current. This may be done through your UTS student or staff admin portal.

You may also update or correct some of your personal information through our Website and where required, notify us so that we can process the required changes. If you are not a student or staff of UTS and you believe the personal information we hold on you is incorrect, please advise us in writing by sending your letter or email to the Privacy Officer using the details below and informing us of the correct information.

We will take reasonable steps to correct our records appropriately and within a reasonable time frame, except where the information is to be corrected by UTS, the Privacy Act prohibits it or if there is an exception under law where we may refuse your correction request. ActivateUTS takes reasonable steps in the circumstances to ensure that the personal information it collects, uses or discloses is accurate, complete and up-to-date.

We will consider correspondence sent to the ActivateUTS Privacy Officer within 2 business days, and will respond to your request within 20 business days.

Complaints

If you wish to make a complaint about our use of your personal information, please put your complaint in writing, providing as much detail as possible, and forward it by letter or email to the Privacy Officer using the details below. The Privacy Officer, or another representative of ActivateUTS, will investigate the complaint and will provide you with a written response within a reasonable time following the completion of the investigation.

Feedback

If you believe ActivateUTS has not adequately dealt with your complaint, you may forward your complaint to the Office of the Australian Information Commissioner (OAIC) whose contact details are as follows:
Officer of the Australian Information Commissioner
Phone: 1300 363 992
Email: enquiries@oaic.gov.au
Post: GPO Box 5218 Sydney NSW 2001
Website: www.oaic.gov.au

Overseas Disclosure

Generally, ActivateUTS does not disclose personal information to overseas recipients in the course of our business. However, ActivateUTS may disclose personal information to overseas recipients with your consent or where we are required or authorised to do so by law. Where we do disclose your personal information to overseas third parties, we will take such steps as are reasonable to

ensure that your personal information is handled in accordance with the Privacy Act and this policy.

Data Breach

If a data breach or suspected data breach occurs, we will undertake a prompt investigation, which will include an assessment of whether the incident is likely to result in serious harm to any individuals. In such a situation we will comply with the requirements of the Privacy Act which may require notification to the OAIC and affected individuals.

Please contact us if you have reason to believe or suspect that a data breach may have occurred, so that we can investigate and, if necessary, undertake appropriate containment, risk-mitigation and notification activities as required.

Changes to Our Privacy Policy

ActivateUTS reserves the right to make changes to this policy from time to time. We will publish any changes to this policy on the Website at https://www.activateuts.com.au/activate-uts-policies/privacy-policy/. By continuing to use our products, services and Website, participating in any events or activities conducted by ActivateUTS or our affiliated clubs, or by continuing to provide us with your personal information after these changes have been published, you confirm your acceptance of these changes.

Contact us – Privacy Officer

Further information on privacy can be obtained by contacting ActivateUTS' Privacy Officer using the contact details below:
Privacy Officer
The Privacy Officer
ActivateUTS
P.O. Box 3210
Broadway NSW 2007
Email: activateuts.marketing@uts.edu.au
Updated: 12/03/2024

From: Sarah Lok
To: Kylie Readman
Subject: FW: Process of managing Sexual Assault referrals - Activate and UTS
Date: Thursday, 30 March 2023 1:08:00 PM
Attachments: image006.png
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Hi Kylie
I hope your week is going well. I wanted to touch base with you regarding an action item in the upcoming SCLG. It relates to the Sexual harm policy and coordination between UTS and Activate. At the last SCLG meeting, the students were keen to hear from me about how the coordination of approaches was going between UTS and Activate. Before you joined UTS there was a large meeting of UTS and Activate reps in which this was discussed and I believe it went to Legal for further consideration. I will check in with Legal about this as I haven't heard where this is up to. I believe they were hoping to have a formal agreement moving forward.

As I hadn't had an update since that meeting, I checked in with Cameron Kenney about his sense of how things were going – see below. I believe he has met with you?

This is a fairly complicated subject matter, as you would know, so I don't believe there are going to be quick fixes here. Every situation is different and is managed slightly differently – certainly when SSU is managing a report we are doing our upmost to keep the reporting student in control as much as possible and following it through with their interests a firm priority. We respond with a trauma-informed lens and it would be wrapped up in a counselling session if this was what the student wanted. It can be challenging when the report is against another student, who might also be a member of the same club and indeed the same faculty and in the same classes. However, Cameron and I would both have positive examples from over the last year where a student has reported to UTS or to Activate and Cameron and I have been able to work together towards a solution. This would be aided by the good working relationship we have – it makes everything easier!

I suppose I just wanted to be as prepared as possible for the discussion next week as, from the student perspective, I know that they want reporting to be seamless and are less concerned with the barriers we face around confidentiality and privacy which is understandable.

Would you like to discuss at all or is there anything further you would like me to do to prepare for the SCLG meeting for this action item? I can reach out to Kylie Gould and see how things are going within UTS Legal as a first step.

Thanks Kylie,
Sarah

From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Monday, 20 March 2023 2:19 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: RE: Process of managing Sexual Assault referrals - Activate and UTS

Hi Sarah,

Thanks for the email, and very happy to chat about this in more detail.

There has certainly been development in giving each of our areas a greater understanding and opening the communication relating to student incidents. This has allowed for a more collaborative,

supportive and effective approach.

We operate effectively within our parameters (ActivateUTS & UTS). However, we are each limited, particularly around data sharing and delivering outcomes or penalties to students. (This is what I spoke to Kylie Readman about last week).

The few points moving forward that I feel we could solidify to improve the student experience further relate to:

- When incidents details can and should be shared between the two organisations
- Which organisation will lead an investigation
- What detail can be shared relating to the incidents or investigation of the incident
- How the investigation and outcome of incidents will be treated

Looking at the long-term desired outcomes, working towards an inter-company agreement of some kind is an ideal scenario to minimise confidential information sharing but also allow singular investigations and outcomes for SASH incidents – but this needs to come from the UTS side (again, what I was discussing with Kylie R)

1. Develop an inter-company agreement between Activate UTS and UTS to enable the processes for handling incidents setting clear roles and responsibilities, reporting frameworks and strengthening the student experience to be possible.
2. Engage UTS Legal to review the agreement and ensure that this fits with the existing relationship and entity parameters between Activate UTS and UTS
3. An inter-company agreement is reached, and a communication plan was developed to roll out the arrangements across the entities.

With Kylie R supportive of us going further with this approach moving forwards, it would be good to catch up, then further discuss with Kylie G.

Regards,

___

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 - Personal affairs
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

___

My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Monday, 20 March 2023 11:52 AM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: Process of managing Sexual Assault referrals - Activate and UTS

Hi Cameron
I have been asked to give an update to the Student Council Liaison group about progress on sexual violence cases referred from Activate to UTS.

Is there any update from your perspective on our process of working together since we had that large meeting last year? I spoke with Catharine Pruscino last week and she said she was speaking to you about this recently and you were perhaps in conversation with Kylie Gould in Legal?

From my perspective, I can think of some examples which have come up since that meeting last year where you and I have worked together to make sure that all aspects are covered. But I imagine the students might be thinking that more clarity is needed for reporting.

If you did have any specific update, it would be great to have a chat at some point in the next week or so. I believe this request for info from the students came out of the joint issues we have identified when reports sit somewhere between UTS and Activate – or in both spaces really.

Thanks Cameron,
Sarah

Sarah Lok
Acting Director
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

Please note you can access 24/7 Clinical Support option with Talk Campus here

Talk campus is an anonymous app where you can talk with other students from around the world if you are struggling and worried about your mental health. Your student email address will give you free access, just download TalkCampus from the app stores. It's a place just for you, no staff, no fear of judgement, just instant ongoing support. If you're in a crisis, TalkCampus will connect you via phone right away with a clinician who can help. TalkCampus also offers a professional crisis support helpline. If you're on the platform and feeling suicidal the team will help you connect with a clinician on the phone. You can choose the language you feel most comfortable with using and it's all totally anonymous. You can also find details of the helpline and other support options in the sidebar of the app.

UTS Counselling:

9514 1177 student.services@uts.edu.au

UTS Security:
Dial 6 from a campus phone or 1800 249 559 from any phone
https://www.uts.edu.au/current-students/campus-life/your-campus/safety-and-security

Off campus:
For emergencies dial 000 for Police/Ambulance/Fire Brigade

CRICOS Code 00099F

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Think. Green. Do.
Please consider the environment before printing this email.

From: Kristyna Nikro
To: Cameron Kenney; Sarah Lok
Subject: FW: SASH Support Update - Next steps
Date: Thursday, 22 August 2024 10:53:33 AM

Good morning Cameron

Thank you for your email summarising our discussion yesterday.

I am forwarding Sarah's comments within your email below while Sarah is on leave. I believe some of these points are still work in progress, and we will address them as we continue our work on governance instruments and process alignment.

Please let me know if you have any questions.

All the best
Kristyna

Kristyna Nikro (she/her)
Executive Officer
Office of the Deputy Vice-Chancellor (Education and Students)

University of Technology Sydney
T. +61 (02) 9514 7307
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au
UTS acknowledges the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands our university stands.

From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Wednesday, August 21, 2024 12:43 PM
To: Kristyna Nikro <Kristyna.Nikro@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>; Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: Re: SASH Support Update - Next steps

Thanks for the time.

I tried to capture our key discussion to update Aimee as below.

Summary of SASH Meeting:

1. ActivateUTS Membership and Policy:
    - Ideally ActivateUTS will adopt the UTS SASH policy directly, rather than writing their own version.
    - There is a need to confirm whether the policy is adoptable as-is and can be kept the same.
    - The opt-in wording needs to be updated when someone joins ActivateUTS websites to reflect the new policy adoption and information sharing practices.
1. Reporting Process:
    - A comprehensive Student Reporting form has been completed. This form can be used by members of the public or ActivateUTS staff on behalf of a student.

- The ideal scenario for reporting was discussed:
  - a) One unified form for all SASH-related reports.
  - b) The student either fills it out directly or comes to ActivateUTS first.
  - c) If ActivateUTS has context, they provide it to the case worker or Sarah/Viv/Matt Vaughan.
  - d) It should clear that UTS is looking into the matter.
  - e) ActivateUTS's action is to pause the membership of the individual under investigation. How do we make sure UTS has contacted the student to make them aware of an investigation or report in line with this so ActivateUTS isn't first message they receive? If Activate receives the report first, I believe ActivateUTS would be the first message they receive.

3. Information Sharing:
   - A feedback loop needs to be established from UTS to ActivateUTS.
   - UTS should inform ActivateUTS about any SASH-related matters involving ActivateUTS student members. This point requires clarification - UTS will update their privacy policy to enable sharing of information about the outcome of an investigation of a SASH matter reported to UTS by Activate. UTS would inform ActivateUTS on a case by case basis in line with consent/safety concerns about SASH-related matters involving ActivateUTS student members that are reported to UTS first (ie not referred by Activate). I think this is an important distinction, as there will be many cases that come to UTS, that involve ActivateUTS members, that have no implications for Activate.
   - There is a need to clarify what information should be emailed to students in these situations.
4. ActivateUTS Actions:
   - Membership will be put on hold for the duration of a SASH investigation. (TBC one club or all ActivateUTS activities)
   - There is a need to determine when to extend bans to more clubs or all events/activities. I think this will need to be on a case by case basis and determined by the risk assessment.
5. Communication:
   - ActivateUTS materials should clearly state that all SASH-related matters involving UTS students will be reported to UTS.

Action Items:

1. ActivateUTS to implement and utilise the new reporting form link: https://forms.uts.edu.au/index.cfm?FormId=1725
2. UTS to manage and assess suitability for investigation for all instances coming through above form. Some instances coming through on the form will be disclosures and will not be investigated.
3. ActivateUTS to confirm whether they can adopt the UTS SASH policy directly, keeping it as is without modifications.
4. ActivateUTS to report back after their Board meeting (scheduled for 23/08/2024) with any queries or concerns regarding the proposed changes.
5. Kristyna and Sarah to send policy recommendations to Aimee and Cameron at ActivateUTS in

the week of 26/08/2024.

6. Schedule a follow-up meeting with Aimee, Kristyna, and other relevant parties to discuss the practicality of implementing these changes. This meeting is to be held in the week of September 2nd, 2024.
7. UTS Legal to provide insight and guidance on the opt-in wording to be used when students join the ActivateUTS website. This wording should reflect the new policy adoption and information sharing practices. Kristyna and Sarah to discuss this request with UTS Legal.

8. UTS Legal department to provide guidance on content and wording for future emails from ActivateUTS to students, particularly regarding situations where a student's membership is put on hold due to a SASH complaint to the university. Kristyna and Sarah to discuss this request with UTS Legal.

Future Discussion Points:

1. Wording of Emails: Develop standardized templates for SASH-related communications that balance sensitivity with necessary information. I'd recommend developing customisable templates, not standardized.
2. Training and Other Updates for Students: Review updates to SASH awareness and prevention training for all ActivateUTS members.

3. Scope of Bans for Alleged Offenders: Clarify pause, One club, all clubs, all activities?.

4. Cross-checking ActivateUTS Membership in SASH Reports: Do we implement a process to identify ActivateUTS members named in SASH reports, regardless of the incident's context. What if ActivateUTS or club activity isn't mentioned in the report but they are attending high risk activities?

Regards,

___

Cameron Kenney

Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs

E. cameron.kenney@uts.edu.au

Executive Assistant:

Aleen Pang | aleen.pang@uts.edu.au | 02 9514 1642

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From: Kristyna Nikro
Sent: Friday, August 16, 2024 3:11 PM
To: Kristyna Nikro <Kristyna.Nikro@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>; Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: SASH Support Update - Next steps
When: Wednesday, August 21, 2024 11:00 AM-12:00 PM.
Where: Kylie's Office - level 4b Chancellery

Hi Cameron and Aimee

I am scheduling this time to commence our discussion about the UTS and ActivateUTS governance instruments alignment in relation to SASH-related matters.

Please let me know if the proposed time does not suit you or if you have any questions.

Kind regards

Kristyna Nikro (she/her)
Executive Officer

Office of the Deputy Vice-Chancellor (Education and Students)

University of Technology Sydney
T. +61 (02) 9514 7307
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

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From: Sarah Lok
To: Cameron Kenney; Aimee Purcell; Kristyna Nikro
Cc: Kitty Ng
Subject: Notes from todays meeting - SASH Activate
Date: Friday, 6 September 2024 11:33:00 AM

Hi everyone,
See below for my rough notes

- Could CBAIT/Sarah have access to search Activate student membership to gain a list of that student's involvement – Cameron will investigate. Would be good to know if they are not members but still attend particular events (camps, weekly sport)
- Other option would be for CBAIT to ask Activate if someone is a member of a club without providing information. We would currently flag someone of significant concern w/o consent if there is an assessed risk of harm – in line with counselling confidentiality policy.
- Cameron thinks will be able to review and update Activate policies in the next week or so.
- Cameron will work on options for pop up/notification around notifying student members info will be shared with UTS
- Next meeting in 1 fortnight – Kitty can you please schedule?

Please let me know if I have missed anything,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: +61 2 9514 1174
uts.edu.au /Cricos Provider Code 00099F

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From:	Sarah Lok
To:	Kylie Gould; Kylie Readman; Vicki Chen; Roze Abraham
Cc:	Kristyna Nikro
Subject:	RE: ActivateUTS Board Request: SASH Support Update
Date:	Tuesday, 23 July 2024 12:51:00 PM
Attachments:	image001.png image002.png image003.png image004.png image005.png image006.png image007.png image008.png image009.png image011.png image012.png image013.png image014.png image015.png image016.png image017.png image019.png

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Hi all
In addition to this, I can start to work on compiling a list of updates SSU has made on the student reporting side of things in response to the Angela Hill review. This would be in addition to the spreadsheet that Kylie G has sent through. Cameron is already aware of these updates but it would not hurt to have it outlined. Cameron and I met recently to discuss policies and Dawnie was approaching Deborah Naray to discuss privacy implications around updates. I see there is much more detail about this in Kylie G's email below.

Thanks,
Sarah

From: Kylie Gould <Kylie.Gould@uts.edu.au>
Sent: Tuesday, 23 July 2024 12:45 PM
To: Kylie Readman <Kylie.Readman@uts.edu.au>; Vicki Chen <Vicki.Chen@uts.edu.au>; Roze Abraham <Roze.Abraham@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Kristyna Nikro <Kristyna.Nikro@uts.edu.au>
Subject: RE: ActivateUTS Board Request: SASH Support Update

Hi Kylie,

Now it's my turn to apologise, I thought I sent the attached email to you last week.

It is a summary of where things are up to from an OGC perspective and what has been done to date. Happy to pick this up with you when we meet shortly.

Kylie

Kylie Gould
General Counsel and Executive Director, Risk and Compliance
Office of the General Counsel, Chancellery
University of Technology Sydney
PO Box 123, BROADWAY NSW 2007
T: +61 2 9514 1926
uts.edu.au

CONFIDENTIAL AND PRIVILEGED.

If you wish to share this email with another person either inside or outside of UTS, please contact me.

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From: Kylie Readman <Kylie.Readman@uts.edu.au>
Sent: Tuesday, July 23, 2024 11:26 AM
To: Vicki Chen <Vicki.Chen@uts.edu.au>; Roze Abraham <Roze.Abraham@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>; Kylie Gould <Kylie.Gould@uts.edu.au>
Cc: Kristyna Nikro <Kristyna.Nikro@uts.edu.au>
Subject: Re: ActivateUTS Board Request: SASH Support Update

Sorry all – I thought I sent this yesterday!

Hi all,
Could I get some clarity on preparation of this response? Is anyone currently working on it and, if so, what is the timeframe for response? I am meeting with UTSSA today and College tomorrow.
Many thanks
In advance
Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance and appointments:
Jacklyn McCauley
jacklyn.mccauley@uts.edu.au | Extension x1465

I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for this land.

From: Kylie Readman <Kylie.Readman@uts.edu.au>
Date: Wednesday, 17 July 2024 at 12:53 PM
To: Vicki Chen <Vicki.Chen@uts.edu.au>, Roze Abraham <Roze.Abraham@uts.edu.au>, Sarah Lok <Sarah.Lok@uts.edu.au>, Kylie Gould <Kylie.Gould@uts.edu.au>
Cc: Kristyna Nikro <Kristyna.Nikro@uts.edu.au>
Subject: FW: ActivateUTS Board Request: SASH Support Update

Dear all,
Cameron flagged this request with me when we met on Monday. I think it would be timely to give Activate an update on progress and timelines for completion of this work with a focus on the interaction between Activate and UTS. The same should be done as an update to the College as an associated entity and the UTSSA as a group with a clear stake I the work. Ideally I'd like to have this turned around within a month – is this doable? Should some or all of us meet to discuss or could/should this be wrapped into the GBV WG work?
Many thanks
Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance and appointments:
Jacklyn McCauley
jacklyn.mccauley@uts.edu.au | Extension x1465

I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for this land.

From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Date: Wednesday, 17 July 2024 at 12:40 PM
To: Kylie Readman <Kylie.Readman@uts.edu.au>
Cc: Anne Dwyer <Anne.Dwyer@uts.edu.au>
Subject: ActivateUTS Board Request: SASH Support Update

Dear Kylie,

I hope this email finds you well. On behalf of the ActivateUTS Board, I'm writing to request an update on the University's actions to enhance support for students in SASH (Sexual Assault and Sexual Harassment) related matters.

Our primary concern is, and always has been, the well-being and appropriate support of our students. It is crucial that students receive comprehensive, timely, and sensitive support throughout any SASH-related processes. This is not just a matter of policy, but of ensuring our students feel safe, heard, and supported during what can be an incredibly challenging time.

While we acknowledge the improved collaboration between our organisations, we are increasingly concerned about the lack of visible progress in enhancing student support. Our students are seeking clarity on concrete changes and how these will directly benefit them. Additionally, from both a student support and risk management perspective, we continue to face challenges in coordinating responses to overlapping student

incidents, which underscores the need for immediate action.

We request a comprehensive update on:

1. Current initiatives to improve SASH-related complaint processes and student support mechanisms
2. Measurable outcomes of these initiatives, focusing on improved student experiences
3. Planned steps to further enhance student support, with clear timelines
4. How UTS is addressing increased government reporting requirements while prioritising student needs
5. Opportunities for ActivateUTS to further support these efforts, leveraging our close relationships with students

The well-being of our students is paramount, and we believe UTS has the potential to set a new standard in student support for SASH-related matters. ActivateUTS is committed to collaborating closely to achieve this goal.

We look forward to your detailed response and to working together to ensure our students receive the support they need and deserve.

Regards,

___

Cameron Kenney

Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs

E. cameron.kenney@uts.edu.au

Executive Assistant:

Aleen Pang | aleen.pang@uts.edu.au | 02 9514 1642

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From:	Aimee Purcell
To:	Sarah Lok; Vivilia Widjaja; Cameron Kenney
Cc:	Kristyna Nikro
Subject:	RE: Confidential
Date:	Tuesday, 30 July 2024 4:02:48 PM
Attachments:	ActivateUTS Incident Reporting Process - 2024.pdf

I do, have attached – these are my internal notes, however we use the policy and procedure attached previously as our official documents.

Thanks

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Tuesday, July 30, 2024 3:50 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Kristyna Nikro <Kristyna.Nikro@uts.edu.au>
Subject: RE: Confidential

Thanks Aimee
Did you have an updated copy of the internal process also?
Many thanks,
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Tuesday, 30 July 2024 3:38 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>; Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Kristyna Nikro <Kristyna.Nikro@uts.edu.au>
Subject: RE: Confidential

Hi Sarah

Apologies for the delay – s3.2 Personal affairs

I've attached our updated Student Complaints Policy and Procedures, which were approved by the ActivateUTS Board at the end of June. As you know, we're working on aligning closely with UTS in this process, so please let us know if you have any feedback.

Regards

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs

E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Tuesday, July 30, 2024 2:39 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Kristyna Nikro <Kristyna.Nikro@uts.edu.au>
Subject: RE: Confidential

Hi Aimee
Just checking whether we have had the updated policy through – sorry I may have missed it whilst I was on leave but I can't seem to find it.
Thanks for this – working to find opportunities for alignment.
Thanks,
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 3 July 2024 1:22 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>; Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: RE: Confidential

Sure, will send through once we've included your edits

Thanks

Aimee

Aimee Purcell
Director, Student Engagement

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, July 3, 2024 12:59 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: RE: Confidential

Thanks Aimee
Would you mind sending me your most updated copy?
Many thanks,
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 3 July 2024 12:55 PM
To: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: RE: Confidential

Hi Sarah and Viv

Thanks so much for reaching out.

The document that's been attached is our internal process, we do have a more updated copy – however I will remove Fiona's name from the list of contacts to update further.

@Vivilia Widjaja – congrats on the official role!

Anything else, please let us know

Regards

Aimee

Aimee Purcell
Director, Student Engagement

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Sent: Tuesday, July 2, 2024 1:58 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>; Aimee Purcell <Aimee.Purcell@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: Re: Confidential

Hi Aimee,

From Counselling the following is more updated information:

UTS Counselling:

- Vivilia.Widjaja@uts.edu.au – Head of Counselling
- Matthew.Vaughn@uts.edu.au - Senior Clinical Psychologist

Thank you,

Vlv

Vivilia Widjaja (she/her)

Head of Counselling Service

Clinical / Educational & Developmental Psychologist

University Counselling Service
Student Services Unit
University of Technology, Sydney, Australia
PO Box 123, Broadway, NSW 2007
Ph: 9514-1177 TTY:9514-1164
CRICOS No. 00099F

I work for UTS during these hours:

Monday: 9am-6pm

Tuesday: 10am-6pm

Thursday: 10am-7pm

Friday: 9am-6pm

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Tuesday, 2 July 2024 1:27 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: FW: Confidential

Hi Aimee

Is the attached the most recent copy of this process?

Just noting that some of the contacts on the attached are out of date – Viv can you confirm?

Thanks

Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: +61 2 9514 1174
uts.edu.au /Cricos Provider Code 00099F

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ActivateUTS Incident Reporting Process

Summary

The objective of this process is to develop the incident reporting system to help improve student well-being whilst engaging with ActivateUTS programs.

It is important to note that ActivateUTS is not an emergency support service nor are staff qualified to deal with crisis management, diagnosis, and treatment.

Process

1) Student informs initial report or concerns via the ActivateUTS Complaints form, or via an ActivateUTS staff member. The report is then categorised and handled by the relevant staff member as per the table below.

Category	Example	Action	Handler
Category 4 (Critical Risk):	Life-threatening incidents, severe mental health crises, significant criminal activities	Immediate referral to emergency services and crisis management protocols initiated	Senior Manager/CEO
Category 3 (High Risk):	Non-life-threatening injuries, serious breaches of conduct, threats to personal safety	Investigation and intervention with potential for external referrals to specialized services	Middle Manager/Senior Manager
Category 2 (Moderate Risk):	Moderate injuries, code of conduct violations, substantial disputes	Internal resolution processes, mediation, and potential disciplinary actions	Middle Manager/Senior Manager
Category 1 (Low Risk):	Minor disputes, low-level misconduct, minor injuries	Local resolution, minor disciplinary actions, and guidance	Club Coordinator/Middle Manager

2) The relevant staff member arranges a confidential meeting with the student where possible to capture information, or if it is clear it is an emergency, refers them directly to UTS Counselling or other UTS professional support services such as UTS Security. If not an emergency, a standard list of questions is asked to determine whether the incident can be managed within ActivateUTS, or requires referral to professional staff or external support services.

3) If the incident is deemed Category 1, 2 or 3, ActivateUTS will manage the process, meet with all groups involved, and deliver an outcome.

4) If the incident is Category 4, it will require referral to UTS professional support services or external groups, for example the NSW Police.

ActivateUTS

SASH reports:

- UTS Counselling notified (Vivilia.Widjaja@uts.edu.au – Head of Counselling; or Senior Clinical Psychologist Matthew.Vaughn@uts.edu.au; and if relevant, UTS Security (Shaun.Omara@uts.edu.au – Head of Security and Emergency Management)
- Student asked to fill out UTS SASH reporting form: https://forms.uts.edu.au/web/index.cfm (goes directly to Sarah.Lok@uts.edu.au and other counselling staff)

Serious Complaints (cyber-bullying, threatening behaviour, harassment):

- UTS Counselling notified (Vivilia.Widjaja@uts.edu.au – Head of Counselling, or Senior Clinical Psychologist Matthew.Vaughn@uts.edu.au and if relevant, UTS Security (Shaun.Omara@uts.edu.au – Head of Security and Emergency Management)
- ActivateUTS report sent directly to Counselling, for their follow up and referral to relevant UTS support services.

5) Once the investigation has been completed by UTS professional services, ActivateUTS is given general notification of an outcome, in order to take appropriate action via the club – e.g. remove a club member if necessary or ban from ActivateUTS events and venues.

From: Cameron Kenney
To: Sarah Lok
Subject: RE: Process of managing Sexual Assault referrals - Activate and UTS
Date: Monday, 20 March 2023 2:18:45 PM
Attachments: image006.png
image007.png

Hi Sarah,

Thanks for the email, and very happy to chat about this in more detail.

There has certainly been development in giving each of our areas a greater understanding and opening the communication relating to student incidents. This has allowed for a more collaborative, supportive and effective approach.

We operate effectively within our parameters (ActivateUTS & UTS). However, we are each limited, particularly around data sharing and delivering outcomes or penalties to students. (This is what I spoke to Kylie Readman about last week).

The few points moving forward that I feel we could solidify to improve the student experience further relate to:

- When incidents details can and should be shared between the two organisations
- Which organisation will lead an investigation
- What detail can be shared relating to the incidents or investigation of the incident
- How the investigation and outcome of incidents will be treated

Looking at the long-term desired outcomes, working towards an inter-company agreement of some kind is an ideal scenario to minimise confidential information sharing but also allow singular investigations and outcomes for SASH incidents – but this needs to come from the UTS side (again, what I was discussing with Kylie R)

1. Develop an inter-company agreement between Activate UTS and UTS to enable the processes for handling incidents setting clear roles and responsibilities, reporting frameworks and strengthening the student experience to be possible.
2. Engage UTS Legal to review the agreement and ensure that this fits with the existing relationship and entity parameters between Activate UTS and UTS
3. An inter-company agreement is reached, and a communication plan was developed to roll out the arrangements across the entities.

With Kylie R supportive of us going further with this approach moving forwards, it would be good to catch up, then further discuss with Kylie G.

Regards,

___

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Monday, 20 March 2023 11:52 AM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: Process of managing Sexual Assault referrals - Activate and UTS

Hi Cameron
I have been asked to give an update to the Student Council Liaison group about progress on sexual violence cases referred from Activate to UTS.

Is there any update from your perspective on our process of working together since we had that large meeting last year? I spoke with Catharine Pruscino last week and she said she was speaking to you about this recently and you were perhaps in conversation with Kylie Gould in Legal?

From my perspective, I can think of some examples which have come up since that meeting last year where you and I have worked together to make sure that all aspects are covered. But I imagine the students might be thinking that more clarity is needed for reporting.

If you did have any specific update, it would be great to have a chat at some point in the next week or so. I believe this request for info from the students came out of the joint issues we have identified when reports sit somewhere between UTS and Activate – or in both spaces really.

Thanks Cameron,
Sarah

Sarah Lok
Acting Director
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

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9514 1177 student.services@uts.edu.au

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For emergencies dial 000 for Police/Ambulance/Fire Brigade

CRICOS Code 00099F

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From: Cameron Kenney
To: Kristyna Nikro; Sarah Lok; Aimee Purcell
Subject: Re: SASH Support Update - Next steps
Date: Wednesday, 21 August 2024 12:42:55 PM

Thanks for the time.

I tried to capture our key discussion to update Aimee as below.

Summary of SASH Meeting:

1. ActivateUTS Membership and Policy:
    - Ideally ActivateUTS will adopt the UTS SASH policy directly, rather than writing their own version.
    - There is a need to confirm whether the policy is adoptable as-is and can be kept the same.
    - The opt-in wording needs to be updated when someone joins ActivateUTS websites to reflect the new policy adoption and information sharing practices.
2. Reporting Process:
    - A comprehensive Student Reporting form has been completed. This form can be used by members of the public or ActivateUTS staff on behalf of a student.
    - The ideal scenario for reporting was discussed:
        - a) One unified form for all SASH-related reports.
        - b) The student either fills it out directly or comes to ActivateUTS first.
        - c) If ActivateUTS has context, they provide it to the case worker or Sarah.
        - d) It should clear that UTS is looking into the matter.
        - e) ActivateUTS's action is to pause the membership of the individual under investigation. How do we make sure UTS has contacted the student to make them aware of an investigation or report in line with this so ActivateUTS isn't first message they receive?
3. Information Sharing:
    - A feedback loop needs to be established from UTS to ActivateUTS.
    - UTS should inform ActivateUTS about any SASH-related matters involving ActivateUTS members.
    - There is a need to clarify what information should be emailed to students in these situations.
4. ActivateUTS Actions:
    - Membership will be put on hold for the duration of a SASH investigation. (TBC one club or all ActivateUTS activities)
    - There is a need to determine when to extend bans to more clubs or all events/activities.
5. Communication:
    - ActivateUTS materials should clearly state that all SASH-related matters involving students will be reported to UTS.

Action Items:

1. ActivateUTS to implement and utilise the new reporting form link: https://forms.uts.edu.au/index.cfm?FormId=1725
2. UTS to manage and investigate all instances coming through above form.
3. ActivateUTS to confirm whether they can adopt the UTS SASH policy directly, keeping it as is without modifications.
4. ActivateUTS to report back after their Board meeting (scheduled for 23/08/2024) with any queries or concerns regarding the proposed changes.
5. Kristyna and Sarah to send policy recommendations to Aimee and Cameron at ActivateUTS in the week of 26/08/2024.
6. Schedule a follow-up meeting with Aimee, Kristyna, and other relevant parties to discuss the practicality of implementing these changes. This meeting is to be held in the week of September 2nd, 2024.
7. UTS Legal to provide insight and guidance on the opt-in wording to be used when students join the ActivateUTS website. This wording should reflect the new policy adoption and

information sharing practices.
8. UTS Legal department to provide guidance on content and wording for future emails from ActivateUTS to students, particularly regarding situations where a student's membership is put on hold due to a SASH complaint to the university.

Future Discussion Points:

1. Wording of Emails: Develop standardized templates for SASH-related communications that balance sensitivity with necessary information.
2. Training and Other Updates for Students: Review updates to SASH awareness and prevention training for all ActivateUTS members.
3. Scope of Bans for Alleged Offenders: Clarify pause, One club, all clubs, all activities?.
4. Cross-checking ActivateUTS Membership in SASH Reports: Do we implement a process to identify ActivateUTS members named in SASH reports, regardless of the incident's context. What if ActivateUTS or club activity isn't mentioned in the report but they are attending high risk activities?

Regards,

___

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs
E. cameron.kenney@uts.edu.au

Executive Assistant:
Aleen Pang | aleen.pang@uts.edu.au | 02 9514 1642

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From: Kristyna Nikro
Sent: Friday, August 16, 2024 3:11 PM
To: Kristyna Nikro <Kristyna.Nikro@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>; Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: SASH Support Update - Next steps
When: Wednesday, August 21, 2024 11:00 AM-12:00 PM.
Where: Kylie's Office - level 4b Chancellery

Hi Cameron and Aimee

I am scheduling this time to commence our discussion about the UTS and ActivateUTS governance instruments alignment in relation to SASH-related matters.

Please let me know if the proposed time does not suit you or if you have any questions.

Kind regards

Kristyna Nikro (she/her)
Executive Officer
Office of the Deputy Vice-Chancellor (Education and Students)

University of Technology Sydney
T. +61 (02) 9514 7307
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

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From:	Vivilia Widjaja
To:	Aimee Purcell; Sarah Lok
Subject:	Re: Updated student reporting form
Date:	Monday, 9 September 2024 1:37:06 PM
Attachments:	image001.png Outlook-roq3kytz.png Outlook-tezd3hfn.png

Hi Aimee,
This is the link.

https://forms.uts.edu.au/index.cfm?FormId=1725

Thank you,
Viv

Vivilia Widjaja (she/her)
Head of Counselling Service
Clinical / Educational & Developmental Psychologist
University Counselling Service
Student Services Unit
University of Technology, Sydney, Australia
PO Box 123, Broadway, NSW 2007
Ph: 9514-1177 TTY:9514-1164
CRICOS No. 00099F

I work for UTS during these hours:
Monday: 9am-6pm
Tuesday: 10am-6pm
Thursday: 10am-7pm
Friday: 9am-6pm

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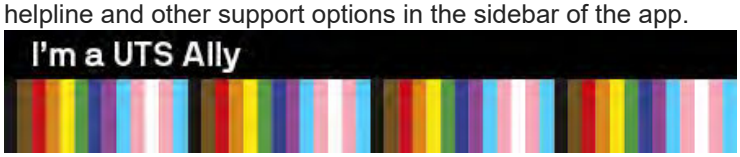

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Monday, 9 September 2024 1:06 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: Updated student reporting form

Great, thank you!

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Monday, 9 September 2024 1:04 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: Updated student reporting form

Hi Aimee
Cc'ing Viv as she should be able to provide this to you.
The flowchart is in draft form, so leave this with me and I'll circle back once I feel more confident about it.
Thanks,
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Monday, 9 September 2024 1:02 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: Updated student reporting form

Hi Sarah

Hope you had a great weekend.

I was wondering if you had a copy of the revised SASH reporting form that you could please send me. As per the recent recommendations to ActivateUTS, we'd like to update our reporting document to mirror the UTS document, to assist with streamlining the process.

Can you please confirm if this (below) is the correct form, and if there is anything further we should be asking? Also, I was wondering if you had a copy of these questions in a document that could please be sent through (and any other relevant forms or information we should be aware of)

University of Technology Sydney (uts.edu.au)

You also mentioned that you had a diagram of the reporting/investigation process once referred to UTS, I was wondering if I could also please have a copy of this?

Many thanks

Aimee

Aimee Purcell
Director**,** Student Engagement

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au
activateuts.com.au

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From: Sarah Lok
To: Cameron Kenney
Cc: Aimee Purcell; Kristyna Nikro; Vivilia Widjaja (Vivilia.Widjaja@uts.edu.au)
Subject: SASH policy updated and action items from last SASH meeting
Date: Thursday, 24 October 2024 3:57:00 PM

Hi Cameron
Just updating you with the latest SASH policy. https://www.uts.edu.au/about/uts-governance/policies/uts-policy/sexual-harm-prevention-and-response-policy

Kitty will be in touch to organise another meeting, I have copied the action items from the last meeting below. I think we may have had an update since then, but Cameron would you be able to update in the trail where things are at from your perspective? I have a meeting next week where I am likely to be asked about this - it would be great to be able to confidently conclude that we are aligned!!

- *Could CBAIT/Sarah have access to search Activate student membership to gain a list of that student's involvement – Cameron will investigate. Would be good to know if they are not members but still attend particular events (camps, weekly sport)*
- *Other option would be for CBAIT to ask Activate if someone is a member of a club without providing information. We would currently flag someone of significant concern w/o consent if there is an assessed risk of harm – in line with counselling confidentiality policy.*
- *Cameron thinks will be able to review and update Activate policies in the next week or so.*
- *Cameron will work on options for pop up/notification around notifying student members info will be shared with UTS*

Thanks so much, Kitty will be in touch with a meeting date,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: +61 2 9514 1174
uts.edu.au /Cricos Provider Code 00099F

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From: Cameron Kenney
To: Sarah Lok
Subject: RE: Report of a sexual assault
Date: Friday, 4 November 2022 2:21:59 PM
Attachments: image002.png
image003.png

Hi Sarah,

Apologies I haven't been able to find a space but have some further clarification and info you could pass on below.

As discussed, we would be able to bar s2.2 Out of Scope from ActivateUTS clubs if we were certain it was the same person and could have this confirmed.

In response to [redacted] request in regard to club exec training, along with the mandatory consent training that UTS does, ActivateUTS has been delivering a course to club executives over the last 12 months called 'Sex, Safety and Respect'

"The Sex, Safety and Respect training is a short course to prepare young people to navigate discussions around consent and sexual safety. The training gives an introduction for young people on how to best navigate being a first responder to disclosures of sexual assault or sexual harassment, or what to do if you find yourself witnessing S.A.S.H. The training goes through a few modules that include the sex and ethics framework/tool kit, the legal side of consent and sexual safety, active bystandership, and some exercises to practise discussions with alleged victims of S.A.S.H."

We have two staff members that are trained in delivering this course, and we ran it 13 times, engaging approximately 180 club execs. In 2023, we will be offering this on multiple occasions again, s2.2 Out of Scope [redacted]

I have also spoken to the clubs team about including a section in the Student Leadership Program on incident reporting and a basic guideline of the process, including encouragement for them to do the face to face course in addition to this.

Regards,

—

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

—

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Thursday, 3 November 2022 10:01 AM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: RE: Report of a sexual assault

Hi Cameron
Yes I understand. Yes I have seen a few different spellings and iterations of the name.

Thanks,
Sarah

Sarah Lok
Head of Counselling
Clinical Psychologist
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

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From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Thursday, 3 November 2022 9:38 AM
To: Sarah Lok <Sarah.Lok@uts.edu.au>

Subject: RE: Report of a sexual assault

Hi Sarah,

I'll look for a time and get back to you.

This could make it a lot easier for action on our end, but again we would be limited to club related actions and be recommending contacting the police.

[redacted]

Regards,

—

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

—

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Thursday, 3 November 2022 9:29 AM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: RE: Report of a sexual assault

Hi Cameron,
Thanks for your reply.

Yes I think a formal response would be needed. Happy for you to send this through to me so that we can pass it on. s2.2 Out of Scope
[redacted]

[redacted]

Yes we could chat on zoom on Friday –what time would suit?

Thanks,
Sarah

Sarah Lok
Head of Counselling
Clinical Psychologist
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

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From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Wednesday, 2 November 2022 8:03 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: RE: Report of a sexual assault

Hi Sarah,

Thanks for reaching out.

It has – generally I can be thankful for that means not too many incidents popping up!

I'll check if the team have received anything directly yet, but this should be enough for us to proceed with.

s2.2 Out of S asked for Activate executives to receive mandatory consent training and training about how to respond to reports of sexual assault. We have explained that we are able to pass on these requests but would need to then leave this with Activate. We do a huge amount of work in this space, but also can rely on consent training already being mandatory for UTS students. Absolutely we will take this on board and are currently reviewing our training program for execs in 2023. If you would like a formal response to pass on, I'm happy to send something through.

This is a huge step in the direction we have been pushing for re sharing information, as I will be able to pass this directly on to be investigated and see if and where there may have been a breach which would lead to disciplinary action from ActivateUTS eg dismissal from a club or position. Given the severity and impact on the individual and sitting outside of a club activity directly, depending on the response from UTS we could action purely based on the investigation that has been completed by UTS to reduce the impact on the student. This would be our preference.

Did you have any time to chat on Friday?

Regards,

—

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

—

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, 2 November 2022 11:43 AM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: Report of a sexual assault

Hi Cameron,
I hope you're well; it has been a while since we've crossed paths so I hope all is going well over at Activate.

I am emailing in relation to a report we have received which has some links to Activate and also to UTS.

s2.2 Out of Scope

I am not sure if there is any update regarding processes with managing reports between Activate and UTS? We had the meeting a little while ago and I was wondering where things had got to. Please let me know if you would like to discuss at all.

Kind regards,
Sarah

s2.2 Out of Scope

Sarah Lok
Head of Counselling
Clinical Psychologist
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177

Fax: (02) 9514 1172
uts.edu.au

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Email communications are limited in their confidentiality. We consider that email is more appropriate for the communication of simple information rather than personal problem counselling. Any reply we might send you is tailored to your particular situation, it may not be appropriate for another student. We would ask you to keep the above in mind when emailing the Counselling Unit. It is important that you know that although we check our emails regularly there may be some delay before you get a reply. You should hear from us within a couple of days. If the problem is urgent, phone Student Services reception tel. 9514 1177 between 9.00am and 6.00pm. In case of an emergency, with risk to people or property, use normal emergency procedures. Thank you

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Think. Green. Do.
Please consider the environment before printing this email.

From: Aimee Purcell
To: Sarah Lok
Cc: Cameron Kenney; Vivilia Widjaja
Subject: RE: Referral/Misconduct/Complaints
Date: Thursday, 14 September 2023 3:14:29 PM

Thanks Sarah

We don't want any specific details about the case, just want to know whether it is advisable that the s2.2 Out of Scope due to safety concerns, or not. As we have not done a full investigation into both sides of the situation, it is difficult for us to make that decision based on the initial information/assumptions that we have. Thanks for letting us know that all are receiving support, that is our main concern.

The approach suggested by UTS Legal is a good option – this final part of the process is key to us being able to manage incident reports and the safety of students effectively.

Will discuss with Cameron and will get back to you

Thanks as always Sarah

Aimee

Aimee Purcell
Director, Student Engagement
ActivateUTS

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Thursday, September 14, 2023 2:16 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Cc: Cameron Kenney <Cameron.Kenney@uts.edu.au>; Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi Aimee
At this point I have no further update. I have cc'd Viv in as she will be best placed to check consent from the students involved to update Activate.

I do understand that this is frustrating, and something we're trying to work out how to manage better, but at this stage the advice I have is that we cannot update Activate without consent from the students. In some cases students will be quite comfortable providing consent, but you might appreciate that there will be other cases where the student of concern will have no motivation to provide consent for us to update anyone. In this case we would only be able to share information as it pertains to managing imminent risk of harm.

UTS Legal were suggesting that it might be worth Activate checking their processes to see if there is an opportunity to add a clause in at the point of registration around consent to exchange information between Activate and UTS where there is a complaint/report relevant to both organisations?

s2.2 Out of Scope I can generally confirm that we are likely to also involve UTS Security in speaking with the student of concern, they would be directed not to contact anyone who had expressed concern about them and consider their behaviour more

carefully, and we would also consider a referral to Misconduct depending on what the reporting students were wanting. As you know, the misconduct process can take some time and relies quite a bit on the amount of information students are comfortable to provide.

The matter is still firmly on my radar but it would probably be prudent to consider whether there are any steps Activate might need to take given the report you have received. Let me know if you'd like to discuss at all?

Thanks
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Thursday, 14 September 2023 1:50 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi Sarah

Thank you for the recent meeting – it was great to align, and our reporting processes are now more clear as a result.

s2.2 Out of Scope

Any information would be really appreciated – thank you

Aimee

Aimee Purcell
Director, Student Engagement
ActivateUTS

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, August 30, 2023 1:38 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Cc: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Thanks Aimee,
Any time, happy to help.

Actually, I was hoping that maybe I could find a time in the next week or so to meet with you and Cameron to discuss the process of reporting and response to SASH matters.

Would this be possible?
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>

Sent: Wednesday, 30 August 2023 1:22 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Thanks Sarah. s2.2 Out of Scope

Thanks again for your quick assistance with this, really appreciated.

Aimee

Aimee Purcell
Director, Student Engagement
ActivateUTS

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, August 30, 2023 8:57 AM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Cc: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: Re: Referral/Misconduct/Complaints

Hi Aimee
s2.2 Out of Scope I completely understand that it's delicate. Let me know if there is anything we can do to help.
Sarah

Sarah Lok (she, her)
Director
Student Services Unit
UTS

> On 30 Aug 2023, at 8:40 am, Aimee Purcell <Aimee.Purcell@uts.edu.au> wrote:
>
> Hi Sarah
>
> Thank you for this update, really appreciated.
>
> s2.2 Out of Scope
>
> Thanks so much
>
> Aimee
>
> **Aimee Purcell**
> Director, Student Engagement
> ActivateUTS

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Monday, August 28, 2023 6:41 PM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi Cameron and Aimee,
s2.2 Out of Scope [redacted]

[redacted]

[redacted]

Please be assured that we are working through our processes as we would with any report of this nature - hopefully this provides some reassurance at this stage.

As you may recall from previous examples, I standardly recommend that Activate seeks legal advice in relation to external reporting obligations when SASH matters are reported. I will leave this with you but let me know if you'd like to discuss this aspect further at all. I can't provide legal advice but I do have experience in assessing which situations require some thought in terms of talking to police etc.

I hope this is helpful in terms of first steps, but if there is anything further you think we can do, or any additional information you can provide, please don't hesitate to reach out and let's discuss more. I am always happy to talk generally and confirm as much as I possibly can in line with the consent provided.

Thanks Cameron and Aimee,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

CRICOS Code 00099F

<image001.png>

From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Wednesday, 23 August 2023 9:19 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: Re: Referral/Misconduct/Complaints

Thanks Sarah,

s2.2 Out of Scope [redacted]

[redacted]

Regards,

___

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs [redacted]
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

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My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.

I acknowledge the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands UTS stands. I pay respect to the Elders both past and present, acknowledging them as the custodians of knowledge for these lands

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, August 23, 2023 1:19:55 PM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Thanks Cameron
s2.2 Out of Scope
[redacted]

Kind regards,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

CRICOS Code 00099F

<image001.png>

From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Wednesday, 23 August 2023 12:17 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi Sarah,

s2.2 Out of Scope
[redacted]

Assuming you have the information attached, this is the majority of what we gave.

Our team received this and initially escalated through Student Complaints for assistance. The goal being that the investigation is managed on UTS side and it is not duplicated by both parties.

A broad timeline of our action, in dealing with [redacted] was:

Timeline/Background:

[redacted]

Regards,

___

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, August 23, 2023 11:55 AM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi again Cameron

Just a follow up whilst I am working through this – are you able to confirm or provide any information about the following:

s2.2 Out of Scope [redacted]

I appreciate you may not be able to share all of the above, but any information you could share about this will assist us. I am looking at possible next steps with Misconduct and Security, particularly in the case where we may not have identified reports from UTS students.

Kind regards,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

CRICOS Code 00099F

<image001.png>

From: Sarah Lok
Sent: Wednesday, 23 August 2023 11:16 AM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi Cameron
Just a quick confirmation that we've spoken a few times to s2.2 Out of Scope [redacted] we will be sending [redacted] an email with information and reporting links and [redacted] will send this on to them.

In the past, it is my understanding that we have been unable to take action without identified reports but I am seeking advice on this. s2.2 Out of Scope [redacted]

Kind regards,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

CRICOS Code 00099F

From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Wednesday, 23 August 2023 8:57 AM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Thanks Sarah,

s2.2 Out of Scope

RE the reporting form you have noted, is it possible to double check the link?: https://forms.uts.edu.au/web/index.cfm - this sends me to a dead end page "Error Session has expired."

Regards,

___

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Tuesday, August 22, 2023 10:43 PM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Thanks Cameron,
s2.2 Out of Scope [redacted]

We will endeavour to gain consent to share information back to Activate as much as is possible.

Thanks again,
Sarah

From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Tuesday, 22 August 2023 10:14 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: Re: Referral/Misconduct/Complaints

Hi Sarah,

Thank you for reaching out and providing this update on the situation. I appreciate the thorough steps taken so far to address the matter involving the incident reported by [redacted].

As you may be aware I had raised my concerns after being passed on a response that read as if UTS was not continuing to take action, and it would be passed back to ActivateUTS. I'm hoping we can use this to set an example of how we can effectively manage and balance other investigations moving forward.

My goal is to ensure a seamless transition of support and communication for the students involved while maintaining a collaborative approach with UTS.

Having Counselling reach out to all potentially affected students is worthwhile, as it reflects our commitment to their well-being and providing the necessary support

during this process. I trust that the information and resources you're offering will be of great help to them.

In terms of our role, ActivateUTS's priority has been to promptly convey all relevant information to UTS for investigation and to ensure that the affected individuals receive the necessary assistance. If there are any gaps in information or if UTS requires additional details, please let me know, and we'll work together to address them.

I support your plan to engage with Misconduct and Security to discuss the next steps. It's important that we proceed in a manner that is both respectful and responsive to the concerns raised.

I can also be available tomorrow to discuss any aspects that require attention and am on campus. I understand the complexity of the situation and the importance of collaborative efforts to navigate it effectively.

Moving forward as long as communication can be managed to [redacted] and others through UTS, and we can continue to communicate - particularly around investigation outcomes and how we balance any action from UTS/ActivateUTS.

Let's continue working closely to ensure that all necessary actions are taken for the well-being of the students involved.

Regards,

___

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

___

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Tuesday, August 22, 2023 9:36 pm
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: Referral/Misconduct/Complaints

Hi Cameron
I hope all is well with you. I am reaching out as I had an email from Andrea Thompson from Misconduct yesterday about a complex SASH matter, reported by [redacted]. I understand that you have also raised concerns with Kylie about this matter.

Just so that you are aware, as I was able to view the attachments and saw the consent etc, I arranged for Counselling to reach out to [redacted]. This would generally be our first step as we prefer to talk through options with the reporting student in terms of outcomes they are wanting/support/consent for us to reach out to the student of concern. I also arranged for a discussion with CBAIT, asked Andrea if she could find out what action Activate had taken and to clarify if Security were called.

s2.2 Out of Scope [redacted] Where possible we would prefer that students only need report once – so we will reach out and offer support and inform them of the UTS reporting form - https://forms.uts.edu.au/web/index.cfm

Whilst this is occurring, due to the nature of the concerns raised, my plan was to speak to Misconduct and Security tomorrow about next steps. I see that Security were ticked on the form in terms of consent. s2.2 Out of Scope [redacted]

I appreciate this is complex and so if it would help to have a call/meeting tomorrow let me know. I'll be onsite and in and out of meetings but I'd be able to fit something in.

Thanks Cameron,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

UTS Counselling:
9514 1177 student.services@uts.edu.au

UTS Security:
Dial 6 from a campus phone or 1800 249 559 from any phone
https://www.uts.edu.au/current-students/campus-life/your-campus/safety-and-security

Off campus:
For emergencies dial 000 for Police/Ambulance/Fire Brigade

<image002.jpg>

Please note you can access 24/7 Clinical Support option with Talk Campus here
<image003.jpg>
Talk campus is an anonymous app where you can talk with other students from around the world if you are struggling and worried about your mental health. Your student email address will give you free access, just download TalkCampus from the app stores. It's a place just for you, no staff, no fear of judgement, just instant ongoing support. If you're in a crisis, TalkCampus will connect you via phone right away with a clinician who can help. TalkCampus also offers a professional crisis support helpline. If you're on the platform and feeling suicidal the team will help you connect with a clinician on the phone. You can choose the language you feel most comfortable with using and it's all totally anonymous. You can also find details of the helpline and other support options in the sidebar of the app.

CRICOS Code 00099F

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Please consider the environment before printing this email.

From:	Sarah Lok
To:	Aimee Purcell; Matthew Vaughan; Cameron Kenney
Cc:	Vivilia Widjaja
Subject:	RE: [redacted]
Date:	Tuesday, 6 August 2024 5:08:00 PM
Attachments:	image001.png image002.png

Hi Aimee
I hope to be able to clarify by Thursday,
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Tuesday, 6 August 2024 1:47 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Hi All

s2.2 Out of Scope [redacted]

[redacted]

We're hoping to be advised whether these are all now being included in a wider investigation, to determine the next course of action for ActivateUTS. I believe our combined aim is to avoid a double investigation taking place, to reduce stress for all students involved.

If you could please provide some clarification around this, so we can determine our next steps, it would be greatly appreciated.

Kind regards

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs [redacted]
E. aimee.purcell@uts.edu.au

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Friday, August 2, 2024 1:30 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

s2.2 Out of Scope [redacted]

[redacted]

s2.2 Out of Scope [redacted]

[redacted]

Thank you for your thoughts on the process as well, I do agree that the more information we can share about the process for all involved the better

Regards

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Friday, August 2, 2024 12:23 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Hi Aimee
I would suggest you go ahead with your proposed plan from the Activate perspective s2.2 Out of Scope [redacted]

On a related but more process-focused note, I wanted to highlight something that I think would be a good message for us to be reiterating across the board.

Namely, that when we follow a trauma-informed approach, it can often take time, due to the pace being largely determined by the reporting student. Clinically, we often find that reporting students present with uncertainty and apprehension and careful and consistent support is a large focus in the first instance. It is also very common for those reporting SASH matters to change their minds regarding what outcomes they want, what approach they want and their consent levels re sharing information with others – this is just the nature of working with SASH. As a trauma-informed approach is focused on giving the reporting person agency and choice, this also can lead to delays for the process.

Of course, safety comes first and sometimes we need to take very urgent action, but we have also found when reporting to the police that they follow the pace of the victim/survivor in most cases. It can be tricky to balance this with procedural fairness if there is a student who is the subject of the report – something we're very conscious of.

It occurred to me that, even though we are all very much aware of the time involved in responding to these reports, it would be useful for us to be all sharing this kind of information about the trauma-informed approach in the SASH conversations we are having right now. I am not sure that everyone involved would necessarily be aware of these specific aspects and how they impact on the process and I think it's a good message for all of us to be sharing.

Hopefully it is helpful for me to put some language to this as I've been reflecting on it a lot and I know that we have all been managing this in our different roles particularly over the last year.

Always happy to discuss,
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Friday, 2 August 2024 11:46 AM
To: Sarah Lok <Sarah.Lok@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Hi Sarah

It's come to my attention that the student that has been suspended from [redacted] s2.2 Out of Scope [redacted]

[redacted]

I can provide a brief statement to the [redacted] staff member saying that he is unable to participate in [redacted] club activities due to a confidential investigation that UTS is managing, [redacted] I'm unsure if any correspondence should be supplied by UTS as well and thought I should make you aware of this.

Please let me know the best way for us to proceed with this, to maintain alignment. The matter is somewhat urgent. [redacted]

Kind regards

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, July 31, 2024 4:42 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Hi Aimee,

Thanks so much for outlining these considerations – although it is complex it really does feel like we're getting better and better at this!

See my comments below and let me know if any of this poses a problem for Activate,

Sarah

To confirm our understanding of the situation:

1. ActivateUTS has passed on the formal notification of a SASH report to UTS. We have received your notes and I am treating this as a SASH report, thanks Aimee. In terms of progressing this report, Counselling will ask to use the Counselling notes as the student's statement. If we are not able to do this, we will ask the student if we can use your notes. Let me know if you have any concerns about this. For the initial assessment, s2.2 Out of Scope [redacted] we do require something in writing to review.

2. UTS will manage all aspects of the SASH allegations, including all communication with both the alleged offender and those reporting the incident. We will follow the SASH policy at Sexual Harm Prevention and Response Policy | University of Technology Sydney (uts.edu.au) There may be Activate-focused elements for you to consider, which we would not necessarily be aware of s2.2 Out of Scope [redacted] Yes we will allocate a Counsellor to provide support and act as a contact person for the [redacted] student. I would suggest, however, that Activate continues to be the contact for aspects related to club membership. I presume the basic there would be that membership is paused due to a SASH allegation and will continue to be paused for the duration of the investigation.

3. ActivateUTS has suspended the alleged offender's club membership in line with our standard procedures. We will require confirmation of the outcome of UTS's investigation to consider reinstatement. We will be able to provide an update to Activate with the student's consent or if there are significant safety concerns. This element remains a roadblock for us and as you know we are working on aligning policies and have alerted our privacy officer that we need to find a solution to this roadblock. I will do everything I can to manage this for us smoothly.

4. ActivateUTS can investigate the non-SASH aspects of the complaints separately. Thanks for confirming

5. We need explicit confirmation that UTS is fully responsible for the management of the reported SASH incident and a contact person to direct the alleged offender to for more information – s2.2 Out of Scope [redacted] We will follow the policy, please see comments above for aspects that might relate specifically to Activate that I would not be across. I do not work in isolation and it is possible that other staff involved in the assessment will raise additional concerns or queries. I will endeavour to update you in line with consent. Vivilia Widjaja is the best contact for the [redacted] student initially as she can allocate a UTS Counsellor to provide support and act as a contact person for [redacted] I am in the middle of a recruitment process for safety caseworkers who will manage this moving forward but whilst we wait, UTS Counselling are best placed for this function.

Given our recent discussions about enhancing support for students in SASH-related matters, it's crucial that we ensure clear communication channels and responsibilities, to avoid confusion or duplication of efforts. We're ready to assist in any way that we can - please let me know if there are any aspects that need adjustment or clarification as soon as possible. Completely agree, we are on the same page.

I've included @Cameron Kenney to keep him up to date with the process

Kind regards

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs [redacted]
E. aimee.purcell@uts.edu.au

From: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Sent: Wednesday, July 31, 2024 2:29 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>

Subject: RE: [redacted]

Thanks Aimee,

Apologies if I have caused some confusion. I think my concern was that Sarah had stated there would need to be a formal report made by the student in order for Activate to pause the alleged perpetrator's membership. I did not take your notes and email to us to be a formal report and was concerned that our Counselling report form (which a counsellor would complete after speaking with [redacted]) will not contain enough detail in and of itself to stand as a formal report on which action could be taken around the [redacted] student's membership either. I understand now that you are considering [redacted]'s report to you yesterday as a formal complaint and you/Activate can act on the basis of that with regard to student membership.

Counselling can contact [redacted] today, get more information from [redacted] about the incident, and with [redacted] consent can pass this on to CBAIT for them to discuss next steps regarding any referral to Misconduct for investigation, but this is separate to the student's managing the Activate club membership side of things so I wanted to be sure on that.

We will reach out to [redacted] now and we can discuss with [redacted] about her doing a form herself or consenting to us sharing the details with CBAIT for that side of things.

Thanks,
Matt

Matthew Vaughan
Senior Clinical Psychologist/Acting Head of Counselling (Wednesdays)
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au
CRICOS Code 00099F

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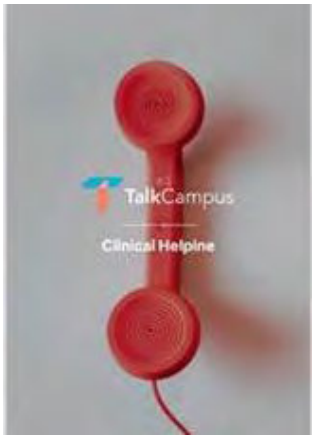

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there may be some delay before you get a reply. You should hear from us within a couple of days. If the problem is urgent, phone Student Services reception tel. 9514 1177 between 9.00am and 6.00pm. In case of an emergency, with risk to people or property, use normal emergency procedures. Thank you

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Think. Green. Do.
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From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 31 July 2024 1:57 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

I did initially ask for a statement from [redacted] but then Matt said that Counselling could reach out to [redacted] for the details of the report instead based on my initial referral, I have included and is in the email below. Apologies if I misunderstood.

Was just following up on Sarah's email when yours came through. Misconduct have advised that they don't investigate sexual harm incidents per se, but that the matter should be referred to Counselling in the first instance (as you have done) and then Counselling can reach out to [redacted] to offer support and get consent to share [redacted] report with staff involved in campus safety and wellbeing (CBAIT) who can review and determine next steps. Can you confirm that you are happy for Counselling to reach out to [redacted]?

Counselling can also discuss all reporting options (including police, etc), as well as find out more about any ongoing concerns around shared classes, etc.

I will again ask [redacted] to fill in the UTS SASH form instead, to avoid duplication – would this be the best option?

Thanks

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, July 31, 2024 1:45 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>

Subject: RE: [redacted]

Hi Aimee
Replying quickly, I thought we were waiting on a statement from the student and that what you had sent through were your notes? In the past you had forms completed I think.

Thanks,
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 31 July 2024 1:38 PM
To: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Thanks Matt. The meeting I had with [redacted] yesterday was considered a formal complaint [redacted], which I have referred on to UTS. I have previously been told that the way to refer SASH reports to UTS is via Counselling, which is what I did. Is there another way I should be lodging this to make it a formal report?

[redacted] mentioned that [redacted] didn't feel comfortable using a form to make the complaint and wanted to do so verbally, with ActivateUTS as [redacted] initial point of contact. Our policy is to pass all SASH related reports directly to UTS, for UTS to manage, and to avoid double handling and the student having to repeat their report several times.

s2.2 Out of Scope [redacted]

I had assumed that by passing [redacted] disclosure on to UTS, and giving [redacted] consent to be contacted about it, someone would be able to then contact [redacted] to determine the further information required and start the next steps of the UTS process in dealing with SASH reports. [redacted] does not need counselling support, but just wants to make a formal report about this incident.

To clarify where we are at (please let me know if these are not correct):

- ActivateUTS considers [redacted]'s SASH complaint formal, has referred this on to UTS, and will be pausing [redacted]'s membership today.
- ActivateUTS will investigate the separate s2.2 Out of Scope related complaints from the other students, using the ActivateUTS Clubs Code of Conduct, and will communicate with all students around this process.
- ActivateUTS expects that UTS will investigate the SASH related incident and will be communicating with both students on this.
- ActivateUTS expects that UTS will provide information on recommendations as to whether [redacted]'s membership should be reinstated or not following their investigation, as [redacted] membership will remain suspended until we receive notification from UTS on an outcome.

Many thanks

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Sent: Wednesday, July 31, 2024 12:15 PM

To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Thanks Aimee,

A counsellor will contact [redacted] today to offer support but from Sarah's email below it sounds like [redacted] will still need to make a formal report to Activate in order for [redacted]'s membership to be paused. I just want to clarify whether [redacted] having a conversation with Counselling can be used in lieu of [redacted] filling out the report form for this to happen. The staff reporting form that counsellor fill out after receiving a disclosure does not have scope for providing much detail about the incident/alleged perpetrator.

I have copied your separate reply to me into this thread in order to keep it all in one place.

Thanks,
Matt

Matthew Vaughan
Senior Clinical Psychologist/Acting Head of Counselling (Wednesdays)
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au
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you, no staff, no fear of judgement, just instant ongoing support. If you're in a crisis, TalkCampus will connect you via phone right away with a clinician who can help. TalkCampus also offers a professional crisis support helpline. If you're on the platform and feeling suicidal the team will help you connect with a clinician on the phone. You can choose the language you feel most comfortable with using and it's all totally anonymous. You can also find details of the helpline and other support options in the sidebar of the app.

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Please consider the environment before printing this email.

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 31 July 2024 11:50 AM
To: Sarah Lok <Sarah.Lok@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Thanks Sarah, this has helped to clarify. I think we all agree that the membership needs to be paused immediately based on the formal report, however I wanted to make sure that the next steps in the process were clear before initiating this.

Appreciate the information about referring on to Misconduct too.

Many thanks

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, July 31, 2024 11:40 AM
To: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Aimee Purcell <Aimee.Purcell@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Hi all
Sorry that I am not able to meet up today due to back to backs. s2.2 Out of Scope [redacted] I was thinking that a decision was made by Activate to pause membership when there has been a formal/documented SASH report – this seems prudent. I believe the next steps following this would be that Activate will consider their own investigative responsibilities and (if the student consents), Activate will refer the SASH matter formally to UTS for consideration and UTS will then be in touch with [redacted] in due course.

Do we all agree that this sounds reasonable? Thinking through the last referral, this would roughly be where we landed in the end.

Regarding the additional reports/concerns, we do need to collect each report separately but they could all be forwarded to Misconduct with consent. If Activate can conduct their process with each student, collect relevant info etc, and pass on in line with the agreed process and each student's wishes that would be best. In terms of how we would manage a report from someone who did not want to be identified, I think we would need to discuss this once we have more details of the behaviour reported.

Thanks
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 31 July 2024 11:49 AM
To: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Thanks Matthew. [redacted] did give consent for [redacted] report to be shared with UTS and for the next steps to be taken, including being contacted by UTS. I have notified [redacted] via email that someone from Counselling will reach out for further information, in place of [redacted] filling out the form.

Many thanks

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Sent: Wednesday, 31 July 2024 10:44 AM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Hi Aimee,

Was just following up on Sarah's email when yours came through. Misconduct have advised that they don't investigate sexual harm incidents per se, but that the matter should be referred to Counselling in the first instance (as you have done) and then Counselling can reach out to [redacted] to offer support and get consent to share [redacted] report with staff involved in campus safety and wellbeing (CBAIT) who can review and determine next steps. Can you confirm that you are happy for Counselling to reach out to [redacted]?

Counselling can also discuss all reporting options (including police, etc), as well as find out more about any ongoing concerns around shared classes, etc.

Perhaps Sarah can advise on any other considerations before emailing the alleged preparator but would be important to include information about Counselling for [redacted].

Kind regards,
Matt

Matthew Vaughan
Senior Clinical Psychologist/Acting Head of Counselling (Wednesdays)
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

CRICOS Code 00099F

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From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 31 July 2024 10:31 AM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Subject: RE: [redacted]

Thanks Sarah, answers below.

If there was time for a quick call or meeting today with either yourself or Matt to align on the next steps and responsibilities of each group, it would be great – please let me know

Thanks so much

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, July 31, 2024 8:26 AM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Subject: Re: [redacted]

Hi all
Thanks for your email Aimee, see below for some initial questions from me:

s2.2 Out of Scope [redacted]

- if UTS is to investigate we would need consent for misconduct and it would be good to provide [redacted] with the UTS SASH policy which details how matters are investigated so [redacted] is clear how detailed this could potentially *be. This has been provided, along with the link to report to UTS. To note,* [redacted] *didn't make a report initially as* [redacted] *didn't feel comfortable with the form or making an initial written report, and wanted to speak to someone about it first. I have now explained the UTS process and encouraged* [redacted] *to report via the link*
- s2.2 Out of Scope [redacted] have options to report to police been explored as well as any obligation to report from Activate (it may not meet criteria but just noting this so it is considered by Activate). Are there any health and safety policies that covered this event? s2.2 Out of Scope [redacted]
- I assume the [redacted] other non SASH matters would be managed via the Activate complaints policy but good to confirm. Yes this is correct.
- great to see we now have a process where membership is paused when a SASH matter has been reported. I feel this is a really positive outcome of the work done between us to date. We have a draft ready to go, but would like to confirm the clear next steps in the process before sending, to avoid confusion or distress for the student
- all affected students can be referred to counselling for support, including [redacted] – this has been done

This so what is top of mind for me, but as we know, these matters develop over time and I'm

sure I'll have more questions.

Thanks all
Sarah

Sarah Lok (she, her)
Director
Student Services Unit
UTS

On 30 Jul 2024, at 6:58 pm, Aimee Purcell <Aimee.Purcell@uts.edu.au> wrote:

Thanks for the quick response Viv.

@Matthew Vaughan I'm on campus tomorrow so happy to pop up to you for a quick meeting when you have time – please let me know

Many thanks

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Sent: Tuesday, July 30, 2024 6:55 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Subject: Re: [redacted]
Importance: High

Hi Aimee,
Sorry to hear that this happened.
Thank you for sharing this and assisting the students initially.
s2.2 Out of Scope [redacted]

Unfortunately I will not be working today but Matthew Vaughan will be acting instead.
I'm copying him in this email. I can pick this up again on Thursday.

I agree a meeting with Counselling and/or Sarah Lok would be important.
Matt, would you mind facilitating this?

Thank you,
Viv

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Tuesday, 30 July 2024 6:50 PM
To: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: [redacted]

Hi Viv

I'd like to notify you of a SASH report that has been made to me this afternoon, from a student in the [redacted], [redacted]. I'm waiting on a statement from [redacted] but thought I would send my notes from [redacted] verbal report through to you in the first instance. [redacted] I have also asked [redacted] to fill out the UTS SASH reporting form.

s2.2 Out of Scope [redacted]

I am also compiling this information, however due to the SASH report from today I wanted to provide you with this report prior (especially with O Day happening this week and with students coming back to campus).

s2.2 Out of Scope [redacted]

I was hoping I could arrange a meeting or Teams call tomorrow with yourself and/or @Sarah Lok to discuss how best to approach this. Due to the nature of the report, I assume that this would be best directly handled by UTS as per the UTS process, including communications with the student, but would like to discuss to make sure it's clear, and would also like to offer our full support in assisting with anything that is required.

s2.2 Out of Scope [redacted]

Please let me know when would suit to meet to discuss

Kind regards

Aimee

Aimee Purcell
Director**,** Student Engagement

P. 02 9514 2832 | **M.** s3.2 Personal affairs [redacted]
E. aimee.purcell@uts.edu.au
activateuts.com.au

<image001.png>

I acknowledge the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands UTS stands. I pay respect to the Elders both past and present, acknowledging them as the custodians of knowledge for these lands.

From:	Aimee Purcell
To:	Matthew Vaughan; Sarah Lok; Cameron Kenney
Cc:	Vivilia Widjaja
Subject:	RE: [redacted]
Date:	Wednesday, 31 July 2024 4:06:58 PM
Attachments:	image001.png image002.png

Thanks Matt.

To confirm our understanding of the situation:

1. ActivateUTS has passed on the formal notification of a SASH report to UTS.

2. UTS will manage all aspects of the SASH allegations, including all communication with both the alleged offender and those reporting the incident.

3. ActivateUTS has suspended the alleged offender's club membership in line with our standard procedures. We will require confirmation of the outcome of UTS's investigation to consider reinstatement.

4. ActivateUTS can investigate the non-SASH aspects of the complaints separately.

5. We need explicit confirmation that UTS is fully responsible for the management of the reported SASH incident and a contact person to direct the alleged offender to for more information s2.2 Out of Scope [redacted]

Given our recent discussions about enhancing support for students in SASH-related matters, it's crucial that we ensure clear communication channels and responsibilities, to avoid confusion or duplication of efforts. We're ready to assist in any way that we can - please let me know if there are any aspects that need adjustment or clarification as soon as possible.

I've included @Cameron Kenney to keep him up to date with the process

Kind regards

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Sent: Wednesday, July 31, 2024 2:29 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Thanks Aimee,

Apologies if I have caused some confusion. I think my concern was that Sarah had stated there would need to be a formal report made by the student in order for Activate to pause the alleged perpetrator's membership. I did not take your notes and email to us to be a formal report and was concerned that our Counselling report form (which a counsellor would complete after speaking with [redacted]) will not contain enough detail in and of itself to stand as a formal report on which action could be taken around the [redacted] student's membership either. I understand now that you are considering [redacted]'s report to you yesterday as a formal complaint and you/Activate can act on the basis of that with regard to student membership.

Counselling can contact [redacted] today, get more information from [redacted] about the incident, and with [redacted] consent can pass this on to CBAIT for them to discuss next steps regarding any referral to Misconduct for investigation, but this is separate to the student's managing the Activate club membership side of things so I wanted to be sure on that.

We will reach out to [redacted] now and we can discuss with [redacted] about [redacted] doing a form [redacted] or consenting to us sharing the details with CBAIT for that side of things.

Thanks,
Matt

Matthew Vaughan
Senior Clinical Psychologist/Acting Head of Counselling (Wednesdays)
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
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Think. Green. Do.
Please consider the environment before printing this email.

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 31 July 2024 1:57 PM

To: Sarah Lok <Sarah.Lok@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

I did initially ask for a statement from [redacted] but then Matt said that Counselling could reach out to [redacted] for the details of the report instead based on my initial referral, I have included and is in the email below. Apologies if I misunderstood.

Was just following up on Sarah's email when yours came through. Misconduct have advised that they don't investigate sexual harm incidents per se, but that the matter should be referred to Counselling in the first instance (as you have done) and then Counselling can reach out to [redacted] to offer support and get consent to share [redacted] report with staff involved in campus safety and wellbeing (CBAIT) who can review and determine next steps. Can you confirm that you are happy for Counselling to reach out to [redacted]?

Counselling can also discuss all reporting options (including police, etc), as well as find out more about any ongoing concerns around shared classes, etc.

I will again ask [redacted] to fill in the UTS SASH form instead, to avoid duplication – would this be the best option?

Thanks

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, July 31, 2024 1:45 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Hi Aimee
Replying quickly, I thought we were waiting on a statement from the student and that what you had sent through were your notes? In the past you had forms completed I think.

Thanks,
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 31 July 2024 1:38 PM
To: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Thanks Matt. The meeting I had with [redacted] yesterday was considered a formal complaint [redacted], which I have referred on to UTS. I have previously been told that the way to refer SASH reports to UTS is via Counselling, which is what I did. Is there another way I should be lodging this to make it a formal report?

[redacted] mentioned that [redacted] didn't feel comfortable using a form to make the complaint and wanted to do so verbally, with ActivateUTS as [redacted] initial point of contact. Our policy is to pass all SASH related reports

directly to UTS, for UTS to manage, and to avoid double handling and the student having to repeat their report several times.

s2.2 Out of Scope

I had assumed that by passing [redacted] disclosure on to UTS, and giving [redacted] consent to be contacted about it, someone would be able to then contact [redacted] to determine the further information required and start the next steps of the UTS process in dealing with SASH reports. [redacted] has said [redacted] does not need counselling support, but just wants to make a formal report about this incident.

To clarify where we are at (please let me know if these are not correct):

- ActivateUTS considers [redacted]'s SASH complaint formal, has referred this on to UTS, and will be pausing [redacted]'s membership today.
- ActivateUTS will investigate the separate [redacted] related complaints from the other students, using the ActivateUTS Clubs Code of Conduct, and will communicate with all students around this process.
- ActivateUTS expects that UTS will investigate the SASH related incident and will be communicating with both students on this.
- ActivateUTS expects that UTS will provide information on recommendations as to whether [redacted]'s membership should be reinstated or not following their investigation, as [redacted] membership will remain suspended until we receive notification from UTS on an outcome.

Many thanks

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Sent: Wednesday, July 31, 2024 12:15 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Thanks Aimee,

A counsellor will contact [redacted] today to offer support but from Sarah's email below it sounds like [redacted] will still need to make a formal report to Activate in order for [redacted]'s membership to be paused. I just want to clarify whether [redacted] having a conversation with Counselling can be used in lieu of [redacted] filling out the report form for this to happen. The staff reporting form that counsellor fill out after receiving a disclosure does not have scope for providing much detail about the incident/alleged perpetrator.

I have copied your separate reply to me into this thread in order to keep it all in one place.

Thanks,
Matt

Matthew Vaughan

Senior Clinical Psychologist/Acting Head of Counselling (Wednesdays)
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au
CRICOS Code 00099F

Please note you can access 24/7 Clinical Support option with Talk Campus here

Talk campus is an anonymous app where you can talk with other students from around the world if you are struggling and worried about your mental health. Your student email address will give you free access, just download TalkCampus from the app stores. It's a place just for you, no staff, no fear of judgement, just instant ongoing support. If you're in a crisis, TalkCampus will connect you via phone right away with a clinician who can help. TalkCampus also offers a professional crisis support helpline. If you're on the platform and feeling suicidal the team will help you connect with a clinician on the phone. You can choose the language you feel most comfortable with using and it's all totally anonymous. You can also find details of the helpline and other support options in the sidebar of the app.

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From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 31 July 2024 11:50 AM
To: Sarah Lok <Sarah.Lok@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Thanks Sarah, this has helped to clarify. I think we all agree that the membership needs to be paused immediately based on the formal report, however I wanted to make sure that the next steps in the process were clear before initiating this.

Appreciate the information about referring on to Misconduct too.

Many thanks

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, July 31, 2024 11:40 AM
To: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Aimee Purcell <Aimee.Purcell@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Hi all
Sorry that I am not able to meet up today due to back to backs. s2.2 Out of Scope [redacted] I was thinking that a decision was made by Activate to pause membership when there has been a formal/documented SASH report – this seems prudent. I believe the next steps following this would be that Activate will consider their own investigative responsibilities and (if the student consents), Activate will refer the SASH matter formally to UTS for consideration and UTS will then be in touch with [redacted] in due course.

Do we all agree that this sounds reasonable? Thinking through the last referral, this would roughly be where we landed in the end.

Regarding the additional reports/concerns, we do need to collect each report separately but they could all be forwarded to Misconduct with consent. If Activate can conduct their process with each student, collect relevant info etc, and pass on in line with the agreed process and each student's wishes that would be best. In terms of how we would manage a report from someone who did not want to be identified, I think we would need to discuss this once we have more details of the behaviour reported.

Thanks
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 31 July 2024 11:49 AM
To: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Thanks Matthew. [redacted] did give consent for [redacted] report to be shared with UTS and for the next steps to be taken, including being contacted by UTS. I have notified [redacted] via email that someone from Counselling will reach out for further information, in place of [redacted] filling out the form.

Many thanks

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** [redacted s3.2 Personal affairs]
E. aimee.purcell@uts.edu.au

From: Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Sent: Wednesday, 31 July 2024 10:44 AM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: [redacted]

Hi Aimee,

Was just following up on Sarah's email when yours came through. Misconduct have advised that they don't investigate sexual harm incidents per se, but that the matter should be referred to Counselling in the first instance (as you have done) and then Counselling can reach out to [redacted] to offer support and get consent to share [redacted] report with staff involved in campus safety and wellbeing (CBAIT) who can review and determine next steps. Can you confirm that you are happy for Counselling to reach out to [redacted]?

Counselling can also discuss all reporting options (including police, etc), as well as find out more about any ongoing concerns around shared classes, etc.

Perhaps Sarah can advise on any other considerations before emailing the alleged preparator but would be important to include information about Counselling for [redacted]

Kind regards,
Matt

Matthew Vaughan
Senior Clinical Psychologist/Acting Head of Counselling (Wednesdays)
Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au
CRICOS Code 00099F

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there may be some delay before you get a reply. You should hear from us within a couple of days. If the problem is urgent, phone Student Services reception tel. 9514 1177 between 9.00am and 6.00pm. In case of an emergency, with risk to people or property, use normal emergency procedures. Thank you

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From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Wednesday, 31 July 2024 10:31 AM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Subject: RE: [redacted]

Thanks Sarah, answers below.

If there was time for a quick call or meeting today with either yourself or Matt to align on the next steps and responsibilities of each group, it would be great – please let me know

Thanks so much

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs [redacted]
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, July 31, 2024 8:26 AM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Cc: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Subject: Re: [redacted]

Hi all
Thanks for your email Aimee, see below for some initial questions from me:

s2.2 Out of Scope [redacted]

- if UTS is to investigate we would need consent for misconduct and it would be good to provide [redacted] with the UTS SASH policy which details how matters are investigated so [redacted] is clear how detailed this could potentially *be*. *This has been provided, along with the link to report to UTS. To note,* [redacted] *didn't make a report initially as* [redacted] *didn't feel comfortable with the form or making an initial written report, and wanted to speak to someone about it first. I have now explained the UTS process and encouraged* [redacted] *to report via the link*
- s2.2 Out of Scope [redacted] have options to report to police been explored as well as any obligation to report from Activate (it may not meet criteria but just noting this so it is considered by Activate). Are there any health and safety policies that covered this event? s2.2 Out of Scope [redacted]
- I assume the [redacted] other non SASH matters would be managed via the Activate complaints policy but good to confirm. Yes this is correct.
- great to see we now have a process where membership is paused when a SASH matter has been reported. I feel this is a really positive outcome of the work done between us to date. We have a draft ready to go, but would like to confirm the clear next steps in the process before sending, to avoid confusion or distress for the student
- all affected students can be referred to counselling for support, including [redacted] – this has been done

This so what is top of mind for me, but as we know, these matters develop over time and I'm sure I'll have more questions.

Thanks all
Sarah

Sarah Lok (she, her)
Director
Student Services Unit
UTS

> On 30 Jul 2024, at 6:58 pm, Aimee Purcell <Aimee.Purcell@uts.edu.au> wrote:
>
> Thanks for the quick response Viv.
>
> @Matthew Vaughan I'm on campus tomorrow so happy to pop up to you for a quick meeting when you have time – please let me know
>
> Many thanks

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Sent: Tuesday, July 30, 2024 6:55 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Subject: Re: [redacted]
Importance: High

Hi Aimee,
Sorry to hear that this happened.
Thank you for sharing this and assisting the students initially.
s2.2 Out of Scope [redacted]

Unfortunately I will not be working today but Matthew Vaughan will be acting instead.
I'm copying him in this email. I can pick this up again on Thursday.

I agree a meeting with Counselling and/or Sarah Lok would be important.
Matt, would you mind facilitating this?

Thank you,
Viv

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Tuesday, 30 July 2024 6:50 PM
To: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: [redacted]

Hi Viv

I'd like to notify you of a SASH report that has been made to me this afternoon, from a student in the [redacted], [redacted]. I'm waiting on a statement from [redacted] but thought I would send my notes from [redacted] verbal report through to you in the first instance. s2.2 [redacted] I have also asked [redacted] to fill out the UTS SASH reporting form.

s2.2 Out of Scope [redacted]

I am also compiling this information, however due to the SASH report from today I wanted to provide you with this report prior (especially with O Day happening this week and with students coming back to campus).

s2.2 Out of Scope

I was hoping I could arrange a meeting or Teams call tomorrow with yourself and/or @Sarah Lok to discuss how best to approach this. Due to the nature of the report, I assume that this would be best directly handled by UTS as per the UTS process, including communications with the student, but would like to discuss to make sure it's clear, and would also like to offer our full support in assisting with anything that is required.

s2.2 Out of Scope

Please let me know when would suit to meet to discuss

Kind regards

Aimee

Aimee Purcell
Director, Student Engagement

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au
activateuts.com.au

I acknowledge the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands UTS stands. I pay respect to the Elders both past and present, acknowledging them as the custodians of knowledge for these lands.

From: Aimee Purcell
To: Sarah Lok
Subject: Re: Report: [redacted]
Date: Tuesday, 25 March 2025 1:27:03 PM

Hi Sarah

We established that once UTS notified a student that they were undergoing a review by UTS Misconduct, we would then notify them that as a result their membership was suspended.

Let me know if you need anything else around this

Kind regards

Aimee

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Tuesday, 25 March 2025 12:34 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: Re: Report: [redacted]

Hi Aimee
Can you confirm the approach established last year was that Activate membership would be paused if a SASH matter was reported to Misconduct? This was my understanding.
Thanks
Sarah

Sarah Lok (she, her)
Director
Student Services Unit
UTS

> On 24 Mar 2025, at 12:05 pm, Aimee Purcell <Aimee.Purcell@uts.edu.au> wrote:
>
> Dear Viv
>
> Thanks for your email.
>
> This case has already been referred to UTS via the Safety Caseworkers. I have emailed [redacted] to notify [redacted] that [redacted] could contact Holly via the safety.caseworker email to lodge the report and for further support around these claims.
>
> Now that the case has been referred to UTS, we are waiting on notification of whether we should take further action, such as suspending [redacted].
>
> Regarding [redacted] governance, and incidents that happened at the [redacted], there is

currently an active review taking place by ActivateUTS to determine next steps.

If there's anything else that you need from an ActivateUTS perspective, please don't hesitate to let me know.

Kind regards

Aimee

From: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Sent: Monday, 24 March 2025 10:07 AM
To: s2.2 Out of Scope [redacted] Aimee Purcell <Aimee.Purcell@uts.edu.au>; Holly Choi <Holly.Choi@uts.edu.au>
Cc: Sarah Lok <Sarah.Lok@uts.edu.au>; Matthew Vaughan <Matthew.Vaughan@uts.edu.au>
Subject: Fw: Report: [redacted]

Dear [redacted] and Aimee,
I see that SSU, Facutly and Activate are all recipients of this report from [redacted].

s2.2 Out of Scope [redacted] could be classified as gender-based violence/sexual harassment. I understand that Activate is usually referring matters concerning this officially to UTS to investigate.

s2.2 Out of Scope [redacted] Counselling can reach out to [redacted] and offer support. If appropriate Counselling will forward the report to UTS Misconduct to review.

Aimee, echoing [redacted] comment, I understand that the report is also requesting [redacted] Governance to be reviewed, particularly the request of [redacted] being suspended. I am wondering whether this could be left with UTS Activate to review?

I am copying Holly Choi (our Safety Caseworker) and Sarah Lok (Director of SSU) just in case she has other comments to add.

Thank you,
Viv.

Vivilia Widjaja (she/her)
Head of Counselling Service
Clinical / Educational & Developmental Psychologist
University Counselling Service
Student Services Unit
University of Technology, Sydney, Australia
PO Box 123, Broadway, NSW 2007

Ph: 9514-1177 TTY:9514-1164
CRICOS No. 00099F

I work for UTS during these hours:
Monday: 9am-6pm
Tuesday: 10am-6pm
Thursday: 10am-7pm
Friday: 9am-6pm

From: [redacted]
Sent: Monday, 24 March 2025 7:55 AM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Cc: Student Services <student.services@uts.edu.au>
Subject: FW: Report: [redacted]

Morning Aimee,

I am happy to discuss this.

My suggestion would be to email the student and let them know that the appropriate avenue for this complaint is to Activate s2.2 Out of Scope [redacted] You could forward this to Cam and ask him to respond to the student directly re next steps.

Kind regards
[redacted]

[redacted]
s2.2 Out of Scope
University of Technology Sydney
Postal Address: PO Box 123, Broadway NSW 2007, Australia
[redacted]

I acknowledge the Gadigal people as the First Peoples and Traditional Owners of the lands on which I work.

From: [redacted]>
Sent: Saturday, 22 March 2025 2:05 PM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Student Services <student.services@uts.edu.au>
Cc: [redacted]>; president@utsstudentsassociation.org
Subject: Report: [redacted]

Dear All,

Attached is a formal report concerning serious misconduct by UTS student s2.2 Out of scope, who currently s2.2 Out of scope of the s2.2 Out of scope. The report outlines multiple breaches of the UTS Student Rules.

Given the severity and ongoing nature of the behaviour detailed, I believe it is essential that this matter is addressed urgently and thoroughly. I am available to provide any further information or clarification if required.

Thank you for your time and attention to this matter.

Regards,
s2.2 Out of scope

From: Sarah Lok
To: Dawnie Evans
Subject: Activate/UTS SASH
Date: Thursday, 30 May 2024 11:39:00 AM
Attachments: Activate and UTS SASH processes.xlsx

Hi Dawnie
Please find attached the table I was discussing with you this morning
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: +61 2 9514 1174
uts.edu.au /Cricos Provider Code 00099F

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From: Sarah Lok
To: Kylie Readman
Subject: Activate SASH Matter LSS
Date: Wednesday, 31 July 2024 4:44:00 PM

Hi Kylie
I've copied an excerpt of an email thread below, just so you are up to date. I am determined that this will run more smoothly than previous examples. Please let me know if you have any concerns. s2.2 Otf student has been followed up by Counselling in order to get a better report of what occurred, I haven't heard outcome yet. s2.2 Ot student will be allocated a Counsellor tomorrow once we have the report.
Thanks,
Sarah

Hi Aimee,

Thanks so much for outlining these considerations – although it is complex it really does feel like we're getting better and better at this!

See my comments below and let me know if any of this poses a problem for Activate,

Sarah

To confirm our understanding of the situation:

1. ActivateUTS has passed on the formal notification of a SASH report to UTS. We have received your notes and I am treating this as a SASH report, thanks Aimee. In terms of progressing this report, Counselling will ask to use the Counselling notes as the student's statement. If we are not able to do this, we will ask the student if we can use your notes. Let me know if you have any concerns about this. For the initial assessment, which will likely involve multiple staff who have not spoken directly with the s2.2 Otf student, we do require something in writing to review.

2. UTS will manage all aspects of the SASH allegations, including all communication with both the alleged offender and those reporting the incident. We will follow the SASH policy at Sexual Harm Prevention and Response Policy | University of Technology Sydney (uts.edu.au) There may be Activate-focused elements for you to consider, which we would not necessarily be aware of (off the top of my head, they may both belong to other clubs jointly that we are not aware of). Yes we will allocate a Counsellor to provide support and act as a contact person for the s2.2 Ot student. I would suggest, however, that Activate continues to be the contact for aspects related to club membership. I presume the basic there would be that membership is paused due to a SASH allegation and will continue to be paused for the duration of the investigation.

3. ActivateUTS has suspended the alleged offender's club membership in line with our standard procedures. We will require confirmation of the outcome of UTS's investigation to consider reinstatement. We will be able to provide an update to Activate with the student's consent or if there are significant safety concerns. This element remains a roadblock for us and as you know we are working on aligning policies and have alerted our privacy officer that we need to find a solution to this roadblock. I will do everything I can to manage this for us smoothly.

4. ActivateUTS can investigate the non-SASH aspects of the complaints separately. Thanks for confirming

5. We need explicit confirmation that UTS is fully responsible for the management of the reported SASH incident and a contact person to direct the alleged offender to for more information – s2 has
2

asked for further information in response to s2.2 notification of temporary suspension. We will follow the policy, please see comments above for aspects that might relate specifically to Activate that I would not be across. I do not work in isolation and it is possible that other staff involved in the assessment will raise additional concerns or queries. I will endeavour to update you in line with consent. Vivilia Widjaja is the best contact for the s2.2 student initially as she can allocate a UTS Counsellor to provide support and act as a contact person for s2.2 I am in the middle of a recruitment process for safety caseworkers who will manage this moving forward but whilst we wait, UTS Counselling are best placed for this function.

Given our recent discussions about enhancing support for students in SASH-related matters, it's crucial that we ensure clear communication channels and responsibilities, to avoid confusion or duplication of efforts. We're ready to assist in any way that we can - please let me know if there are any aspects that need adjustment or clarification as soon as possible. Completely agree, we are on the same page.

I've included @Cameron Kenney to keep him up to date with the process

Kind regards

Aimee

Aimee Purcell
Director, Student Engagement
activateuts.com.au

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: +61 2 9514 1174
uts.edu.au /Cricos Provider Code 00099F

If you require emergency assistance outside of UTS office hours, please contact UTS Security on 1800 249 559 or visit the UTS Security office on level 4 of the Tower (near the main entrance to the Tower)

From: Sarah Lok
To: Kylie Readman
Subject: FW: Update re student
Date: Thursday, 23 May 2024 10:57:00 AM

Hi Kylie
I was reviewing this case for CBAIT and recall that you were going to speak to Activate about the outcome for s2.2 Out of Scope [redacted] I spoke with Aimee about potential outcomes from here that they could consider – continue to pause the membership for the year, or reinstate membership but remind of the directive. It seems they chose the latter as per below.
Just wanted to flag with you as Aimee had thought Cameron would settle on the more punitive option but it seems this wasn't the outcome. s2.2 Out of Scope [redacted]

Thanks,
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Friday, 10 May 2024 1:59 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: RE: Update re student

Hi Sarah

Thanks again for your time with this case.

Providing a final update, that s2.2 Out of Scope [redacted]

Regards

Aimee

Aimee Purcell
Director, Student Engagement

P. 02 9514 2832 | **M.** s3.2 Personal affairs [redacted]
E. aimee.purcell@uts.edu.au

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Friday, May 3, 2024 11:10 AM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>; Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Subject: RE: Update re student

Hi Aimee
I'm available now if that suits?
Sarah

From: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Sent: Friday, 3 May 2024 11:03 AM
To: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>; Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: RE: Update re student

Hi Viv

I am well thank you, hope you are too!

Thank you for providing this update. I do have a couple of quick questions to clarify before we close this off, @Sarah Lok can you please let me know when you'd be available for a quick chat?

Thanks so much, hope you both have a great day

Aimee

Aimee Purcell
Director, Student Engagement

P. 02 9514 2832 | **M.** s3.2 Personal affairs
E. aimee.purcell@uts.edu.au

From: Vivilia Widjaja <Vivilia.Widjaja@uts.edu.au>
Sent: Friday, May 3, 2024 9:32 AM
To: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: Update re student

Hi Aimee,
I hope you are well and staying dry in this weather.

Aimee, I received an update that I can share with Activate. s2.2 Out of Scope

If you and Activate have any procedural questions, Sarah Lok has indicated that she is happy to discuss.

Let me know too if there's anything else I can assist.

Thanks,
Viv.

Vivilia Widjaja (she/her)

Head of Counselling Service

Clinical / Educational & Developmental Psychologist

University Counselling Service
Student Services Unit
University of Technology, Sydney, Australia
PO Box 123, Broadway, NSW 2007
Ph: 9514-1177 Fax: 9514-1172 TTY:9514-1164

CRICOS No. 00099F

I work for UTS during these hours:

Monday: 9am-6pm

Tuesday: 10am-6pm

Thursday: 10am-7pm

Friday: 9am-6pm

Please read the following when considering email communication.

Email communications are limited in their confidentiality. We consider that email is more appropriate for the communication of simple information rather than personal problem counselling. Any reply we might send you is tailored to your particular situation, it may not be appropriate for another student. We would ask you to keep the above in mind when emailing the Counselling Unit.
It is important that you know that although we check our emails regularly there may be some delay before you get a reply. You should hear from us within a couple of days. If the problem is urgent, phone Student Services reception tel. 95141177 during business hours. In the case of an emergency, with risk to people or property, use normal emergency procedures and dial 000.

You can access 24/7 Clinical Support option with Talk Campus here

Talk campus is an anonymous app where you can talk with other students from around the world if you are struggling and worried about your mental health. Your student email address will give you free access, just download TalkCampus from the app stores. If you're in a crisis, TalkCampus will connect you via phone right away with a clinician who can help. You can choose the language you feel most comfortable with using and it's all totally anonymous. You can also find details of the helpline and other support options in the sidebar of the app.

From: Sarah Lok
To: Kylie Readman
Subject: Re: Referral/Misconduct/Complaints
Date: Monday, 4 September 2023 9:33:48 AM

Thanks Kylie
No worries at all, I know it's been really busy! Also, the Activate/other entities side of things is really tricky in terms of consent/sharing info and reporting and to be honest in the past there has been a bit of a hard line. But I agree with you that there is a lot of overlap and there are definitely opportunities to be more coordinated. I saw Cameron last week at another meeting and he seems ok with how things are going with this particular example and we're meeting to discuss the process specifically this week so I feel like we're making progress.

I have met with Megan and she has some interesting insights re "investigations" - she has completed training in running formal investigations and she's going to send me some information on this. So this could potentially be something we add into the process.

I am working on two options for the reworked response process- one where we use some of the existing Counsellors and one with two new safer communities-like staff. I was thinking after the VC mid-year reflection that it seemed unlikely we'd get approval for new positions? But I'll continue working on it and then you and I are meeting next week so we can discuss then? In terms of a timeline I'd say the staffing/process aspect could definitely be formulated by the end of the year.

The IT side is much less clear as every IT project we have currently is delayed and these are high profile projects we have been working on for at least 12 months (medical director and StarRez). So I do feel concerned about being able to make significant changes to the online reporting form. But I'll talk to IT and get a better sense of this.

Thanks Kylie- I really appreciate being able to think this all through with you!

Thanks,
Sarah

Sarah Lok (she, her)
Director
Student Services Unit
UTS

On 3 Sep 2023, at 10:54 pm, Kylie Readman <Kylie.Readman@uts.edu.au> wrote:

Hi Sarah,
Apologies for taking so long to get back to you. I really appreciate the detail you've provided here because it adds to my understanding and I realise I might not have been clear enough re Activate and other entities.
I agree that Activate have their own obligations for reporting and managing all SASH issues and they, like us, are subject to reporting serious crime requirements.
I am trying to establish a link or opportunity to, when agreed by the complainant, have a means by which we can share information and take action as a University which might be more impactful / complement action taken by a club, society or Activate itself. I am thinking about situations where a complainant might make a complaint through a cub and the club or Activate can take action to the limit of their capacity but, in order to make the University a safe place, they require us to also take action.
No requirement to include Jo – I only thought of her because I think its Jo that tabled the activity to getting a legal expert in to do some mapping (which included staff). Adding Megan is a great idea and bringing Camron into it is also useful.
I was thinking about a timeline for mapping out the response process – will we have a good idea by the end of the year. I'm thinking about budget requests and as we discussed whether something like 'student safety officers' would come into play.
I don't have a Steer Co invite for Sept that I can see in my diary either so maybe it's planned but not yet in place.
I hope that responds to everything for you. Happy to chat this week if you'd like to.
All the best
Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance and appointments:
DVCES-EA@uts.edu.au

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I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for this land.

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Date: Wednesday, 30 August 2023 at 10:40 am
To: Kylie Readman <Kylie.Readman@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi Kylie
I understand - the advice I have had is that, as Activate is a separate entity legally, they do have their own responsibilities to consider external reporting obligations. To be honest, all (adult) individuals have this responsibility but I presume the responsibility would be greater for an organisation.

In this case it seems important, as there will be occasions where Activate will hold more information than we do on the individuals involved and what has been reported. I have copied below the relevant information I have been provided in the past regarding reporting serious crime. To my knowledge, it does not apply in this specific referral due to the nature of the behaviour reported (I don't think it would meet the threshold). But nevertheless, the way I understand this, is the more information I have, the more I may have formed a belief that a serious indicatable offense has occurred and the more information I might have that might lead to the apprehension of the offender - and therefore the more responsibility I might have to report externally. So different parts of the organisation and different organisations could have a different call to action. Just as an additional FYI, I have also copied the exceptions to this. In almost all cases that come to mind the student does not wish to report to the police and we have not reported without their consent. We have reported externally for offenses relating to children (not recently though).

Yes I am working on the mapping activity and this recent example is really helping my thinking on this. I have a meeting with Catharine and can invite Jo, but I also really want to talk to Megan in Complaints as I think this is where things have become unstuck with the recent example. I would also like to meet with Cameron. Catharine told me that there was a meeting scheduled for September for Steer Co but I don't have an invite. When you say below that you would like a timeline on activity in relation to reviewing responses – do you mean an timeline for my overall review of the response process? Or more detail on the timeline of how we manage individual reports?

Thanks Kylie
Sarah

316 Concealing serious indictable offence

"(1) An adult—
(a) who knows or believes that a serious indictable offence has been committed by another person, and
(b) who knows or believes that he or she has information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for that offence, and
(c) who fails without reasonable excuse to bring that information to the attention of a member of the NSW Police Force or other appropriate authority,
is guilty of an offence."

However, the following exception applies to section 316 subsection 1:

"(1A) For the purposes of subsection (1), a person has a reasonable excuse for failing to bring information to the attention of a member of the NSW Police Force or other appropriate authority if—
(a) the information relates to a sexual offence or a domestic violence offence against a person (the ***alleged victim***), and
(b) the alleged victim was an adult at the time the information was obtained by the person, and
(c) the person believes on reasonable grounds that the alleged victim does not wish the information to be reported to police or another appropriate authority."

Note all child sex offences must be reported to the NSW Police.

The following sexual offences are serious indictable offences:

1. **61I Sexual assault**
   Any person who has sexual intercourse with another person without the consent of the other person and who knows that the other person does not consent to the sexual intercourse is liable to imprisonment for 14 years.
2. **61K Assault with intent to have sexual intercourse**
   Any person who, with intent to have sexual intercourse with another person—
   (a) intentionally or recklessly inflicts actual bodily harm on the other person or a third person who is present or nearby, or
   (b) threatens to inflict actual bodily harm on the other person or a third person who is present or nearby by means of an offensive weapon or instrument,
   is liable to imprisonment for 20 years.
3. **61KD Aggravated sexual touching**
   (1) Any person (the alleged offender) who without the consent of another person (the alleged victim) and knowing that the alleged victim does not consent and in circumstances of

aggravation intentionally—
(a) sexually touches the alleged victim, or
(b) incites the alleged victim to sexually touch the alleged offender, or
(c) incites a third person to sexually touch the alleged victim, or
(d) incites the alleged victim to sexually touch a third person,
is guilty of an offence.
Maximum penalty—Imprisonment for 7 years.

66A Sexual intercourse—child under 10

(1) Any person who has sexual intercourse with a child who is under the age of 10 years is guilty of an offence.
Maximum penalty—imprisonment for life.

4. **All sexual offences involving children are serious indictable offences.**

5. All the Division 15B Voyeurism and related offences are not serious indictable offences.

From: Kylie Readman <Kylie.Readman@uts.edu.au>
Sent: Wednesday, 30 August 2023 8:34 AM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: Re: Referral/Misconduct/Complaints

Thanks Sarah,
I am grateful for the follow up and appreciate that you have kept Cameron in the loop. I remain concerned about the division of response with activate – this needs to be resolved. For example, it needs to be clarified whether Activate, or any club/society/association, has their own external reporting obligations when SASH matters are reported. My view remains that all Activate students are UTS students and therefore our obligation remains.
Have you been able to progress the mapping activity with Catharine, Jo and any stakeholders? I am keen to gt a timeline on activity in relation to reviewing responses and I think this might be delaying the meeting of the RNA Steer Co.
Many thanks
Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance and appointments:
DVCES-EA@uts.edu.au

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I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for this land.

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Date: Monday, 28 August 2023 at 6:48 pm
To: Kylie Readman <Kylie.Readman@uts.edu.au>
Subject: FW: Referral/Misconduct/Complaints

Hi Kylie
Please see below for an update on the Activate SASH matter. I have been trying to carefully balance all the aspects and have sought legal advice also. This is all reflected in the details below. I am really hoping that Cameron finds this helpful, although I appreciate that we have not been able to move things along as much as he would have liked due to a lack of detailed reports on the more concerning behaviour and lack of consent from the affected students. Misconduct is aware of the one report we have and I believe they are awaiting further information.

s2.2 Out of Scope [redacted]

s2.2 Out of Scope [redacted]

Let me know if you would like to know any more at all, I imagine there will be further developments.

Thanks Kylie
Sarah

From: Sarah Lok
Sent: Monday, 28 August 2023 6:41 PM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi Cameron and Aimee,

s2.2 Out of Scope [redacted]

[redacted]

[redacted]

Please be assured that we are working through our processes as we would with any report of this nature - hopefully this provides some reassurance at this stage.

As you may recall from previous examples, I standardly recommend that Activate seeks legal advice in relation to external reporting obligations when SASH matters are reported. I will leave this with you but let me know if you'd like to discuss this aspect further at all. I can't provide legal advice but I do have experience in assessing which situations require some thought in terms of talking to police etc.

I hope this is helpful in terms of first steps, but if there is anything further you think we can do, or any additional information you can provide, please don't hesitate to reach out and let's discuss more. I am always happy to talk generally and confirm as much as I possibly can in line with the consent provided.

Thanks Cameron and Aimee,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

CRICOS Code 00099F

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From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Wednesday, 23 August 2023 9:19 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: Re: Referral/Misconduct/Complaints

Thanks Sarah,

s2.2 Out of Scope [redacted]

[redacted]

Regards,

—

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

My working hours may not be your working hours. Please do not feel obligated to reply outside of your normal work schedule.

I acknowledge the Gadigal people of the Eora Nation, the Boorooberongal people of the Dharug Nation, the Bidiagal people and the Gamaygal people upon whose ancestral lands UTS stands. I pay respect to the Elders both past and present, acknowledging them as the custodians of knowledge for these lands

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, August 23, 2023 1:19:55 PM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Thanks Cameron
s2.2 Out of Scope

Kind regards,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

CRICOS Code 00099F

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From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Wednesday, 23 August 2023 12:17 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi Sarah,

- s2.2 Out of Scope

Assuming you have the information attached, this is the majority of what we gave. Our team received this and initially escalated through Student Complaints for assistance. The goal being that the investigation is managed on UTS side and it is not duplicated by both parties.

s2.2 Out of Scope

s2.2 Out of Scope [redacted]

Regards,

___

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs [redacted]
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Wednesday, August 23, 2023 11:55 AM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi again Cameron
Just a follow up whilst I am working through this – are you able to confirm or provide any information about the following:

- s2.2 Out of Scope [redacted]
- [redacted]
- [redacted]
- [redacted]

I appreciate you may not be able to share all of the above, but any information you could share about this will assist us. I am looking at possible next steps with Misconduct and Security, particularly in the case where we may not have identified reports from UTS students.

Kind regards,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

CRICOS Code 00099F

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From: Sarah Lok
Sent: Wednesday, 23 August 2023 11:16 AM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Hi Cameron
Just a quick confirmation that we've spoken a few times to [redacted] is not able to pass on the other students' details but we will be sending [redacted] an email with information and reporting links and [redacted] will send this on to them.

In the past, it is my understanding that we have been unable to take action without identified reports but I am seeking advice on this. I will also be asking the [redacted] student in to meet with myself and Security asap which will no doubt give me additional information.

Kind regards,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

CRICOS Code 00099F

From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Wednesday, 23 August 2023 8:57 AM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Cc: Aimee Purcell <Aimee.Purcell@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Thanks Sarah,

s2.2 Out of scope [redacted]

RE the reporting form you have noted, is it possible to double check the link?: https://forms.uts.edu.au/web/index.cfm - this sends me to a dead end page "Error Session has expired."

Regards,

—

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs [redacted]
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Tuesday, August 22, 2023 10:43 PM
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: RE: Referral/Misconduct/Complaints

Thanks Cameron,
If you have the details of the other affected students and could pass these on, this would help us significantly. I would prefer not to rely on [redacted] for these details if at all possible, as that will allow us to focus on [redacted] individually.

We will endeavour to gain consent to share information back to Activate as much as is possible.

Thanks again,
Sarah

From: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Sent: Tuesday, 22 August 2023 10:14 PM
To: Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: Re: Referral/Misconduct/Complaints

Hi Sarah,

Thank you for reaching out and providing this update on the situation. I appreciate the thorough steps taken so far to address the matter involving the incident reported by [redacted].

As you may be aware I had raised my concerns after being passed on a response that read as if UTS was not continuing to take action, and it would be passed back to ActivateUTS. I'm hoping we can use this to set an example of how we can effectively manage and balance other investigations moving forward.

My goal is to ensure a seamless transition of support and communication for the students involved while maintaining a collaborative approach with UTS.

Having Counselling reach out to all potentially affected students is worthwhile, as it reflects our commitment to their well-being and providing the necessary support during this process. I trust that the information and resources you're offering will be of great help to them.

In terms of our role, ActivateUTS's priority has been to promptly convey all relevant information to UTS for investigation and to ensure that the affected individuals receive the necessary assistance. If there are any gaps in information or if UTS requires additional details, please let me know, and we'll work together to address them.

I support your plan to engage with Misconduct and Security to discuss the next steps. It's important that we proceed in a manner that is both respectful and responsive to the concerns raised.

I can also be available tomorrow to discuss any aspects that require attention and am on campus. I understand the complexity of the situation and the importance of collaborative efforts to navigate it effectively.

Moving forward as long as communication can be managed to [redacted] and others through UTS, and we can continue to communicate - particularly around investigation outcomes and how we balance any action from UTS/ActivateUTS.

Let's continue working closely to ensure that all necessary actions are taken for the well-being of the students involved.

Regards,

—

Cameron Kenney
Chief Executive Officer
ActivateUTS

P. 02 9514 1638 | **M.** s3.2 Personal affairs
E. cameron.kenney@uts.edu.au

Executive Assistant:
Laura Jones | laura.jones@uts.edu.au | 02 9514 1642

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From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Tuesday, August 22, 2023 9:36 pm
To: Cameron Kenney <Cameron.Kenney@uts.edu.au>
Subject: Referral/Misconduct/Complaints

Hi Cameron
I hope all is well with you. I am reaching out as I had an email from Andrea Thompson from Misconduct yesterday about a complex SASH matter, reported by [redacted]. I understand that you have also raised concerns with Kylie about this matter.

Just so that you are aware, as I was able to view the attachments and saw the consent etc, I arranged for Counselling to reach out to

[redacted] This would generally be our first step as we prefer to talk through options with the reporting student in terms of outcomes they are wanting/support/consent for us to reach out to the student of concern. I also arranged for a discussion with CBAIT, asked Andrea if she could find out what action Activate had taken and to clarify if Security were called.

Given the number of potential reports, I have suggested to Kylie that it might be best that Counselling reach out to all students, and manage the responding and compiling the reports. If you are comfortable to send me the details of any students (other than [redacted]) who have reported concerns that would be good. Where possible we would prefer that students only need report once – so we will reach out and offer support and inform them of the UTS reporting form - https://forms.uts.edu.au/web/index.cfm

Whilst this is occurring, due to the nature of the concerns raised, my plan was to speak to Misconduct and Security tomorrow about next steps. I see that Security were ticked on the form in terms of consent. My thinking is that Shaun and I would call in the [redacted] student as long as [redacted] is comfortable for us to do so.

I appreciate this is complex and so if it would help to have a call/meeting tomorrow let me know. I'll be onsite and in and out of meetings but I'd be able to fit something in.

Thanks Cameron,
Sarah

Sarah Lok
Director, Student Services Unit
University of Technology, Sydney
Tel: (02) 9514 1177
Fax: (02) 9514 1172
uts.edu.au

UTS Counselling:
9514 1177 student.services@uts.edu.au

UTS Security:
Dial 6 from a campus phone or 1800 249 559 from any phone
https://www.uts.edu.au/current-students/campus-life/your-campus/safety-and-security

Off campus:
For emergencies dial 000 for Police/Ambulance/Fire Brigade

<image017.jpg>

Please note you can access 24/7 Clinical Support option with Talk Campus here
<image018.jpg>

Talk campus is an anonymous app where you can talk with other students from around the world if you are struggling and worried about your mental health. Your student email address will give you free access, just download TalkCampus from the app stores. It's a place just for you, no staff, no fear of judgement, just instant ongoing support. If you're in a crisis, TalkCampus will connect you via phone right away with a clinician who can help.
TalkCampus also offers a professional crisis support helpline. If you're on the platform and feeling suicidal the team will help you connect with a clinician on the phone. You can choose the language you feel most comfortable with using and it's all totally anonymous. You can also find details of the helpline and other support options in the sidebar of the app.

CRICOS Code 00099F

<image016.png>

<image019.png>

Please read the following when considering email communication.

Email communications are limited in their confidentiality. We consider that email is more appropriate for the communication of simple information rather than personal problem counselling. Any reply we might send you is tailored to your particular situation, it may not be appropriate for another student. We would ask you to keep the above in mind when emailing the Counselling Unit. It is important that you know that although we check our emails regularly there may be some delay before you get a reply. You should hear from us within a couple of days. If the problem is urgent, phone Student Services reception tel. 9514 1177 between 9.00am and 6.00pm. In case of an emergency, with risk to people or property, use normal emergency procedures. Thank you

DISCLAIMER: This email message and any accompanying attachments may contain confidential information. If you are not

the intended recipient, do not read, use, disseminate, distribute or copy this message or attachments. If you have received this message in error, please notify the sender immediately and delete this message. Any views expressed in this message are those of the individual sender, except where the sender expressly, and with authority, states them to be the views of the University of Technology, Sydney. Before opening any attachments, please check them for viruses and defects.

Think. Green. Do.
Please consider the environment before printing this email.

From: Bill Paterson
To: Sarah Lok; Kylie Readman; Catharine Pruscino
Subject: RE: Reporting and investigating SASH incidents
Date: Thursday, 30 March 2023 4:51:13 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png
image010.png
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Hi Sarah,

I recall some years back there was a serious incident involving an affiliated Activate Club that was considered by CBAIT. Normally, but not always, the members of clubs are students of the University who have agreed through the Student Declaration to abide by the rules and policies of the University.

From memory there were a range of actions taken by the University and Activate as a consequence in relation to that particular case. What was complex in that case, was that the report was initially made to a third party in confidence, but that party (not with the consent of the "victim") reported the matter to the University.

Therefore the pathway of reporting is relevant. The reporting may not always follow the most desirable (or optimal) track.

These cases are often very bespoke, and therefore it can be difficult to make generalisations as to what the follow up actions might be which is why a coordinated response through the CBAIT process can be very helpful and instructive.

Also, from memory, Activate used to provide inductions for executives of clubs to understand their obligations and responsibilities (including legal obligations). I'm not sure what happens in this space currently.

On a broader front, both GSU and UTS Legal are looking at the relationship of controlled and related entities with the University. This will include what agreements are in place, the governance structure, the applicability (or not) of UTS policies etc.

As always, should it be helpful to work through a range of scenarios in relation to the adequacy of existing rules and policies, then I would be supportive of that activity.

Cheers,

Bill

From: Sarah Lok <Sarah.Lok@uts.edu.au>
Sent: Thursday, 30 March 2023 4:27 PM
To: Kylie Readman <Kylie.Readman@uts.edu.au>; Bill Paterson <William.Paterson@uts.edu.au>; Catharine Pruscino <Catharine.Pruscino@uts.edu.au>
Subject: RE: Reporting and investigating SASH incidents

Hi all
One main concern that has come up previously is that UTS is not permitted to share any information with Activate without the student's consent – as Activate is considered an entirely separate entity. When UTS Counselling is involved, there are of course confidentiality policies that make this even more tightly managed. From Activate's perspective, this might mean that we are aware of something quite concerning about one of their clubs or an event and we are not permitted to share with them.

UTS Counselling would endeavour to seek consent from students to share information with Activate when it is needed – but if students refused consent then we would not be able to share. I am also not sure how other parts of UTS (Complaints for example) manage this. I presume they also seek consent.

Also, it has not been my experience to date that UTS investigates reports that arise within Activate. For example, s2.2 Out of Scope [redacted]. Activate have managed these outcomes entirely to my knowledge.

So I think we would need some kind of process to allow UTS to share information with Activate in situations where reports are made about Activate activities. I think this is what Kylie Gould was proposing after the meeting last year. Otherwise, we would be relying on students to give consent for UTS to share information with Activate, in order to work towards any outcome of a report.

Happy to discuss further of course,
Sarah

From: Kylie Readman <Kylie.Readman@uts.edu.au>
Sent: Thursday, 30 March 2023 3:51 PM
To: Bill Paterson <William.Paterson@uts.edu.au>; Catharine Pruscino <Catharine.Pruscino@uts.edu.au>
Cc: Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: Re: Reporting and investigating SASH incidents

Thank you Bill.
So, as I understand the policy (and thank you for the guidance), UTS is responsible, not Activate, in terms of investigating, managing and supporting. Catherine, can we work through a workflow to clarify this with and for ActivateUTS.
All the best
Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance:

Anna Neo
Anna.neo@uts.edu.au

I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for this land.

From: Bill Paterson <William.Paterson@uts.edu.au>
Date: Thursday, 30 March 2023 at 2:31 pm
To: Kylie Readman <Kylie.Readman@uts.edu.au>, Catharine Pruscino <Catharine.Pruscino@uts.edu.au>
Cc: Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: RE: Reporting and investigating SASH incidents

Hi Kylie,

Catharine may be better placed to respond to any specific student case matter but I think the policy in relation to these matters is clear. Section 2.1:
2.1 This policy applies to:

a. *all staff, students, participants, affiliates, alumni and visitors to the university, collectively the 'UTS community' (references to staff should be read to include both staff and affiliates)*
b. *UTS campuses, campus spaces, facilities, UTS student housing, online forums, online communities, online platforms or any other physical, digital or virtual spaces owned or used by UTS as part of its teaching, learning, research and business activities, and*
c. *activities organised by or on behalf of UTS on or off campus including but not limited to outreach activities, field work, internships, exchanges, social functions, group learning and assignments, university travel, competitions, work opportunities, sporting events, and activities organised by student clubs and societies.*

https://www.uts.edu.au/about/uts-governance/policies/uts-policy/sexual-harm-prevention-and-response-policy

Hope this answers your question from a policy perspective.

Happy to discuss.

Cheers,

Bill

From: Kylie Readman <Kylie.Readman@uts.edu.au>
Sent: Thursday, 30 March 2023 1:19 PM
To: Catharine Pruscino <Catharine.Pruscino@uts.edu.au>; Bill Paterson <William.Paterson@uts.edu.au>
Cc: Sarah Lok <Sarah.Lok@uts.edu.au>
Subject: Re: Reporting and investigating SASH incidents

Hi all,
The Student-Council Liaison Group is meeting next week. The issue of how we manage sexual harm concerns between the University and Activate is raised in my email to you both two weeks ago. Can I please have an update on current state? I have cc'd Sarah Lok who has been in touch with me about this today.
All the best
Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance:
Anna Neo
Anna.neo@uts.edu.au

I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for this land.

From: Kylie Readman <Kylie.Readman@uts.edu.au>
Date: Thursday, 16 March 2023 at 10:54 am
To: Catharine Pruscino <Catharine.Pruscino@uts.edu.au>, Bill Paterson <William.Paterson@uts.edu.au>
Subject: Reporting and investigating SASH incidents

HI Catharine and Bill,
Cameron Kenney (ActivateUTS) has brought to my attention a mismatch in process around investigating student-related SASH incidents across UTS and Activate. He is concerned that some double handling

might re-traumatise the students reporting incidents because of the way the processes might unintentionally work. This involves both specific SASH reports and complaints processes which end up being related to sexual harm.
My view is that all Activate members or all attending Activate activities are UTS students first and foremost and that we have the primary responsibility even if an incident happens that involves Activate. I recognise that my knowledge here is gappy but as it's a student related issue I am keen to both understand more and sponsor any changes to process / policy. Catharine I'm sure you're aware through the student safety survey results that students being unaware of how and unwilling to report sexual harm is quite high. Having and promoting a trauma-informed approach is potentially helpful.
Of course, if the concerns raised by Cameron have been addressed, I'd be happy to understand that too.
All the best
Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance:
Anna Neo
Anna.neo@uts.edu.au

I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for this land.

Kristyna Nikro 02/08/2024 11:34 am

I have shared with you the doc which Deborah put together. Pretty much, regarding ActivateUTS reporting to us, we need to tidy up the policy space - Activate needs to update their Student complaint policy, their privacy policy.

it would be good to have an inclusion of one sentence in our SASH policy.

> Kristyna Nikro 02/08/2024 11:34 am
> it would be good to have an inclusion of one sentence in our SASH policy.

I'll have a look this afternoon

Kristyna Nikro 02/08/2024 11:35 am

we were also discussing the consent (ActivateUTS) to be potentially updated.

regarding the information sharing between ActivateUTS and UTS once Activate refers a case to us, a question (good question) has been asked about why Activate wants it and how they act on it

Do you know as that will guide our next steps.

> Kristyna Nikro 02/08/2024 11:35 am
> regarding the information sharing between ActivateUTS and UTS once Activate refers a case to us, a question (good question) has been...

I don't quite undestand this.

why Activate wants it and how they act on it - why they want to refer to us and what they do themselves?

Kristyna Nikro 02/08/2024 11:41 am

sorry this is related to:

Sharing of information between UTS and Activate:	Activate have raised questions about being informed about the current status of UTS investigations when they have referred SASH complaints to UTS. UTS is often not able to **share information with Activate due to their status as a separate legal entity** (aside from cases where there is risk of imminent harm) due to Privacy obligations and to enable due process to occur with investigation (often misconduct) processes.
Sharing information between UTS and UTS College	**What is ActivateUTS going to do with the information? What do their require?**

02/08/2024 11:41 am

Ah

Kristyna Nikro 02/08/2024 11:41 am

why do they want to be informed about the current status?

02/08/2024 11:42 am

I think it's because the report is initually raised with them, they then refer to us to manage via Misconduct then they need to update student about their membership

02/08/2024 11:56 am

So in most recent cases, the student reporting a SASH matter has wanted the alleged perpetrator student to be banned from Activate - this has been the major concern. Only Activate can ban/pause membership and we have given a general recommendation that it would be prudent for Activate to consider pausing membership when a SASH report is made - partic if a serious one - until an investigation has completed. As Activate are referring to UTS for investigation, it means that in order for them to update the student re their membership, they need to know outcome of UTS investigation.

Kristyna Nikro 02/08/2024 11:59 am

I understand but can we do this if they were not found guilty?

02/08/2024 12:23 pm

This is the problem really. At this point, we can only share this information if the student gives consent. It would be better if we didn't have to seek consent at every step of the way

The student is highly likely to give consent if the misconduct is not proven and hence they should be allowed to have their membership reinstated. But it becomes another question, another conversation, another step in a very protracted process.

Kristyna Nikro 02/08/2024 12:25 pm

ok so if ActivateUTS updates their consent, that should potentially solve it noting we cannot do this for past students, just moving forward.

and then for the past students, we need to design a cumbersome process I suppose.

can you please ask Kitty to schedule a meeting with you, me, Dawnie and Katrina for the beginning of week 12th?

I would like to have a date, so we can give Legal the agenda

and assign responsibilities.

We need to tackle the privacy issues one by one but having a privacy framework in place will help us

I think we could even meet with them next week if you agree

I am just following what we discussed this week to give ourselves two weeks.

02/08/2024 12:33 pm

> Kristyna Nikro 02/08/2024 12:25 pm
> ok so if ActivateUTS updates their consent, that should potentially solve it noting we cannot do this for past students, just moving...

No it's more our process we need to update

Activate have already written into their process that they will refer to us, it's more that we need to write into our process that we will update Activate if a SASH matter impacts on club membership/participation

> Kristyna Nikro 02/08/2024 12:26 pm
> can you please ask Kitty to schedule a meeting with you, me, Dawnie and Katrina for the beginning of week 12th?

Yep

Kristyna Nikro 02/08/2024 12:41 pm

> Sarah Lok 02/08/2024 12:34 pm
> Activate have already written into their process that they will refer to us, it's more that we need to write into our process that we will...

process or policy?

02/08/2024 12:45 pm

Good question. I think both but would need to read to confirm

Kylie Readman 25/03 12:28 pm

KR Also email just in from Mia...

25/03 12:29 pm

Just read it

I agree with Mia- why are activate not taking action based on what has occurred to date

Kylie Readman 25/03 12:31 pm

KR This is the one I mentioned after the Coucil retreat

25/03 12:31 pm

They are now saying require confirmation from Misconduct that they are "investigating".

s2.2 Out of Scope [redacted]

Kylie Readman 25/03 12:33 pm

KR That was my understanding too

25/03 12:36 pm

Yes I think we're all on the same page- except perhaps Acrivate. It does not make sense to me for Activate to wait for Misconduct. I've written to Aimee now to clarify.

Kylie Readman 25/03 12:36 pm

KR Thank you!

Yes I agree their governance should allow them to take action once they have referred on. Although a safer trigger point would be that we are investigating.

👍

Mia also needs to be cognisant of procedural fairness and our need to validate

Yes- just checking if Andrea would agree that we are now investigating

25/03 1:28 p

I just noticed that Mia cc'd Catharine into her email

Kylie Readman 25/03 1:29 pm

KR Interesting

Just get Andrea on board and square away with Aimee

👍

25/03 7:01 p

Hi Kylie, re Mia's last email- I think she is comparing the current matter with the matter from last year- when we used 2.1.9. In s2.2 Out of Scope [redacted] using the 2.1.9- in order to manage the risk. In my opinion, based on what I've read to date, the current matter is not at the same risk level s2.2 Out of Scope [redacted] so I have not approached you about a 2.1.9. However I will review this with Andrea and Kylie G to make sure we're aligned. And let me know if you'd like to discuss. Andrea might also have some other ideas.

Kylie Readman 25/03 7:03 pm

KR Happy to take your advice although we need to consider harm done to individuals. I think Mia needs to know that there are procedural fairness considerations and that we are moving to form a view as quickly as possible

25/03 7:04 p

Yes all needs to be considered. I'll reply to Mia tomorrow when my brain is fresh and will review carefully w Andrea and Kylie G

👍

Kylie Readman 25/03 7:05 pm

KR I also reached out to Catharine on teams, noted that Mia had included her and asked if she had any information or perspective worth sharing. She's read my message but no answer yet.

👍

Thanks Kylie- this is really helpful. I'd like to remove Catharine from my reply to Mia. I've obviously kept it focused on process so far but having her in the trail, there is a danger that info is shared inadvertently just by responding to Mia's questions.

Kylie Readman 25/03 7:22 pm

KR She's just responded to say when Mia talked to her about it she suggested contacting you and I so good to drop her out of the trail.

Also Mia spoke with me about this last week and said she didn't want to be involved so this is a bit of a reversal

Is Aimee waiting for us to send an email?

25/03 8:06 pm

I've sent Aimee email to confirm her report has been referred to misconduct and it's being reviewed. Aimee said they won't pause membership until misconduct puts in writing to student - alleged perpetrator- that they are investigating an allegation.

Wednesday, 26 March

From: Kylie Readman
To: Sarah Lok
Subject: SASH feedback
Date: Friday, 18 October 2024 11:48:28 AM

5. **Student Reporting Feedback (from students)**

   The below is summarised feedback provided to activate UTS from UTS students involved in the process.

   In general, the reporters have felt unsupported since being referred on from ActivateUTS.:

- *A phone call from Counselling asking for consent to share their report to Misconduct*
- *Requests to provide written reports, when they wanted to speak to someone in person (at least two did not speak to anyone in person)*
- *Once a statement was supplied, they received minimal information on what was happening, and it was over email*
- *They then received an email saying their information and names could be accessed if someone requests a Government Information (Public Access) Act, then their full information could be supplied to anyone that requests this, including the male student (I have heard s2.2 is going to do this). This information was not given to them prior to making a report, and was then supplied via email, with no further context. All are feeling extremely anxious about this.*
- *They were not updated throughout the process with what was happening, timelines, or anything to reassure them or protect them.*
- *The s2.2 student was supplied their reports, which s2.2 then responded to. This response was sent to the four reporters, and then did not give them an opportunity to respond to s2.2. They felt that s2.2 was not telling the truth, but were told the case was closed.*
- *They feel like UTS is trying to protect itself, rather than them*
- *<u>They regret making the reports. They made reports as they wanted to make a change, and stop others from experiencing continued inappropriate behaviour. However they now feel that they are the ones that have been negatively impacted by making the reports, rather than s2.2</u>*

DOCUMENT 5.2

UNIVERSITY OF TECHNOLOGY SYDNEY

COUNCIL

**** CONFIDENTIAL ****

AGENDA ITEM 5.2 **MEETING 22/1**

MS MICHELENE COLLOPY **16 FEBRUARY 2022**
CHAIR, AUDIT AND RISK COMMITTEE

REPORT FROM AUDIT AND RISK COMMITTEE

Purpose

This report covers matters arising from the Audit and Risk Committee at meeting 22/1 held on 10 February 2022.

Recommendation

Council to receive and note the confidential report, as detailed in Document 5.2 - *Report from the Audit and Risk Committee.*

MATTERS FOR DECISION

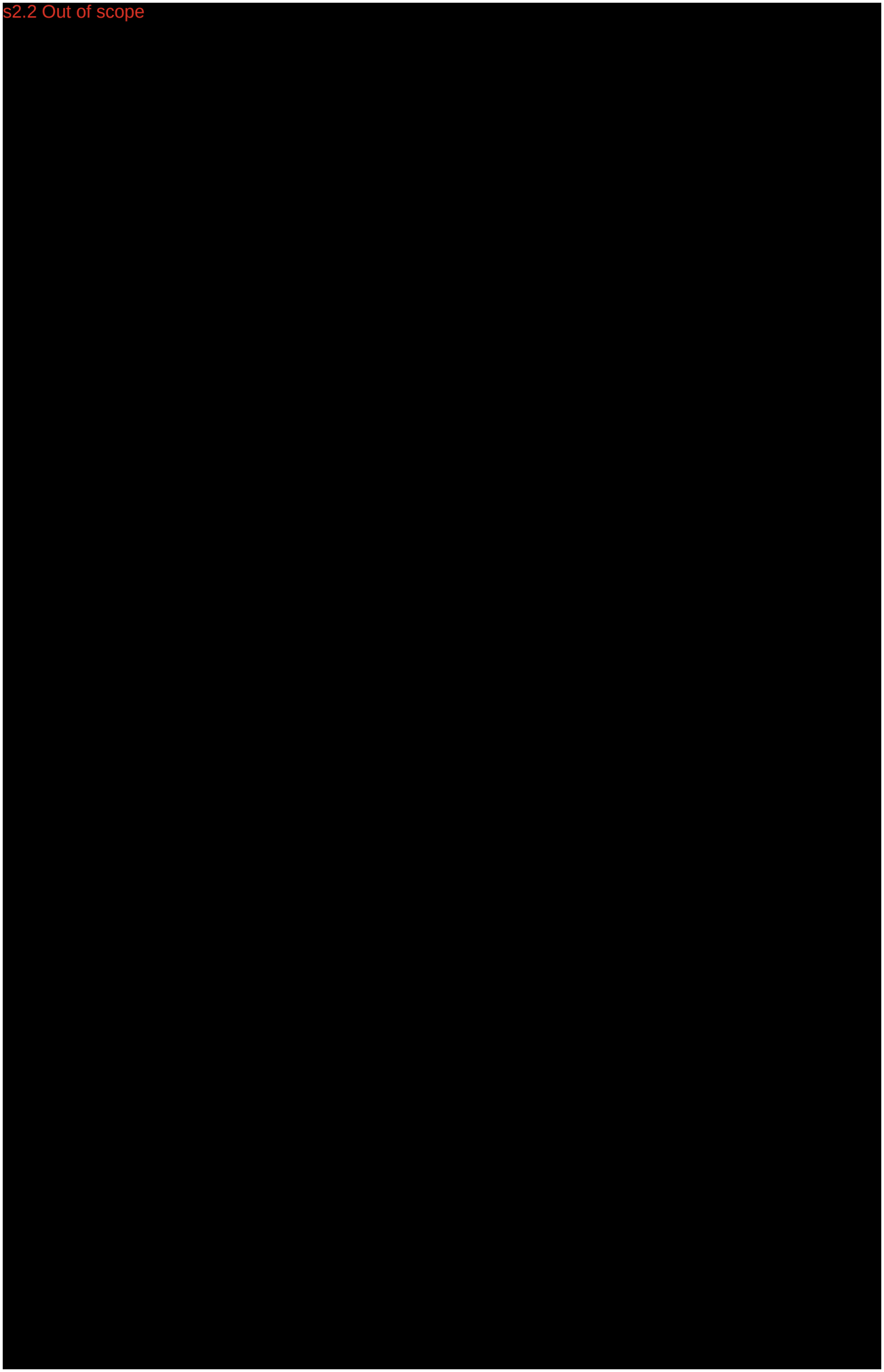
NIL

MATTERS FOR NOTING

s2.2 Out of scope [redacted]

s2.2 Out of scope

s2.2 Out of scope



s2.2 Out of scope

s2.2 Out of scope

[redacted]

Complaints – Student, general bullying and harassment and sexual assault/harassment

In November 2020 the Audit and Risk Committee received the initial report on student complaints covering figures for general complaints and other key complaint indicators such as bullying or sexual harassment. The Committee agreed that annual reporting on such figures would be desirable. In February 2022, the Committee noted the statistics and information provided for the 2021 calendar year.

In 2021, the Students Complaints Resolution Office (SCRO) received 350 complaints via Salesforce. Forty-seven of these were subsequently cancelled in the system as repeat complaints, withdrawn, or characterised as enquiries after the student was directed to the appropriate process. The UTS policy requires initial response in 4 days and final response in 60 days. Both compliance deadlines have been met for all complaints. The majority of matters are resolved within 10 business days. The Committee noted that data collected in the Salesforce system has provided greater opportunity for the SCRO to analyse trends and work with faculties and central units to find the root causes, identify underlying systemic issues, and implement process improvements.

The figures for sexual assault and sexual harassment are slightly higher in 2021 than 2020. The figures for these two years are much lower than in the previous three calendar years and this could be attributed to:

- Much reduced use of public transport – which is the source from which many reports have been sited historically
- Less face-to-face interaction as only 10% of students on campus
- UTS "lock-down" of Zoom to prevent zoom-bombing harassment by non-students
- Impact of "Me Too" movement publicity contributing to community education
- UTS Respect.Now.Always campaign, and mandatory completion of "Consent Matters" module by all staff and students

The Committee noted the importance of continuing to monitor trends in complaints and incidents and adjusting communications strategies as the campus reactivates this year; and ensuring that an appropriate balance is sought between efficiently resolving issues at the local level and ensuring visibility of any areas with emerging issues.

s2.2 Out of scope

[redacted]

s2.2 Out of scope

DOCUMENT 4.1

UNIVERSITY OF TECHNOLOGY SYDNEY

COUNCIL

AGENDA ITEM 4.1 **MEETING 22/2**

VICE-CHANCELLOR **13 APRIL 2022**

REPORT FROM THE VICE-CHANCELLOR

Purpose

To report to Council on key developments and events that have occurred since the last meeting.

Recommendation

Council to receive the note the report as detailed in Document 4.1 – *Report from the Vice-Chancellor.*

SIGNIFICANT ISSUES

s2.2 Out of Scope

[redacted]

s2.2 Out of Scope

National Student Safety Survey Results (NSSS)

The results of the NSSS were released by Universities Australia on Wednesday 23 March. The national report and UTS's media release can be accessed through https://www.nsss.edu.au/results, and UTS's institutional summary is available through https://www.uts.edu.au/sites/default/files/2022-03/UTS-institutional-NSSS-summary.pdf

Our institutional results were shared transparently with our staff and student community via email, our website and in an event in the Great Hall. The Provost and I reinforced the university's commitment to providing a safe environment for our students and staff in which to study and work, and the many initiatives we had implemented in collaboration with student leaders to address the issue.

While there are some positive signs that our work through the Respect.Now.Always initiative has improved awareness among our student body about where to report and where to seek help, there is still much, much more to do to improve reporting of incidents and to lower prevalence in university settings. The working group, chaired by the Provost, is evaluating the findings from the NSSS and will use these findings to further inform our work in this area.

s2.2 Out of Scope

s2.2 Out of Scope

[redacted]

- [redacted]
- [redacted]
- [redacted]

[redacted]

- [redacted]
- [redacted]

1. EXTERNAL MATTERS

1.1 Sector Update

Sector Appointments

s2.2 Out of Scope

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

Sector News

- s2.2 Out of Scope [redacted]

1.2 Government Matters

s2.2 Out of Scope [redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted]

[redacted]

[redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted]

s2.2 Out of Scope

[redacted]

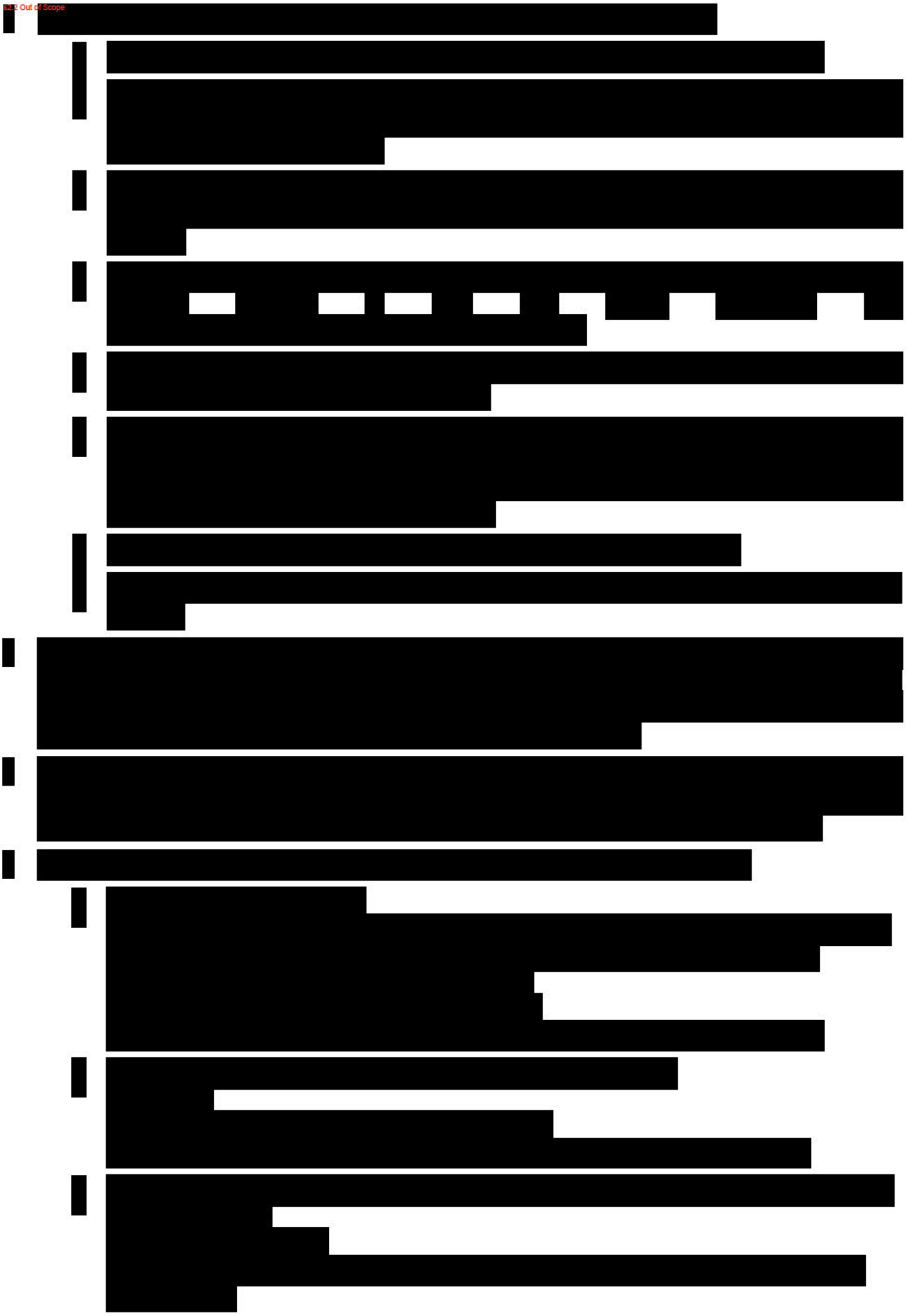
s2.2 Out of Scope

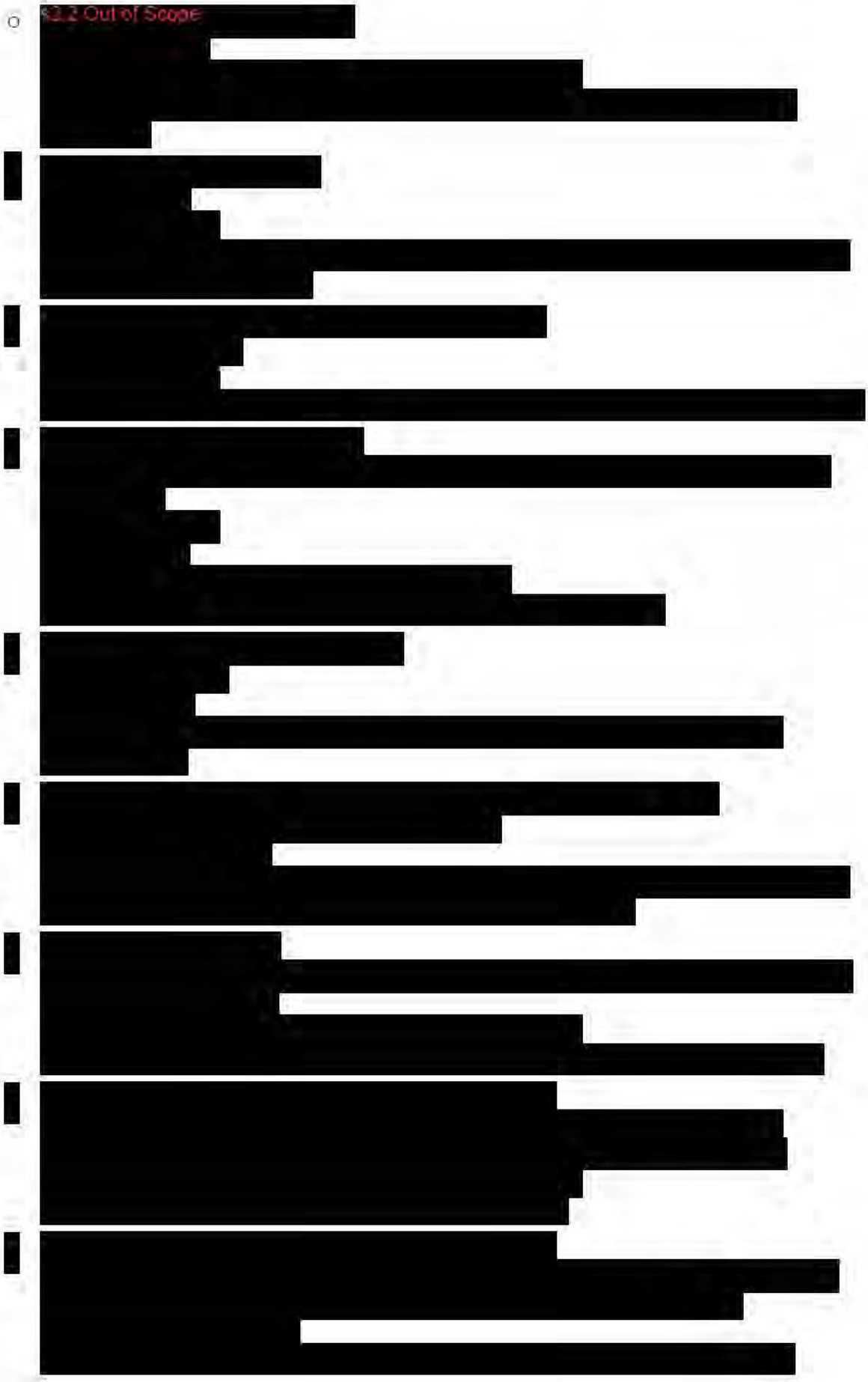
2. INTERNAL MATTERS

s2.2 Out of Scope

s2.2 Out of Scope

[redacted]


S22 Out of Scope


s2.2 Out of Scope

s2.2 Out of Scope

s2.2 Out of Scope

[redacted]

DOCUMENT 5.3

UNIVERSITY OF TECHNOLOGY SYDNEY

COUNCIL

AGENDA ITEM 5.3 **MEETING 22/6**

PROFESSOR ANTHONY DOOLEY **30 NOVEMBER 2022**
CHAIR, ACADEMIC BOARD

REPORT FROM ACADEMIC BOARD

Purpose

To provide Council with a report on matters considered at the 22/5 Academic Board meeting held on 16 November 2022.

Recommendations

s2.2 Out of Scope

[redacted]

MATTERS FOR DECISION

s2.2 Out of Scope

[redacted]

s2.2 Out of Scope

[redacted]

Amendments required to the Code of Conduct and the Equity, Inclusion and Respect Policy
(Recommendations .4 and .5)

The Accessibility and Inclusion Policy and the Sexual Harm Prevention and Response Policy (both policies will be approved by the Vice-Chancellor) have recently been developed (see summary of those reviews below). The development of these policies requires consequential changes to the Code of Conduct and the Equity, Inclusion and Respect Policy.

Academic Board agreed to recommend that Council approve changes to the Code of Conduct as detailed in **Attachment 2.** The Board also agreed to recommend that Council approve changes to the Equity, Inclusion and Respect Policy. The Governance Committee was separately reviewing this policy, so to avoid duplication, the changes recommended by Academic Board have now been incorporated into the ***Governance Committee's report to Council (see Item 5.7 of this Council meeting)***.

Academic Board noted the draft Accessibility and Inclusion Policy, which has been developed by Accessibility Service and Corporate Governance in consultation with the Centre for Social Justice and Inclusion, the People Unit, Legal Unit and student members of Academic Board. This policy identifies and fulfills existing compliance requirements, formalises current practice and responsibilities in a single point of reference and articulates the university's values with regard to the benefits of diversity. A copy of the Accessibility and Inclusion Policy is available on request from the Executive Officer to Council.

Academic Board also noted the Sexual Violence and Harassment Prevention and Response Policy (subsequently retitled the Sexual Harm Prevention and Response Policy) which has been drafted by the Respect.Now.Always Program Manager, Corporate Governance and the Office of the Provost in consultation with a wide range of university stakeholders. This policy provides a single, transparent point of reference for UTS's prevention and response activities supporting staff and students who wish to make a report or seek support following an incident of sexual harm. The policy also seeks to clarify the governance arrangements, roles and responsibilities and provides clarity on the universities reporting obligations. A copy of the Sexual Harm Prevention and Response Policy is available on request from the Executive Officer to Council.

Consequential Amendments to Student Rules and Delegations
Recommendation .6:

Academic Board agreed to recommend that Council approve minor changes to both the Student Rules (Section 16, and Schedules 1 and 4) and the UTS Delegations. These amendments result from the Sexual Harm Prevention and Response Policy and the Accessibility and Inclusion Policy (which will be approved by the Vice-Chancellor) and clarifications made to the Subject Descriptions and Subject Outlines Policy (which were approved by Academic Board). These changes are presented in **Attachment 2**.

MATTERS FOR NOTING

s2.2 Out of Scope

s2.2 Out of Scope

DOCUMENT 5.3, ATTACHMENT 2

Amendments to Student Rules and Delegations

The following extracts outline proposed amendments to the Code of Conduct, the Student Rules and the Delegations and are presented to Council for approval. Additions are shown in **bold underline** and deletions in ~~**bold strikethrough**~~.

Changes to the Code of Conduct

These changes to the Code of Conduct are consequential changes, resulting from the development of the new Sexual Harm Prevention and Response Policy and the Accessibility and Inclusion Policy. Consequential changes are also presented as a result of the updates to the Equity, Inclusion and Respect Policy as outlined in the Governance Committee Report.

https://www.uts.edu.au/about/uts-governance/policies/uts-policy/code-conduct

3.3 Staff and affiliates ~~**are expected to**~~ **must** ensure their interactions with each other, students and the wider community are in line with this code**,** ~~**and**~~ the Equity, Inclusion and Respect Policy **and the Sexual Harm Prevention and Response Policy**.

4.3 Behaviour or conduct that is inconsistent with the code**, the Sexual Harm Prevention and Response Policy** or the Equity, Inclusion and Respect Policy is unacceptable and managed as a breach of this code or as a breach of contract (as appropriate). UTS will investigate any unethical or unacceptable behaviour brought to its attention, particularly that which may have an adverse effect on the wellbeing of staff or students, and take any necessary action.

4.17 Conflicts of interest may include, but are not limited to, the following examples.

(a) Financial interests: where a person who has a financial interest in an external entity (for example company, sole trader, government authority) is in a position to influence contracts between that entity and UTS, for example as part of a role on a committee….

(e) Sexual or romantic relationships between staff, or between staff and students: where a member of staff is responsible for supervising, teaching and/or assessing a student or is the direct supervisor of another member of staff, engaging in sexual or romantic relationships may harm the learning, research or professional environment and compromises academic and professional integrity (refer Equity, Inclusion and Respect Policy).

4.18 It is the responsibility of all staff, students and affiliates to ensure they identify and declare any perceived, actual or potential conflicts of interest as soon as they arise in line with this code. However, managers, supervisors**,** ~~**and**~~ colleagues **and students** must also be empowered to ~~**help others**~~ recognise when a conflict **of interest** may occur **and that all conflicts of interest must be disclosed**.

4.19 Unreported conflicts of interest are considered a breach of this code. UTS may intervene if it reasonably considers that a conflict of interest has arisen, or may arise, between the private interests of staff, students or affiliates and their work, duties**, responsibilities** or functions at UTS.

Supervisor includes, but is not limited to, deans, executive directors, directors, heads of school, all managers and other people who supervise staff.*

**This definition is moved here from the Fraud and Corruption Prevention Policy. Subsequent amendments to this policy will also be made.*

DOCUMENT 5.3, ATTACHMENT 2

Student Rules

These changes to the Code of Conduct are consequential changes, resulting from the development of the new Sexual Harm Prevention and Response Policy and minor changes to the Subject Descriptions and Subject Outlines Policy.

16.2 Definition of misconduct

16.2.1 **Student misconduct** includes but is not limited to:[1]

(6) contravening any provision of the Act, the By-law, these Rules, and the codes of conduct, policies, procedures, directives, guidelines and any other form of regulation of the University;

(11) unreasonably interfering with the freedom of other persons to pursue their studies, carry out their functions or participate in the life of the University;

(14) failing to comply with any order or direction lawfully made or given under the Act, the By-law, these Rules, and the codes of conduct, policies, procedures, directives, guidelines and any other form of regulation of the University;

(19) behaving disgracefully, improperly or inappropriately:

(a) in a class, meeting or other activity in or under the control or supervision of the University; or

(b) on University premises**,** ~~**or**~~ facilities **or virtual spaces**; or

(c) on any other premises**,** ~~**or**~~ facilities **or virtual spaces** to which the student has access for his or her University purposes; or

(d) while pursuing any activity related to his or her University enrolment;

(20) publishing material which is abusive, offensive, vilifying, harassing, discriminatory or inappropriate about the University, another student, or an officer of the University, in any forum or media, including but not limited to print, internet, social media, email, digital or electronic communications and broadcasting forums;

~~**(34) sexual harassment, which for the purposes of these Rules is any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature;**~~

~~**(35) indecent assault, which for the purposes of these Rules is any assault that has a sexual connotation; and/or**~~

~~**(36) sexual assault as defined under the Crimes Act 1900 (NSW).**~~

Changes to Schedule 1: Student Rules

Subject Coordinator means a member of ~~**the**~~ academic staff nominated by a Responsible Academic Officer and appointed by the relevant ~~**Faculty Boards**~~ **Dean or equivalent** for each subject ~~**in accordance with the duties and powers of Faculty Boards as approved by Academic Board**~~.

[1] To date, all incidents of sexual harm have been managed by CBAIT and/or under Rule 16.2.1 (19) and (20). The definitions 16.2.1 (34)-(36) have not been applied due to their legal application. With the development of the new policy, Rules 16.2.1 (6) and (11) may also be applied.

DOCUMENT 5.3, ATTACHMENT 2

Changes to Student Rules Schedule 4 – Guidelines on Determining Appropriate Penalty for Instances of Student Misconduct

Scale of penalties (table)

penalty	Rule	Examples of types of misconduct
Rescission of an academic award conferred by the University where the award is as a result of fraud or serious misconduct committed by the student before the award was conferred	16.3.1(1)	• serious instances of misconduct, including fraud and which may or may not involve serious criminal behaviour • ~~violent acts, sexual harassment, indecent assault, sexual assault~~ **disgraceful, improper or inappropriate behaviour** • extensive plagiarism in a research thesis or major project found proven after the award has been conferred
Revocation of a recommendation to Academic Board that a student has satisfied the requirements for an award	16.3.1(2)	• fraud • major plagiarism or misconduct in a subject that has been determined to have satisfied requirements for the relevant award • ~~violent acts, sexual harassment, indecent assault, sexual assault~~ **Serious instances of misconduct, including fraud and which may or may not involve serious criminal behaviour**
Permanent exclusion from the University	16.3.1(3)	• serious instances of misconduct, which may involve serious criminal behaviour **or violence~~, violent acts, sexual harassment, indecent assault, sexual assault~~** • disgraceful, improper or inappropriate behaviour • repeated instances of misconduct
Exclusion from the University for a period of up to five years	16.3.1(4)	• fraud • impersonation • alteration of any document or record of the University • serious damage to University property or misuse of University facilities • serious disruption to University activities • serious misconduct including extensive plagiarism, exam misconduct • repeat cases of misconduct • failure to comply with any penalty imposed for an instance of misconduct or failure to comply with any condition

		agreed with the Vice-Chancellor under Rule 2.1.9 • dishonesty in relation to admission to the University • **disgraceful, improper or** inappropriate behaviour including harassment, intimidation or interference with the freedom of other persons at the University • ~~**sexual harassment, indecent assault**~~ • repeated instances of misconduct
Suspension from the University for a specified period not exceeding 12 months	16.3.1(5)	• fraud • damage to University property or misuse of University facilities • disruption to University activities and/or freedom of other persons • misconduct including plagiarism, exam misconduct • repeat cases of misconduct • failure to comply with any penalty imposed for an instance of misconduct • ~~**sexual harassment, indecent assault**~~ **disgraceful, improper or inappropriate behaviour**
Suspension from a course of the University for a specified period not exceeding 12 months	16.3.1(6)	• misconduct including plagiarism, exam misconduct, repeated cheating in assessment • **disgraceful, improper or inappropriate behaviour** • repeat cases of misconduct

Delegations

https://www.uts.edu.au/about/uts-governance/delegations

Changes to delegation 4.3.10 to reflect changes to the Subject Descriptions and Subject Outlines Policy and to Schedule 1, Student Rules.

Authority	Instructions	Policies	Bands
Authority to appoint subject coordinators, Examiners and assessors for each course offered.	**Process for approval of subject coordinators to be included in faculty procedures relating to subject information.**	**Subject Descriptions and Subject Outlines Policy.**	Deans or equivalent

DOCUMENT 5.1

UNIVERSITY OF TECHNOLOGY SYDNEY

COUNCIL

**** CONFIDENTIAL ****

AGENDA ITEM 5.1 **MEETING 23/2**

MS MICHELENE COLLOPY **19 APRIL 2023**
CHAIR, AUDIT AND RISK COMMITTEE

REPORT FROM AUDIT AND RISK COMMITTEE

Purpose

This report covers matters arising from the Audit and Risk Committee at meeting 23/2 held on 28 March 2023.

Recommendation

s2.2 Out of scope [redacted]

MATTERS FOR DECISION

s2.2 Out of scope [redacted]

s2.2 Out of scope

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

MATTERS FOR NOTING

s2.2 Out of scope

[redacted]

[redacted]

[redacted]

s2.2 Out of scope

s2.2 Out of scope

[redacted]

Complaints – Student, general bullying and harassment and sexual assault/harassment

The Committee received the annual report on student complaints covering figures for general complaints and other key complaint indicators such as bullying or sexual harassment. Student complaints rose from 2021 to 2022, with proportionate rises across all categories of sources of complaints. In 2022, the Students Complaints Resolution Office (SCRO) received 437 complaints, representing a 25% increase compared to 2021. This number includes matters that may amount to requests for service. While not strictly complaints, requests for service and enquiries represent a significant proportion of the work undertaken by SCRO. The volume of complaints both received and finalised by SCRO has gradually increased as the profile of the SCRO has raised with internal stakeholders and students. Improvements to the UTS website and availability of an online student complaint form via the Student Portal have also had an impact on the increasing number of student complaints. The only statistically significant factor in the year on year rise was the increase in complaints about the Recognition of Prior Learning (RPL) process. The Students Complaints Resolution Office worked with the relevant areas of university to improve the RPL processes, and conveyance of information and rationale to students.

In 2022, UTS Council resolved to disestablish the UTS Student Ombud's Office, with all functions transferring to the SCRO. Following reviews by the SCRO, a dissatisfied student's next point of escalation is external to the NSW Ombudsman. The NSW Ombudsman does not generally inform the university when complaints are received that warrant no further action. Since the inception of the SCRO, the office has been made aware of only a handful of complaints to the NSW Ombudsman. The NSW Ombudsman was satisfied on all occasions that the university had managed these complaints appropriately and took no further action. UTS has had no contact from the NSW Ombudsman during 2022 about inquiries or investigations by that agency. The fact that no matter has been progressed by the NSW Ombudsman since the inception of the SCRO reinforces the belief that the work of SCRO in managing complaints is accordance with better practice.

There were 6 complaints received about alleged bullying and harassment by SCRO in 2022 (compared to 7 in 2021) and 5 complaints received that alleged discrimination (compared to 4 in 2021). These form a subset of the complaints reported under general complaints above.

The total Sexual Assault and Sexual Harassment (SASH) incidents reported increased from 66 to 71 from 2021 to 2022. All types and sources of SASH complaints had increases from 2021 to 2022. Although there are no figures to prove a clear correlation, it is believed the increases are most likely due to an increased presence of students on campus, increased use of public transport and the significant increase in Respect.Now.Always communication and education undertaken in 2022.

s2.2 Out of scope

[redacted]

DOCUMENT 5.1

UNIVERSITY OF TECHNOLOGY SYDNEY

COUNCIL

**** CONFIDENTIAL ****

AGENDA ITEM 5.1 **MEETING 24/2**

DR JACK STEELE **17 APRIL 2024**
CHAIR, AUDIT AND RISK COMMITTEE

REPORT FROM AUDIT AND RISK COMMITTEE

Purpose

This report covers matters arising from the Audit and Risk Committee at meeting 24/2 held on 4 April 2024.

Recommendations

s2.2 Out of scope

[redacted]

MATTERS FOR DECISION

s2.2 Out of scope

[redacted]

s2.2 Out of scope

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

MATTERS FOR NOTING

s2.2 Out of scope

[redacted]

[redacted]

[redacted]

s2.2 Out of scope

s2.2 Out of scope

s2.2 Out of scope [redacted]

[redacted]

Complaints – Student, general bullying and harassment and sexual assault/harassment

The Committee received the annual report on student complaints covering figures for general complaints and other key complaint indicators such as bullying or sexual harassment. Student complaints held steady from 2022 to 2023. Complaints received relate to all areas of the University's interaction with students. For 2023, generally, the number of complaints by faculty represent the size of the cohort of students for each faculty. Similarly, the proportion of complaints from domestic or international students broadly reflects the numbers of these students in the wider university population. 93 complaints were from postgraduate students and 202 were from undergraduate students. There were 22 complaints from Higher Degree Research students. The remaining 5 were prospective students, graduates, former students or not students.

244 complaints were from domestic students, while 103 complaints were from international students. In the vast majority of complaints from international students the complaint did not specifically relate to the student's status as an international student or experience with UTS International. 5 complaints were from unspecified source, or a prospective or former student. The proportions of complaints from types of students remained stable and reflects the population of various UTS student cohorts.

For 2023 all complaints remain to have been responded to within the 4-day compliance deadline and resolved within the 60-day compliance timeframe with the majority of complaints finalised within 2-3 weeks of lodgement.

Visibility of the SCRO and complaint reporting channels increased over the period. To streamline complaint reporting for students, an online complaint form is available at the easy to find "Student Complaints Portal". The role and services of SCRO have also been promoted in 2023 as part of the creation of the broader "Speak Up at UTS" website.

During 2022 Council approved the disestablishment of the UTS Student Ombuds Office with effect from 1 December 2022. From that date onward all matters previously considered by the Ombud Office transferred to the responsibility of the SCRO. This impact has been felt by the SCRO in increased contact and inquiries from the NSW Ombudsman and work to produce an Annual Report for more general internal and external stakeholders, similar to that previously produced by the UTS Ombuds Office.

Following a final outcome email from the SCRO, a dissatisfied student's next point of escalation is externally to the NSW Ombudsman. The NSW Ombudsman does not generally inform the university when complaints are received that warrant no further action. Since the disestablishment of the UTS Student Ombuds Office, the SCRO has established and built a relationship with the NSW Ombudsman. The SCRO is their first point of contact in UTS for inquiries. In 2023, the SCRO has received 3 written contacts from the NSW Ombudsman by way of requests for

information or preliminary inquiry. The NSW Ombudsman was satisfied on all occasions that the university had managed these complaints appropriately and took no further action.

In 2023 UTS has had no contact from the NSW Ombudsman regarding investigations by that agency. The fact that no matter has been progressed by the NSW Ombudsman since the disestablishment of the UTS Ombud Office reinforces the belief that the work of SCRO in managing complaints is aligned with better practice.

In 2023 there were 7 complaints received by SCRO about alleged bullying and harassment (compared to 6 in 2022) and 15 complaints received that alleged discrimination (compared to 5 in 2022). These form a subset of the complaints reported under general complaints above.

The total Sexual Assault and Sexual Harassment (SASH) incidents reported increased from 71 to 80 from 2022 to 2023. All types and sources of SASH complaints had increases from 2022 to 2023. Although there are no figures to prove a clear correlation, it is believed the increases are most likely due to an increased presence of students on campus, increased use of public transport and the significant increase in Respect.Now.Always communication and education undertaken in 2022/3. An increase in reporting is not necessarily negative as students should be encouraged to come forward and receive support and increased numbers are increased opportunity for the university to take action in relation to instances that involve sexual harm.

s2.2 Out of scope

[redacted]

DOCUMENT 5.4

UNIVERSITY OF TECHNOLOGY SYDNEY

COUNCIL

**** CONFIDENTIAL****

AGENDA ITEM 5.4 **MEETING 24/6**

CHANCELLOR **27 NOVEMBER 2024**
(as CHAIR, GOVERNANCE COMMITTEE)

REPORT FROM GOVERNANCE COMMITTEE

Purpose

This report covers matters arising from meeting 24/4 (14 November 2024) of the Governance Committee.

Recommendations

s2.2 Out of scope

[redacted]

[redacted]

MATTERS FOR DECISION

s2.2 Out of scope

[redacted]

s2.2 Out of scope

[redacted]

MATTERS FOR NOTING

Gender-based Violence

Council Responsibility

Council is requested to note the change in ownership and oversight of gender-based violence prevention that will be required under the National Code.

While the Sexual Harm Prevention and Response Policy is currently approved by the Vice-Chancellor and managed by the Senior Executive under the Provost, the new expectation for all universities is that gender-based violence governance, management and reporting will fall under the remit of Council as the University's governing body.

Background
On 24 February 2024, the Department of Education (DOE) released the Action Plan Addressing Gender-based Violence in Higher Education (the DOE Action Plan). This document is provided is available from the Executive Officer to Council if required.

The DOE Action Plan underscores the role that higher education institutions play in advancing societal change, and responsibility for ensuring safe, respectful, and inclusive environments free from sexual violence. This is an extension of the Australian Department of Social Services' National Plan to End Violence against Women and Children 2022–2032.

Central to the DOE Action Plan is the requirement for a whole-of-organisation approach to prevent and respond to gender-based violence across articulated standards. Standards include but are not limited to; collaborative co-design involving students, staff, experts, service providers, and local communities, recognition of intersectionality and the requirement for greater transparency, accountability, and oversight, particularly when conducting evaluation and reporting.

Other Action Plan requirements
In addition to requiring universities to establish a whole-of-organisation approach to prevent and respond to gender-based violence, the DOE Action Plan also outlines seven additional actions, including the establishment a National Student Ombudsman, a new National Code, enhancing the standards and accountability of student accommodation providers, and increasing data transparency and scrutiny.

UTS Response Activities
Meeting the requirements of the DOE Action Plan will require short, medium and long-term milestones to be achieved as UTS works towards developing this whole of organisation approach.

A Gender-based Violence Working Group has been established by the Provost to support UTS response activities. The Working Group are sourcing a single portal reporting system to manage reports and disclosures of gender-based violence from UTS community members, irrespective of their relationship to UTS. This portal would see cases triaged, supported and managed by case workers.

In the short term, recruitment of student case workers has been approved and may be folded into the wider whole of university response in the medium term once a new reporting structure and reporting portal are approved. A plan for a proposed new operational and governance structure is also being considered.

In the medium term, over the remainder of 2024, the Sexual Harm Prevention and Response Policy will be reviewed in response to the National Code and the operational and governance structure will be developed for presentation to Council for approval to meet the future, DOE required accountabilities (refer Impact of a National Code below).

Impact of a National Code
The rules-based National Code (Action 3 of the DOE Action Plan) will set the requirements for embedding a whole-of-organisation approach. The National Code will also apply to student accommodation providers, ensuring alignment between

educational institutions and accommodation provider response policies, processes and practices, and integration of safety and support systems.

The Code is intended to commence 1 January 2025 and enforcement (reporting) will begin 1 January 2026 (for the 2025 calendar year).

A May presentation about the DOE Action Plan from Renee Hamilton (Director), Bella Counihan (Assistant Director), and Ashleigh Streeter-Jones (Senior Policy Officer) from the Australian Universities Accord Implementation Branch at the Department of Education (DoE) provided the following advice:

- DoE is responsible for creating the National Code as a legislative instrument.
- The Code will take a whole-of-organisation approach - not just staff and students, also clubs, unions, third-party contractors, and community members.
- Council will be responsible for overseeing compliance and for the submission of the annual report.
- DoE will not be funding any universities for this work.

UTS Risks/Challenges

A draft risk register has been prepared by the Working Group, listing the high-level risks and mitigation strategies. Some of the major risks include:

- The current operating model, as reflected in the Sexual Harm Prevention and Response Policy, does not take a whole-of-organisation approach.
- Timeframe for compliance is a risk as UTS existing structures and provisions will not meet the requirements of either the Action Plan or the Code and will require restructure and resourcing.
- The National code will not be released until the end of Q3 of 2024 at the earliest which does not provide much time for response.

Next Steps

The Working Group has drafted a paper for the Vice-Chancellor outlining the UTS plan and timeline to ensure alignment with the Gender-based Violence for Higher Education Code for early 2025. This includes an immediate and longer-term policy response, review of organisational structures, review of governance arrangements, identification of resource and systems gaps and allocation of responsibilities.

The Governance Committee will provide governance oversight of the UTS response to the DOE Action Plan and compliance with the National Code and report to Council. Progress reports will be provided to the Governance Committee in 2025, before consideration of the first annual report in early 2026 for the 2025 calendar year.

s2.2 Out of scope

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[redacted]

s2.2 Out of scope

[redacted]

s2.2 Out of scope

[redacted]

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s2.2 Out of scope

[redacted]

Other items considered by the Governance Committee

s2.2 Out of scope

[redacted]

DOCUMENT 5.2

UNIVERSITY OF TECHNOLOGY SYDNEY

COUNCIL

**** CONFIDENTIAL****

AGENDA ITEM 5.2 **MEETING 25/2**

CHANCELLOR **16 APRIL 2025**
(as CHAIR, GOVERNANCE COMMITTEE)

REPORT FROM GOVERNANCE COMMITTEE

Purpose

This report covers matters arising from meeting 24/1 (8 February 2024) of the Governance Committee.

Recommendations

Council to:

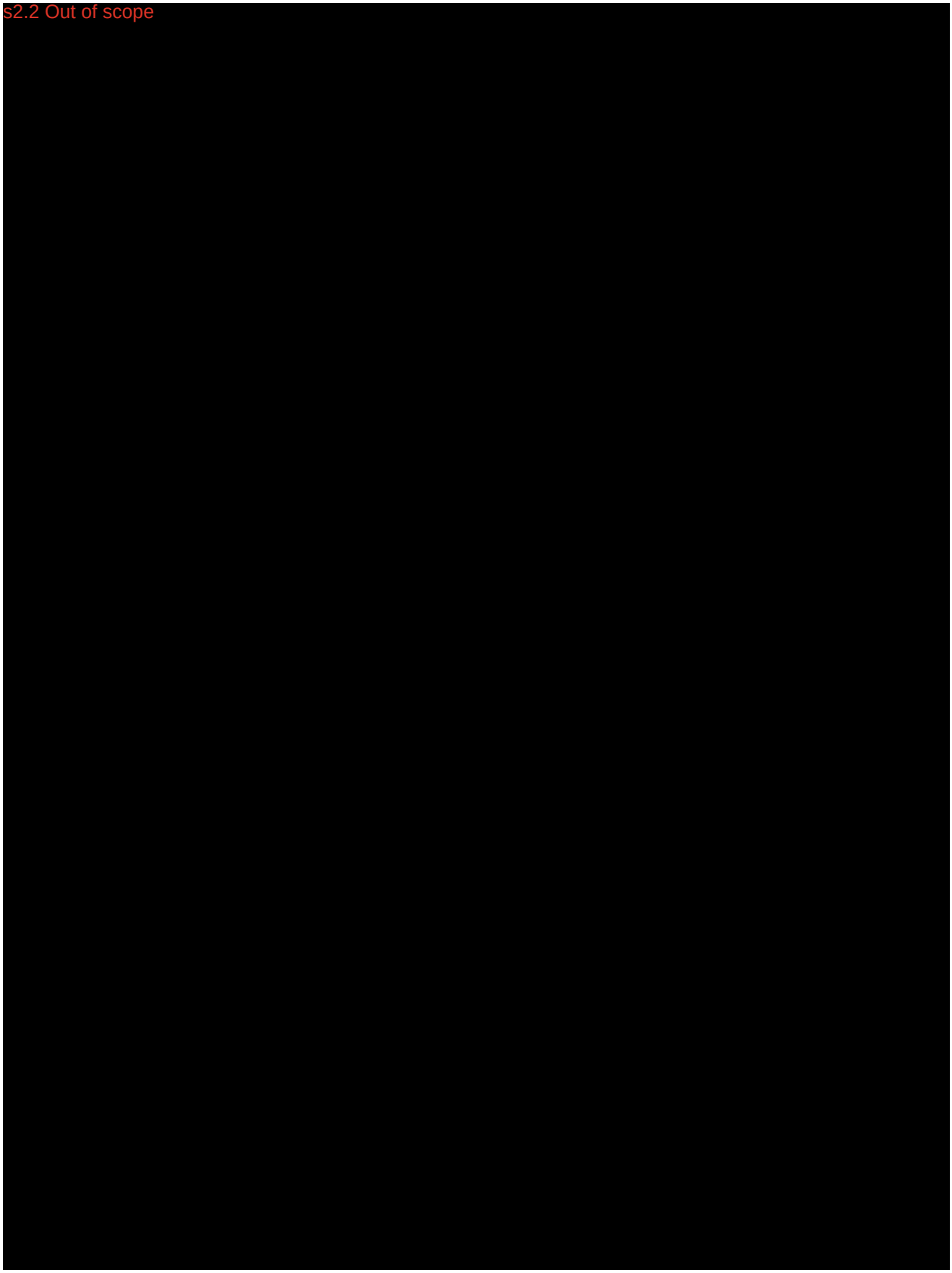
.1 receive and note the report as detailed in Document 5.2 – *Report from Governance Committee*;

5.2 Out of scope [redacted]

MATTERS FOR DECISION

s2.2 Out of scope

s2.2 Out of scope



s2.2 Out of scope

[redacted]

MATTERS FOR NOTING

The National Code to Prevent and Respond to Gender-Based Violence

Summary

The Governance Committee was provided with an update on the work in progress and noted that UTS does meet the minimum requirements of the Code and does have a multipronged approach to providing a safe place for students and staff. Further work is underway to ensure that this is demonstrable.

There are two reviews underway that will likely lead to governance instrument (Student Rules and policies) changes as well as consideration of the organisational alignment to support the University's approach.

Legislative environment

The *National Higher Education Code to Prevent and Respond to Gender-Based Violence* (the Code) has been proposed under the Universities Accord (National Higher Education Code to Prevent and Respond to Gender-based Violence) Act 2025 (the Act) Bill. The purpose of the Code is to prevent and respond to Gender-based Violence (GBV) as part of the government's National Plan to End Violence against

Women and Children 2022–2032. The Code is still being considered by the Australian Parliament.

Intention of the Code and Provider Obligations

The Code requires universities to:

1. develop and implement a gender-based violence prevention and response policy together with a gender-based violence prevention and response plan (with specific provisions) and an outcomes framework (against which the success of policy and plan will be measured)
2. establish a Whole of Institution approach to preventing and responding to Gender-based Violence, inclusive of staff, students and third parties which includes appropriate organisational structure, representation on UTS Council or a relevant sub-committee, better inclusion and coverage of entities, UTS housing and other student housing providers
3. trauma-informed and easily accessible single reporting portal (or data capture system) to enable appropriate data collection and case management while maintaining privacy considerations
4. multiple reporting options that triage into this single data capture system
5. undertake extensive evaluation and recording of prevention and response data
6. trauma-informed specialists in both prevention, response and risk assessment, training delivered to staff, students and Council members
7. undertake mandatory reporting to the Secretary of the department of education, with collected data published in aggregated form
8. deal with alleged perpetrators/complainants, who are also included in the Code's provisions, in a manner that supports the victim survivor and broader social change.
9. ensure all policies, plans, data collection and evaluation frameworks, and organisational infrastructure necessary for compliance must be in place by 1 January 2026 with evaluation metrics available from 30 June 2026.

Non-compliance with the Code as currently drafted proposes significant consequences, including financial penalties (civil penalties outlined in the Bill), enforceable undertakings, and court-ordered compliance.

s2.2 Out of scope [redacted]

[redacted]

[redacted]

[redacted]

s2.2 Out of scope

s2.2 Out of scope

From: Jenny Luong
To: Kylie Readman
Subject: Re: Mia"s paper on misconduct
Date: Wednesday, 30 October 2024 9:28:49 AM
Attachments: SCLG 24-3 - 3.7 Student Misconduct Review.pdf

Hi Kylie,

Please see the requested paper attached.

Kind regards,
Jenny

From: Kylie Readman <Kylie.Readman@uts.edu.au>
Sent: Wednesday, 30 October 2024 8:21 AM
To: Jenny Luong <Jenny.Luong@uts.edu.au>
Subject: Mia's paper on misconduct

HI Jenny,
Could you send me Mia’s paper on misconduct? The group who are leading the review are meeting today at 10.30 and I’d like to share it with them.
All the best
Kylie

DOCUMENT 5.6

UNIVERSITY OF TECHNOLOGY SYDNEY

COUNCIL

AGENDA ITEM 5.6 **MEETING 24/6**
27 NOVEMBER 2024

DR LISA O'BRIEN AM
CHAIR, STUDENT/COUNCIL LIAISON GROUP

REPORT FROM THE STUDENT/COUNCIL LIAISON GROUP

Purpose

To provide UTS Council with a report on matters considered by the Student/Council Liaison Group (SCLG or "the Group") at its 24/3 meeting held on 29 October 2024.

Recommendation(s)

Council to:

.1 receive and note the report as detailed in Document 5.6 – *Report from the Student/Council Liaison Group*; and

.2 approve that the composition of SCLG be changed from "a UTS student resident appointed by and from the UTS Housing Student Resident Advisory Committee" to "a UTS Housing Student Representative nominated by the Residential Life and Learning Supervisor and Housing Services and Manager, Housing Service.".

MATTERS FOR DECISION

Amendment to the Student/Council Liaison Group Composition

It is recommended that due to the disbandment of the Student Resident Advisory Committee, Council approve the composition of SCLG be changed from "a UTS student resident appointed by and from the UTS Housing Student Resident Advisory Committee" to "a UTS Housing Student Representative nominated by the Residential Life and Learning Supervisor and Housing Services and Manager, Housing Service.".

There will be no change to the term of the membership, and this will remain consistent with other student member terms.

Consultation has been undertaken with the Director, Student Services, GSU and UTS Housing Services. The SCLG endorsed this recommendation at its 24/3 meeting.

MATTERS FOR NOTING

Student Partnership Agreement

The draft of the UTS Student Partnership Agreement 2025-2027 (the agreement) has been completed. The agreement constitutes a statement of mutual intentions with respect to student engagement with representatives from UTS, ActivateUTS and the UTS Students' Association.

The new projects that have been added to the agreement include:

- Co-design a new Student Voice Framework;
- Explore availability of short-term emergency accommodation;
- Explore opportunities for permanent space for the UTSSA's free food services; and
- Expand and develop training and support for student leaders and case managers who respond to sexual assault and harassment.

The agreement will be reviewed by the ActivateUTS and the UTS Students' Association governing bodies for their support. Once the agreement receives final support by all parties, it can be signed.

Education and Students Report

The Group was briefed on matters related to UTS services, including, Counselling, HELPS, Accessibility, Financial Assistance, Health, Safety/SASH, Careers Services, First BASE, the Outreach Program, Housing, on-demand and guided support services, support for international students, Culturally Response Graduate Capital employability training, Library services and the work of the Academic Administration Working Group.

The Group discussed equity and accessibility in relation to the use of AI for student assessments.

Academic Freedom and the Student Rules

The Director, Governance Support Unit addressed the Academic Freedom and the Student Rules paper in response to the issues raised at the June 2024 SCLG Meeting regarding Academic Freedom, the Student Voice and intersection with the university's misconduct rules.

The Group noted that UTS has commenced a broader, holistic review of the key Student Misconduct Rules.

NSW International Student Representative Committee

The SCLG was advised that a state level NSW International Student Representative Committee (ISRC) has been established. The overriding objective of the committee is to expand, advocate for, defend and preserve the rights and interests of international students.

The UTS Students' Association has agreed to appoint the International Students' Officer to represent the interests of UTS International students at the NSW ISRC meetings.

UTS Student Forum 2024

The UTS Student Forum 2024 was held on Wednesday 2 October 2024. The Forum culminated in a Futures Showcase delivered to university leaders at the end of the workshop. This involved the creation of future scenarios of UTS, built upon areas of emerging change identified by students. University leaders from the Education Unit provided valuable feedback on the student presentations, noting key themes, such as, the potential of AI to build community, address fairness, and enhance intercultural understanding.

Update on the Emergency Response Protocol Evaluation

In response to a matter raised during the SCLG meeting 24/2 in relation to raising awareness of the evacuation responses of staff and students during emergency evacuations and to propose that the UTS emergency response protocol is re-evaluated, the Group was provided with an update on the UTS Emergency Response Protocol Evaluation.

Reform of Student Misconduct Process for Sexual Harm

The President, Students' Association addressed the Reform of the Student Misconduct Process for Sexual Harm paper to propose reforms to UTS's sexual misconduct processes to address issues, such as, procedural fairness, communication, and transparency.

The Group noted the appointments of trauma-informed caseworkers and of an external reviewer to undertake a broad review in relation to Student Misconduct, Sexual Harm, Gender Based Violence, Concerning Behaviours and Interventions Policies, Rules and processes.

Student Representation

The student members were invited to provide any feedback on the SCLG orientation session or in relation to the SCLG in general.

The Chair thanked the outgoing student representatives for their contributions throughout the year.

The Group acknowledged the current and former Chair of SCLG.

SCOPE OF WORK – COMPLAINTS AND COMPLIANCE AT UTS

Current state

This initiative seeks to unify many intersecting areas of complaints management for UTS. The UTS ethos of working together is embodied in many areas of responsibility coming together to review, design and develop a safe and inclusive environment for the UTS community – as well as effectively addressing our capacity in managing the volume of complaints and compliance management ongoing, and arising.

Business Analyst required to

Objectives

1. Map the current state of complaints management: including students, staff and others (and where complaints may also arise from alternative channels) Including academic misconduct, student misconduct, staff misconduct, sexual harm reporting, gender-based violence reporting.
2. Overlay the above visualisation and mapping with the current state of policies, units/teams and remits attached to triage, management and resolution across students, staff and community.
3. Map existing compliance and legal obligations of higher education providers and visualize how UTS is addressing these with reference to 1 and 2 above.
4. Map the current investigations process, stakeholders and high-volume areas.
5. Articulate existing strengths, gaps, interdependencies and high-traffic intersections.

Existing material to be considered

1. Meeting actions and expectations from 21 February 2025
2. With relation to Students: Angela Hill reports 2024 and 2023
3. UTS Risk Framework
4. Volume risks raised by General Counsel and Director, GSU
5. Process maps available from local areas

DRAFT

Stakeholders

Portfolio	Unit	Stakeholders
General Counsel	Compliance	Shabnam Gill
	Risk	Kumar Srinivasan
	Insurance	
Governance Support Unit	Student Misconduct	Andrea Thompson
	Student Complaints	Megan Cassidy
	Academic Misconduct	
	Policies and procedures	Richard Birrell, Elizabeth Miller
Education & Students	Students	Sarah Lok
	Education	
People Unit		
Provost	Equity & Diversity Unit	Jo Tilley,
	RNA	Catharine Pruscino

Existing issues raised

Concerns from meeting and AH recommendations

Existing work underway

1. Recommendations from UTS 2024 Gender-Based Violence Action Plan have been paused, this includes the single reporting portal tool exploration that was underway with ITU.
2. Recommendations from Angela Hill 2025 have not yet begun implementation, awaiting determination on prioritizing of this work.

   Vice-Chancellor to receive current state landscape and Provost's recommendations on prioritizing.

DRAFT

From: Kylie Readman
To: Jenny Luong
Cc: Kristyna Nikro
Subject: Re: SCLG item - for review and approval
Date: Wednesday, 23 October 2024 9:26:00 AM
Attachments: image002.png

Thanks Jenny. Approved.
Kylie

Professor Kylie Readman
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney

Apologies for brevity - this email is sent from my mobile device

> On 23 Oct 2024, at 9:10 AM, Jenny Luong <Jenny.Luong@uts.edu.au> wrote:
>
> Dear Kylie,
>
> Please find attached a paper submission from the President SA for your review and approval for inclusion into the SCLG meeting papers.
>
> Kind regards,
> Jenny
>
> ---
>
> **From:** Mia Campbell <president@utsstudentsassociation.org>
> **Sent:** Tuesday, 22 October 2024 6:22 PM
> **To:** Jenny Luong <Jenny.Luong@uts.edu.au>
> **Subject:** [EXTERNAL] Re: Call for agenda items - Student/Council Liaison Group 24/3 meeting (29 October 2024)
>
> Hi Jenny,
>
> Please see attached paper for inclusion in next week's SCLG meeting. Thank you so much for your patience and I apologise again for the delay.
>
> Kind regards,
>
> **Mia Campbell**
> *President*
>
> UTS Students' Association
> University of Technology Sydney
> T. 02 9514 1153 | M. 0412 658 474
> Room 22, Level 3, UTS Tower Building
> utsstudentsassociation.org.au

I may send emails outside of normal operating hours, but I do not expect you to read, respond or action this email outside of your working hours.

I acknowledge the Gadigal people of the Eora nation and the Boorooberongal People of the Dharug Nation where UTS now stands. I pay my respects to the Elders past, present and emerging, acknowledging them as the traditional custodians of knowledge for this place. Always was, always will be, Aboriginal land.

<SCLG Paper - Student Misconduct Review (DRAFT 2).docx>

Kristyna Nikro Chat Shared

Kristyna Nikro 1/4 2:27 pm

Thanks Jenny I have a query from Mia regarding the minutes.

> *The Student/Council Liaison Group resolved to:*
>
> *.1 receive and note the report as detailed in Document 3.7 – Reform of Student Misconduct Process for Sexual Harm; and*
>
> *.2 refer the report to the Deputy Vice-Chancellor (Education & Students) for inclusion in the upcoming review of the misconduct processes.*

She has asked about the 3rd point that was listed in her paper related to the matter - *3 refer the report to UTS Council to provide a formal response on the proposal by 25/1 or sooner, allowing student leaders, such as the UTS Students' Association, to be consulted during the process.*

She has said that she does not think the last point was resolved and is asking why it is not included in the outcome.

Do you remember why it is not recorded in the minutes by any chance?

1/4 2:30 pm

Consideration will be given by the DVC (E&S), Director, Governance Support Unit and the Vice-Chancellor as to whether the paper is to be presented to Council, noting that Council will be informed that the issue was discussed at SCLG through the SCLG report to Council.

From my understanding, recommendation 3 was addressed here

It was not resolved that her report would be sent to Council

Page 7 of the minutes

From: Kylie Readman
To: Andrew Parfitt; Glen Babington; Shaun O"Mara
Cc: Bill Paterson
Subject: FW: Papers - Meeting 24/2 of the Student/Council Liaison Group (4 June 2024)
Date: Sunday, 2 June 2024 9:44:25 PM
Attachments: IMG_5676.jpeg
IMG_5677.jpeg
SCLG 24-2 - meeting pack.pdf
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image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png

Dear all,
s2.2 Out of scope [redacted]
For information, the SCLG meets in the Chancellery at 4pm and the meeting is scheduled to go until 6. s2.2 Out of scope [redacted]
There are two items of interest on the agenda: one is the management response to an inquiry about UTS partnerships. The second is a paper from the UTSSA President Mia about academic freedom in relation to the student rules. The meeting pack s2.2 Out of scope [redacted] attached. s2.2 Out of scope [redacted]
I should be in from 8 tomorrow.
All the best
Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance and appointments:
Jacklyn McCauley
jacklyn.mccauley@uts.edu.au | Extension x1465

[redacted]

I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both

past and present, acknowledging them as the traditional custodians of knowledge for this land.

From: Kurt Cheng <Kurt.Cheng@student.uts.edu.au>
Date: Sunday, 2 June 2024 at 8:00 PM
To: Jenny Luong <Jenny.Luong@uts.edu.au>
Cc: Kylie Readman <Kylie.Readman@uts.edu.au>, Bill Paterson <William.Paterson@uts.edu.au>
Subject: Re: Papers - Meeting 24/2 of the Student/Council Liaison Group (4 June 2024)

Hi Jenny

Thank you providing the papers for the upcoming SCLG meeting.

s2.2 Out of scope [redacted]

[redacted]

[redacted]

[redacted] I will send my apologies by midday if that is the case.

Thanks Jenny.

Cheers
Kurt

Sent from Outlook for iOS

From: Jenny Luong <Jenny.Luong@uts.edu.au>
Sent: Tuesday, May 28, 2024 4:47:35 PM
To: Kurt Cheng <kurt.cheng@student.uts.edu.au>; Peter Munford <peter.b.munford@student.uts.edu.au>; Kylie Readman <kylie.readman@uts.edu.au>; Sarah Lok <sarah.lok@uts.edu.au>; Sara Denize <sara.denize@uts.edu.au>; president@utsstudentsassociation.org <president@utsstudentsassociation.org>; international@utsstudentsassociation.org <international@utsstudentsassociation.org>; president@activateuts.com.au <president@activateuts.com.au>; Rodger Liang <rodger.j.liang@student.uts.edu.au>; Lucas Tan <lucas.tan@student.uts.edu.au>; Olivia Ntim <Olivia.K.Ntim@student.uts.edu.au>; Mila Fisher <mila.a.fisher@student.uts.edu.au>; Rani Bahho <rani.bahho@student.uts.edu.au>; Sabrine Yassine <Sabrine.Yassine@student.uts.edu.au>; Shreegowri Aradhya <shreegowri.aradhya@student.uts.edu.au>; Connor Barkley <Connor.Barkley@student.uts.edu.au>; Jermaine Heard <jermaine.heard@student.uts.edu.au>; Anthony Cao <anthony.cao@student.uts.edu.au>; Marisara

Satrulee <marisara.satrulee@student.uts.edu.au>
Cc: Jacklyn McCauley <Jacklyn.McCauley@uts.edu.au>; Kerry Large <Kerry.Large@uts.edu.au>; Deborah Crook <Deborah.Crook@uts.edu.au>; Kristyna Nikro <Kristyna.Nikro@uts.edu.au>; Jasmine Agland <Jasmine.C.Agland@student.uts.edu.au>
Subject: Papers - Meeting 24/2 of the Student/Council Liaison Group (4 June 2024)

Dear SCLG members,

Meeting 24/2 of the Student/Council Liaison Group (S/CLG) is scheduled to be held on **Tuesday, 4 June 2024 at 4.00 pm** in the Chancellery Boardroom, Room 26, Level 4A, Building 1, Broadway (CB01.04A.026).

The agenda and meeting papers are attached for your information.

If you are unable to attend this meeting, please send your apologies if you have not already done so.

Kind regards,
Jenny Luong
Senior Governance Support Officer (Electoral Officer)

Corporate Governance
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

From: Bill Paterson
To: Lisa OBrien
Cc: Jenny Luong
Subject: SCLG matters
Date: Monday, 21 October 2024 9:45:07 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png

Hi Lisa,

Hope you had a lovely weekend.

s2.2 Out of scope [redacted]

In the meeting pack for the next week's SCLG there will be a paper in response to the SA President's paper on student voice/academic freedom etc.

Kylie Readman is in the process of finalising an external review of the student misconduct rules. Both Kylie Gould (General Counsel) and I have had input into the terms of reference for that review. We will be referring the above-referenced paper in relation to student voice/academic freedom for consideration as part of the external review.

Jenny has also indicated that there could be a paper coming forward from the SA President in relation to sexual harm/harassment and how these cases are currently managed under the existing Student Rules. If that paper does come forward, Jenny will refer to Kylie Readman for an initial review, and seek Kylie's approval before its inclusion on the agenda for next week's SCLG meeting.

Feel free to call me should you want to further discuss any matter in relation to SCLG.

Thanks Lisa!

Cheers,

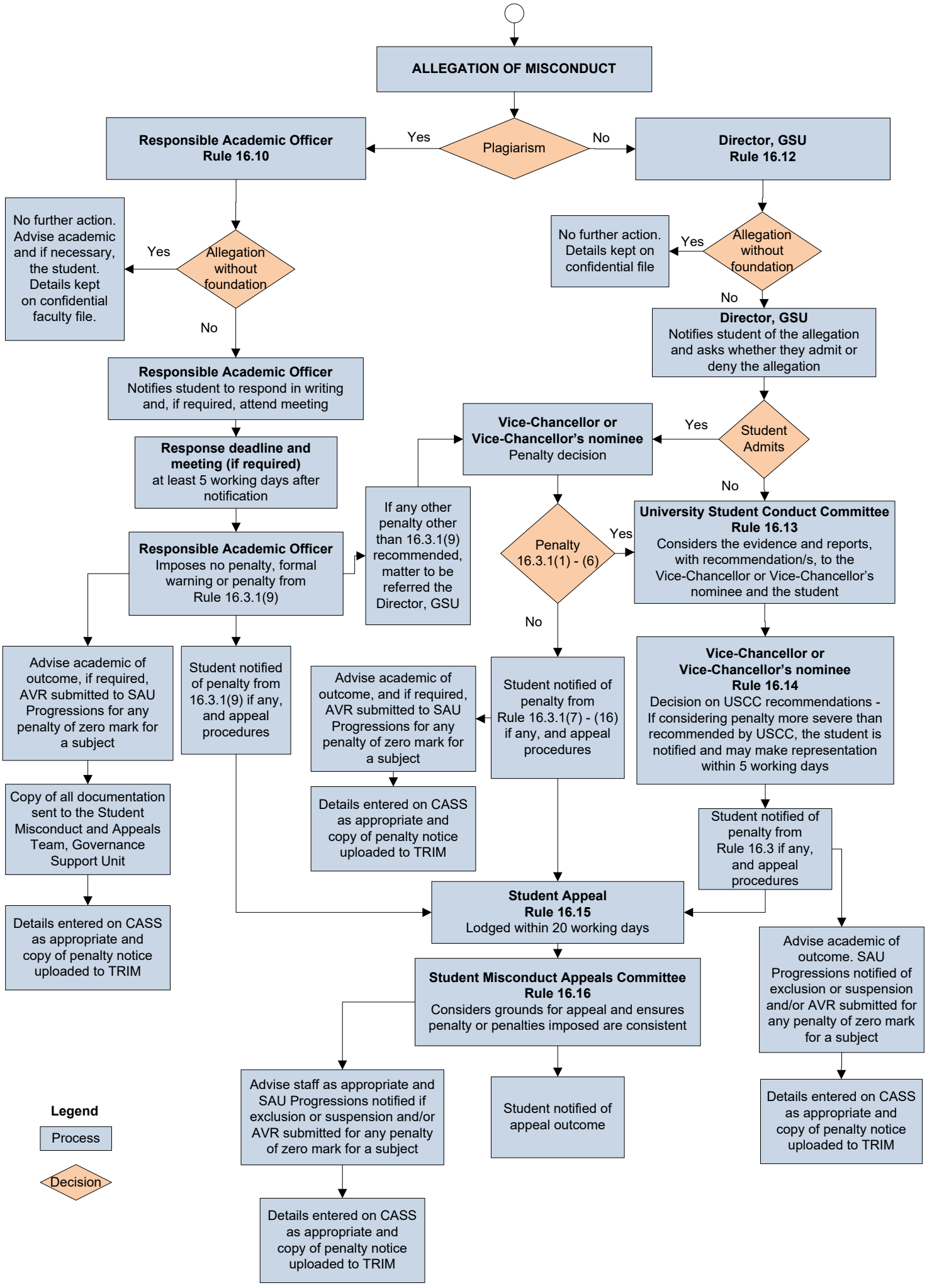
Bill

William Paterson
University Secretary and Director, Governance Support Unit

University of Technology Sydney
T. +61 (02) 9514 1285
E. william.paterson@uts.edu.au
PO Box 123 Broadway NSW 2007 Australia

uts.edu.au

SUMMARY STUDENT MISCONDUCT AND APPEALS PROCESS



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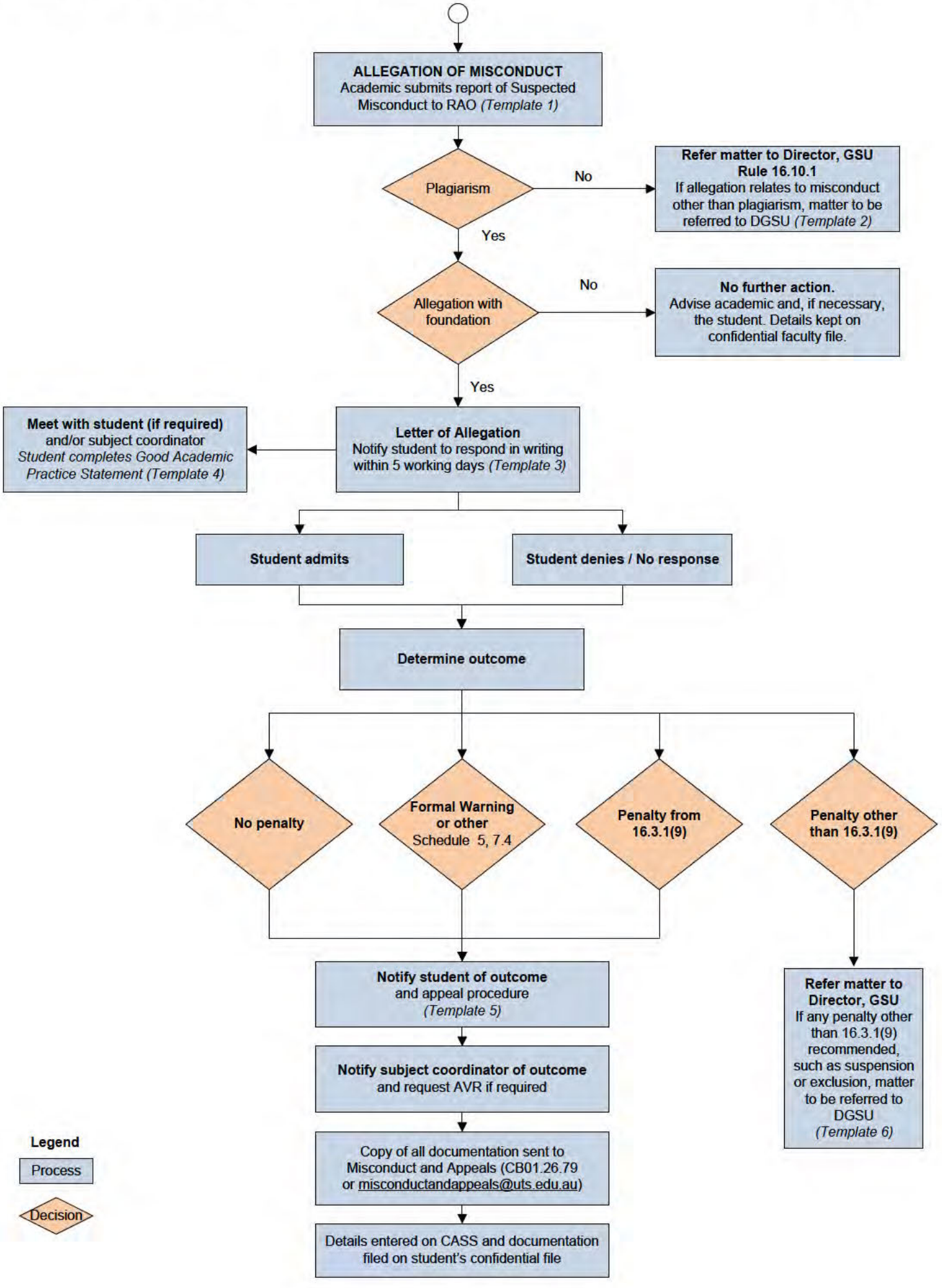
PROCESS FOR RESPONSIBLE ACADEMIC OFFICERS



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GIPA2025-05 – External consultants used for investigations (response to 6C & 6D)

External Lawyer / Investigator	Total Amount
Thomson Geer	2024/2025 - $35,000
Workdynamic	2024 - $42,698.14 2025 - $19,115.80

NSW Government Legal Services Panel

Panel Deed

Between

Transport for NSW as the Lead Agency on behalf of the State of NSW

(Lead Agency)

ABN 18 804 239 602

and

XX Pty Ltd [Variable A]

(Service Provider)

ABN XXX **[Variable B]**

Transport for NSW

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Transport for NSW, ABN 18 804 239 602, (TfNSW) on behalf of the State of New South Wales

of 18 Lee Street, Chippendale NSW 2008 (a NSW Government Agency constituted under the *Transport Administration Act 1988* (NSW))

(Lead Agency)

and

[Variable A] ABN [Variable B]

of **[Variable C]**

(Service Provider)

Background

A. The State through the Lead Agency wishes to coordinate the engagement of legal services by appointing a panel of suppliers to provide legal services to Agencies.

B. The State also wishes to reduce external legal expenditure as much as possible over the term of the Panel through engaging and managing good value, high quality legal services.

C. The Panel will be administered by TfNSW's Legal Practice Unit on behalf of the State.

D. All Agencies will have access to the Panel, but each Agency will remain responsible for obtaining its own legal services. Each Agency is responsible for meeting any savings target applicable to it in the procurement of Legal Services.

E. Agencies have discretion to retain legal services outside the Panel arrangement.

F. This Agreement sets out the terms on which the State and the Service Provider have agreed that the Service Provider will:

(a) be appointed as a member of the Panel; and

(b) supply legal services as a member of the Panel,

including the terms under which the Service Provider will supply Services to a Client in response to a Legal Services Contract.

Agreed terms

1. Definitions and Interpretation

1.1 Definitions

In this Agreement:

Agency means a department, agency, separate agency, statutory body, State-owned corporation of the NSW Government, other NSW Government business entity or local government body either in existence at the Commencement Date or that comes into existence during the Term.

Agency Contract Manager means the person specified as the Agency Contract Manager for a Client in the Service Level Agreement or as notified by the Lead Agency to the Service Provider from time to time in accordance with this Agreement. An Agency Contract Manager may be appointed on a whole of cluster basis.

Agreed Program is defined in clause 8.2**.**

Agreement means this deed and includes the schedules and any annexures to it or documents incorporated by reference.

Annual Assessment is defined in the Service Level Agreement.

Area of Law means an area of law specified in Schedule 2 in respect of a Sub-Panel, as amended from time to time in accordance with clause 4(c).

Authorisation means any authorisation, permit, consent, approval, resolution, licence, exemption, permission, recording, filing, registration, or waiver required by any government authority or by any law or regulation.

Business Day means a day which is not a Saturday, Sunday or public holiday (as defined under the *Public Holidays Act 2010* (NSW)).

Client is defined in clause 3.1.

Client Intellectual Property means any and all Intellectual Property Rights of the Client in any Material provided by the Client to the Service Provider for the purposes of any Legal Services Contract.

Client Satisfaction Survey is defined in the Service Level Agreement.

Commencement Date means the date set out in Item 2 of Schedule 1.

Confidential Information means any technical, scientific, commercial, financial or other information of, about, or in any way related to, the State, the Lead Agency or a Client, including any information designated by the State, the Lead Agency or a Client as confidential, which is disclosed, made available, communicated or delivered to the Service Provider in connection with this Agreement or a Legal Services Contract, and includes:

(a) the terms of this Agreement and any Legal Services Contract;

(b) any decisions or determinations made by the Lead Agency or any Client in respect of this Agreement or a Legal Services Contract;

(c) Information relating to any Services undertaken pursuant to the Agreement or any Legal Services Contract;

(d) any report or other Material provided by the Lead Agency to the Service Provider under this Agreement, including the results of any Client Satisfaction Survey conducted pursuant to this Agreement or in relation to any other service provider under the Panel arrangements;

(e) State Intellectual Property;

(f) Client Intellectual Property; and

(g) the Contract Materials;

but excludes information:

(h) which is in or which subsequently enters the public domain other than as a result of a breach of this Agreement or a Legal Services Order;

(i) which the Service Provider can demonstrate was in its possession prior to the date of this Agreement and in relation to which the Service Provider does not owe any obligation of confidence to the State or the

relevant Client;

(j) which the Service Provider can demonstrate was independently developed by the Service Provider;

(k) which is lawfully obtained by the Service Provider from another person entitled to disclose such information; or

(l) which is disclosed pursuant to legal requirement or order.

Contract Intellectual Property is defined in clause 19.2

Contract Material means any Material created by or on behalf of the Service Provider in the course of or as a result of complying with its obligations under this Agreement or providing the Services to a Client under a Legal Services Contract, including any Material provided or required to be provided to the Lead Agency or a Client under this Agreement or under a Legal Services Contract.

Contract Year means a financial year during the Term and where this Agreement terminates or expires in any financial year prior to 30 June, includes that part of the relevant financial year to the date of termination or expiry.

Control means in relation to any Service Provider, the ability of any person directly or indirectly to exercise effective control over the Service Provider (including the ability to determine the outcome of decisions about the financial and operating and other policies of the Service Provider) by virtue of control or influence, or having the capacity to control or influence the composition of the board, or decision making, directly or indirectly, or by the holding of voting shares, units or other interests in or in respect of the Service Provider or by any other means.

Controller means, in relation to a change in Control of a Service Provider, the person or body corporate to whom Control will pass.

Core Legal Work means legal work which must be referred to the Crown Solicitor in accordance with Premier's Memorandum M2016-04 *NSW Government Core Legal Work Guidelines*

CPI means the 'Consumer Price Index' (All Groups, Sydney) or if that index is discontinued or materially altered, the substituted index agreed between the parties or if not agreed, as determined by the President of the Law Society of NSW to be an appropriate index reflecting the general level of monetary inflation in NSW.

Electronic Vendor Management System means the Lead Agency's online or other system which is designed to manage Panel arrangements including the performance of service providers under the Panel arrangements and engagement of, and reporting by, service providers.

Eligible Data Breach means any unauthorised access to, or disclosure of, or use of, or loss of, Confidential Information.

Eligible Entity means any entity listed as an eligible government buyer on buy.nsw.gov.au or similar NSW Government website.

Estimate is defined in clause 9.4(a).

Executive Contract Manager means the person nominated by the Lead Agency pursuant to clause 14.1(a)(i) or as notified by the Lead Agency to the Service Provider from time to time in accordance with this Agreement, or the delegate of that person.

Expiry Date means the date set out in Item 2 of Schedule 1.

GST has the meaning given to it in A New Tax System (Goods and Services Tax) Act 1999 (Cth).

Incident means :

(a) in respect of a lawyer (as defined by s261 of the *Legal Profession*

Uniform Law (NSW)) employed or engaged by a Service Provider who undertakes work for a Client, a disciplinary matter, as defined in s 270 of the *Legal Profession Uniform Law (NSW)*;

(b) in respect of a Service Provider, commencement of any legal proceedings within Australia or in any other jurisdiction involving:

(i) an offence in respect of which the maximum penalty is 12 or more months imprisonment or 100 or more penalty units;

(ii) failure to pay any taxes or duties imposed by the Commonwealth, any State or Territory of Australia or by any local authority;

(iii) the appointment of a liquidator or a receiver and manager or mortgagee's or chargee's agent, being subject to any form of insolvency administration or arrangement, or in the case of an individual, bankruptcy or entering into a scheme or arrangement with creditors; and

(iv) going into liquidation or the appointment of a receiver and manager or mortgagee's or chargee's agent is appointed or becoming subject to any form of insolvency, administration or arrangement, or in the case of an individual, becoming bankrupt or entering into a scheme or arrangement with creditors.

Indemnified Parties means in relation to any indemnity set out in any provision of this Agreement, the Indemnified Parties specified in that provision.

Information includes any statement, representation, estimate, prediction, advice, plans, drawings, inventions and ideas which may be:

(a) oral, written, recorded or stored by electronic, magnetic, electromagnetic, or in other form, process, media or otherwise in a machine readable form; or

(b) translated from the original form, re-compiled, made into a compilation, partially copied, modified, updated or otherwise altered.

Initial Insurance is defined in clause 26.1(d).

Intellectual Property Rights includes all present and future copyright and neighbouring rights, all proprietary rights in relation to inventions (including patents), registered and unregistered trademarks, confidential information (including trade secrets and know how), registered designs, circuit layouts, and all other proprietary rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.

Key Performance Indicators are defined in the Service Level Agreement.

Law Enforcement Client means the following Agencies:

(a) the NSW Police Force,

(b) the New South Wales Crime Commission,

(c) the Independent Commission Against Corruption, or

(d) the Law Enforcement Conduct Commission,

Laws means the law in force in the State and the Commonwealth of Australia, including common law and legislation.

Legal Services Contract means the contract which arises between a Client and the Service Provider as provided by clause 7.2.

Legal Services Fees means the amount paid by a Client to the Service Provider with respect to Services under any Legal Services Contract and includes all expenses and disbursements (but excludes Counsel's fees).

Legal Services Order means an order for Services, submitted by a Client to the Service Provider in accordance with clause 7.1.

Licensed Intellectual Property means any and all Intellectual Property Rights incorporated or comprised in any Contract Materials specified in clause 19.9(a) but does not include the Pre-Existing Intellectual Property, the State Intellectual Property, the Client Intellectual Property or the Contract Intellectual Property.

Material includes anything in which Intellectual Property Rights can exist.

Minimum Service Standards are specified in item 2.1 of the Service Level Agreement.

Off-Panel Engagement means any engagement by a Client of a Service Provider to provide Services in an Area of Law to which the Service Provider is not appointed, but excludes engagements under clause 7.5.

Panel means the panel of suppliers appointed under this Agreement to provide legal services in one or more of the Areas of Law.

Panel Contract Manager means the person nominated by the Lead Agency pursuant to clause 14.1(a)(ii) or as notified by the Lead Agency to the Service Provider from time to time in accordance with this Agreement.

Panel Rules means the procurement rules governing engagement of legal services providers from the Panel, developed in accordance with the NSW Procurement Policy Framework issued by the NSW Procurement Board.

Personnel means any employee, officer, consultant or partner of a Legal Services Provider and their associated entities.

Pre-Existing Intellectual Property means any and all Intellectual Property Rights in any works, items or systems created by or the property of or licensed to the Service Provider either prior to the commencement of the provision of the Services, or after the commencement of the provision of the Services, but not in connection with this Agreement or any Legal Services Contract.

Previous Panel Engagement means a legal engagement that was commenced under a separate panel or agreement and has not transitioned to this Agreement.

Probity Event includes any:

(a) Incident; and

(b) event relating to the Service Provider, the Service Provider's Personnel and any sub-contractor of the Service Provider:

(i) giving rise to an actual, potential or perceived conflict of interest;

(ii) having a material adverse effect on the character, integrity, or honesty of a relevant entity or person, including a criminal charge or conviction and a breach of a confidentiality, privacy or security obligation;

(iii) having a material adverse effect on public confidence in the provision of legal services to the State, or to any Client; or

(iv) involving a material failure to achieve or maintain standards of ethical behaviour required by the State.

Pro Bono Services is defined in clause 12(a).

Rates means the rates set out in Schedule 4 (Fee Schedule) and adjusted under this Agreement.

Relationship Manager means the person nominated by the Service Provider pursuant to clause 14.1(a)(iii) or as notified by the Service Provider from time to time in accordance with this Agreement.

Request for Services means a request by a Client under clause 6.1 for Services.

Request for Proposal means the Request for Proposal and annexures,

schedules and attachments in relation to the provision of legal services under the Panel arrangements released 19 October 2020.

Service Level Agreement means Annexure B as amended from time to time in accordance with Item 3.3 of Annexure B or otherwise in accordance with the terms of this Agreement.

Services means the legal services in the Areas of Law nominated in Schedule 1, as varied from time to time under the terms of this Agreement and, in relation to a Legal Services Contract, includes the Services specified in the relevant Legal Services Order or provided under that Legal Services Contract and includes services incidental to or reasonably inferred from those services.

Services Brief means Attachment C to the Request for Proposal and which describes the Services.

Small Firm means a law firm having 10 or fewer partners (whether described as principal, solicitor-director or otherwise)

Staff Costs means Pay as You Go tax, withholding tax, superannuation contributions or charge amounts, fringe benefits tax, workers' compensation insurance premiums, payroll tax and any like taxes and charges (together with all interest or penalties payable by reference to those costs).

State means the Crown in right of the State of NSW.

State Intellectual Property means any and all Intellectual Property Rights of the State in any material provided by the State or any Client to the Service Provider for the purposes of this Agreement or any Legal Services Contract.

Sub-Panel means each Sub-Panel identified in Schedule 2, each comprising a number of Areas of Law and any new Sub-Panel added in accordance with clause 4.

Tender Documentation means the documentation submitted by the Service Provider in response to the Request for Proposal, including any revisions and clarifications submitted on behalf of the Service Provider to the Lead Agency.

Term means the term of this Agreement determined in accordance with clause 2, including any extension in accordance with that clause.

Volume Discount Amount means the percentage discount amount contained in the below table:

Threshold	Volume Discount
$1 million	2%
$10 million	3%
$50 million	4%
$75 million	5%

Volume Discount Calculation Date means:

(a) for billings under the NSW Government Legal Services Panel, 1 July 2021;

(b) for billings under the iCare Legal Services Panel for Personal Injury, 1 January 2021;

(c) for billings under the iCare Legal Services Panel for General Lines, the commencement date of that panel; or

(d) for any other legal billings, 1 July 2021.

Volume Discount Threshold means the threshold amount in clause 9.10 at which a Volume Discount Amount will be applied.

1.2 Interpretation - General

Unless expressed to the contrary, in this Agreement:

(a) headings are for convenience only and do not affect interpretation;

(b) words in the singular include the plural and vice versa;

(c) if a word or phrase is defined, its other grammatical forms have corresponding meanings;

(d) 'includes' in any form is not a word of limitation;

(e) no rule of construction will apply to a clause to the disadvantage of a party merely because that party put forward the clause or would otherwise benefit from it;

(f) a reference to:

(i) a person includes a partnership, joint venture, unincorporated association, corporation and a government or statutory body or authority;

(ii) a person includes the person's legal personal representatives, successors, assigns and persons substituted by novation;

(iii) any legislation includes subordinate legislation under it and includes that legislation and subordinate legislation as modified or replaced;

(iv) an obligation includes a warranty or representation and a reference to a failure to comply with an obligation or a breach of this Agreement or a breach of any provision of this Agreement or a Legal Services Contract includes a breach of warranty or representation;

(v) '$', 'dollars' or 'AUD' is a reference to the lawful currency of the Commonwealth of Australia;

(vi) a clause, schedule or annexure is a reference to a clause, schedule or annexure of this Agreement, and a reference to this Agreement includes all schedules and annexures to it;

(vii) a party or parties to this Agreement is a reference to the Lead Agency, the Service Provider or a Client to which clause 3.1 applies (as the case requires);

(viii) a party or parties to any Legal Services Contract is a reference to the relevant Client and the Service Provider;

(ix) the Lead Agency is a reference to Transport for NSW acting on behalf of the Crown in right of the State of NSW;

(x) where the Client is not a separate legal entity from the State or represents or acts as agent for the State, is a reference to the State, and all rights and obligations of that Client under this Agreement or any Legal Services Contract will be rights and obligations of the State, through that Client; and

(xi) a financial year is a reference to a consecutive period of 12 months commencing on 1 July and ending on the following 30 June; and

(g) if the date on or by which any act must be done under this Agreement is not a Business Day, the act must be done on or by the next Business Day.

1.3 Interpretation – Parties

(a) If a party consists of more than one person, this Agreement or the relevant Legal Services Contract binds each of them separately and any two or more of them jointly.

(b) An obligation, representation or warranty in favour of more than one person is for the benefit of them separately and jointly.

1.4 Scope of Agreement

(a) This Agreement sets out the terms on which:

(i) the Service Provider is appointed as a member of the Panel as specified in Item 1 of Schedule 1; and

(ii) the Service Provider will supply Services to the Clients.

(b) This Agreement and any relevant Legal Services Contract prevail over any terms and conditions put forward by the Service Provider in respect of the provision of Services.

1.5 Precedence

Where the terms of a Legal Services Contract are inconsistent with the terms of this Agreement, the following order of precedence will apply:

(a) this Agreement;

(b) the Legal Services Contract;

(c) the Request for Proposal

2. Term

2.1 Initial Term

This Agreement commences on the Commencement Date and, unless terminated earlier in accordance with this Agreement, or extended in accordance with clause 2.2, will end on the Expiry Date.

2.2 Extension of term

(a) The Lead Agency may elect, by written notice to the Service Provider not later than two months prior to the expiry of the then current Term, to extend the Term of this Agreement for a further period of three years, up to a maximum aggregate duration of 9 years, as set out in Item 2 of Schedule 1.

(b) Any further term will be on the same terms and conditions as this Agreement (excluding this clause 2.2 following the exercise of any second three year extension).

3. Whole of Government procurement

3.1 Entities entitled to benefit of Agreement

(a) The Service Provider acknowledges and agrees that the Lead Agency enters into this Agreement on its own behalf and on behalf of each:

(i) Agency; and

(ii) any Eligible Entity which is subsequently taken to be bound by this Agreement in accordance with clause 3.1(b),

(the Lead Agency and each such Agency or Eligible Entity each being a **Client**).

(b) If at any time following the Commencement Date an Eligible Entity wishes to acquire Services from the Service Provider pursuant to this Agreement, that Eligible Entity will, upon the Panel Contract Manager giving written notice to the Service Provider of that fact, be bound by the terms of this Agreement from the date specified in the notice.

(c) Each Client, upon the Commencement Date or, if applicable, the date on which they are subsequently taken to be bound by this Agreement

pursuant to clause 3.1(b):

(i) can issue Legal Services Orders to the Service Provider in respect of Services under this Agreement; and

(ii) will be taken to have agreed to be bound by, and have the benefit of, the terms of this Agreement applicable to Clients.

3.2 Liability to pay for Services

The Service Provider acknowledges that, notwithstanding anything else in this Agreement, each Client is solely responsible for any Legal Services Order placed by it under this Agreement, and neither the State, the Lead Agency, nor any other Agency will be liable for the acts or omissions of any other Client, including any liability for moneys owing to the Service Provider.

3.3 Services not included in Panel arrangements

(a) The following legal services are outside the scope of the Panel arrangements:

(i) services provided by the Solicitor-General, the NSW Parliamentary Counsel's Office, the Director of Public Prosecutions, and Legal Aid;

(ii) Core Legal Work;

(iii) services identified by the Panel Rules as being outside the scope of Panel arrangements; and

(iv) engagements under the Regional and Rural Legal Services Panel.

3.4 Client not bound to acquire Services from Service Provider

(a) A Client:

(i) is not obliged to issue any Legal Services Order to the Service Provider or to acquire any volume of Services from the Service Provider; and

(ii) may at any time acquire Services the same as, or similar to, the Services from another supplier on the Panel or from any other person on terms and conditions as the Client may require.

(b) Neither this Agreement nor the appointment of the Service Provider to any Area of Law confers on the Service Provider any right to be the exclusive supplier of any of the Services or any other legal services to the State or any Client.

(c) The Service Provider acknowledges that the Crown Solicitor's Office may be engaged under any Area of Law.

4. Panel Refresh

(a) The Service Provider acknowledges that the Lead Agency will on an ongoing basis, monitor the performance of Panel members (including the Service Provider) and the market for legal services to ensure the scope and the nature of the Services offered by the Panel continues to meet Clients' evolving requirements.

(b) Without limitation to any other term of this Agreement, the Lead Agency may in its absolute discretion periodically review the Panel arrangements, and may after 6 months from the Commencement Date and 4 months after the commencement of any option to extend the initial term, refresh the Panel arrangements via any means it thinks fit, including a public tender process.

(c) As part of any refresh undertaken pursuant to clause 4(b), the Lead Agency may:

(i) vary the membership of any Area of Law;

(ii) vary the Areas of Law for any Sub-Panel and add or remove Areas of Law;

(iii) add suppliers to the Panel;

(iv) add, modify, expand or restrict the legal services to be provided under the Panel arrangements, including:

(A) the legal services to be provided by members of any Area of Law; or

(B) the Services to be provided by the Service Provider;

(v) if a public tender process has been used, remove service providers (including the Service Provider) from the Panel or from any Area of Law, as applicable.

5. Performance of Services

5.1 Appointment to provide Services

Upon entering into this Agreement, the Lead Agency, as the delegate of the State, appoints the Service Provider to provide Services under individual Legal Services Contracts entered into with any Client.

5.2 Minimum Services Standards and Key Performance Indicators

The Service Provider must provide the Services to a standard that reaches or exceeds the Minimum Service Standards and the Key Performance Indicators. In addition, the Service Provider must:

(a) provide the Services in a proper, timely and efficient manner using that standard of care, skill, diligence, prudence and foresight that would reasonably be expected from a prudent, expert and experienced provider of the Services;

(b) deliver the Services with the utmost efficiency;

(c) act in good faith and in the best interests of the Client in the provision of any Services to that Client;

(d) keep the Lead Agency informed of all matters of which it ought reasonably be made aware, and provide such information in relation to the provision of the Services as may reasonably be required by the Lead Agency or by any Client with respect to the provision of any Services to that Client, including under any Legal Services Contract between the Service Provider and that Client; and

(e) carry out its obligations and duties and complete the provision of the Services to the reasonable satisfaction of and in accordance with the requirements of:

(i) the Lead Agency under this Agreement; and

(ii) the relevant Client, with respect to any Legal Services Contract between the Service Provider and that Client.

5.3 Reliance on advice

The State acknowledges that, unless specifically stated otherwise, advice given by the Service Provider in the course of providing the Services:

(a) is strictly limited to the matters stated in it and does not apply by implication to other matters;

(b) is given as at the date of the communication containing that advice.

5.4 Responsibility Preserved

The Service Provider will remain fully responsible for the Services despite another Agency's, or any of its contractors' comment on, review of, approval of, acceptance of, or certificate issued in connection with the Services (or an Agency's failure to do so).

5.5 Use of Information

(a) For the convenience of the Service Provider, a Client may provide (or may have provided) the Service Provider with information relevant to the provision of the Services. The Service Provider must:

(i) act with reasonable care in relying upon or using that information in connection with the provision of the Services; and

(ii) not rely on or use any part of that information for any purpose to the extent that a Client notifies the Service Provider that it is not to be so relied upon or used (including for the provision of the Services).

(b) The Service Provider must promptly notify a Client if any information provided by that Client is inaccurate, or inadequate for the Service Provider to provide the Services, except where the Service Provider does not know and could not reasonably be expected to know that information is inaccurate or inadequate.

5.6 Inability to provide Services

If the Service Provider is unable or is likely to become unable, for whatever reason, to provide any or all of the Services in an Area of Law, the Service Provider must immediately notify any Client which has issued a Legal Services Order in respect of that Area of Law.

6. Requests for Services and quotes

6.1 Request for Services

(a) During the Term, prior to issuing a Legal Services Order, a Client may provide the Service Provider either orally or in writing, a Request for Services.

(b) A Client must have regard to the Panel Rules when selecting one or more Service Providers who will be provided with a Request for Services.

(c) A Request for Services must detail the Services required by the Client as fully as possible and:

(i) may specify any personnel of the firm who must undertake the work, and the work to be performed by them;

(ii) may require the Service Provider to advise the Client whether the Service Provider has previously provided substantially similar advice to another Agency (or substantially similar advice on any aspect of the Services requested) and, if so, subject to any confidentiality obligations, the name of the Agency to whom the previous advice was provided.

(d) Where a Request for Services requires the Service Provider to provide an Estimate, the Service Provider must comply with clause 9.4.

6.2 Request for Services where Client proposes fixed fee or maximum fee

If a Client requires the Service Provider to provide any Services on a fixed fee or maximum fee basis it must issue a Request for Services to the Service

Provider specifying the fixed fee or maximum fee proposed by the Client, in addition to the other matters required by clause 6.1(c).

6.3 Response to Request for Services

(a) The Service Provider must provide a written response to any Request for Services, in terms requested by the Client, and must include confirmation that:

(i) any Personnel required to undertake the work are available or if they are not available, provide details of the Personnel whom the Service Provider proposes will provide the Services; and

(ii) the Service Provider has no conflict of interest in providing the Services, or details of any conflict of interest of the Service Provider.

(b) On receipt of the Service Provider's response to the Request for Services, the Client may issue a Legal Services Order to the Service Provider. Subject to clause 7.2, a Legal Services Contract with respect to the Services is not created until the Client issues a Legal Services Order in accordance with clause 7.1.

6.4 Clients may seek quotes or alternative pricing arrangements

(a) The Service Provider acknowledges that when a Client requires Services of the kind covered by this Agreement, the Client may, but is not obliged to seek quotes from the Service Provider and/or one or more other service providers on the Panel.

(b) If a Client chooses to seek quotes as provided in clause 6.4(a), the Client may:

(i) seek quotes on a fixed fee or maximum fee, or other basis;

(ii) give service providers on the Panel an opportunity to quote on the basis of the rates set out in their respective agreements with the State in relation to the Panel, or in the case of the Service Provider, the Rates set out in this Agreement;

(iii) agree a price for any Services on another basis including by way of a reverse electronic auction or a fixed fee agreement; or

(iv) request the Service Provider to provide Services to it on the same terms as the Service Provider has provided similar Services to another Client.

7. Legal Services Contracts

7.1 Legal Services Order

(a) Where a Client wishes to obtain Services, the Client will issue a Legal Services Order to the Service Provider.

(b) A Legal Services Order must be substantially in the form of or otherwise in accordance with Annexure A as amended from time to time (by written notice given by the Panel Contract Manager to the Service Provider);

7.2 Formation of Legal Services Contract

A Legal Services Contract will be formed when the Legal Services Order is signed by the Service Provider.

7.3 Terms of Legal Services Contract

(a) Subject to clause 7.2, a Legal Services Contract commences on the earlier of:

(i) commencement of work by the Service Provider; and

(ii) if any date is specified in the relevant Legal Services Order by the Client, on that date.

(b) A Legal Services Contract will consist of:

(i) the terms of this Agreement (with any consequential changes as are necessary to reflect the formation of the relevant Legal Services Contract) ;

(ii) the Legal Services Order (including any variation of the Rates, for example to reflect a fixed fee arrangement); and

(iii) any other document that is expressly incorporated as part of the Legal Services Contract.

(c) Except in respect of the Rates and the Term, where there is any inconsistency between the provisions of this Agreement and any Legal Services Contract, the provisions of this Agreement will prevail to the extent of that inconsistency.

(d) A Client may request a variation to a Legal Services Contract, including additional, varied or omitted Services and the Service Provider will be entitled to additional fees for additional or varied services, as agreed by the Client.

(e) Where Services are omitted from a Legal Services Order to which a lump sum or fixed fee arrangement applies, the Client and the Service Provider will agree the amount by which the lump sum or fixed fee will be reduced.

(f) The Client may provide, or engage others to provide, the omitted services.

7.4 Panel Engagement without Legal Services Order

Despite any other clause in this Agreement to the contrary, the Service Provider acknowledges that if a Client engages the Service Provider for Services without issuing a Legal Services Order, the Rates will apply and the Services will contribute to the calculation of the Volume Discount Threshold.

7.5 Panel engagement in area of law to which firm is not appointed

(a) A Panel Firm may be engaged to provide Services in respect of an Area of Law to which they are not appointed, provided that they are appointed to another Area of Law under that Sub-Panel.

(b) An engagement under clause 7.5(a) will contribute to the calculation of the Volume Discount Threshold and for reporting purposes.

8. Time for provision of services

8.1 Time requirements

The Service Provider must provide the Services requested under a Legal Services Order in accordance with:

(a) the time stipulated in an Agreed Program;

(b) if there is no Agreed Program, the time stipulated in the Legal Services Order; or

(c) if there is no Agreed Program or time stipulated in the Legal Services Order, the Client's reasonable requirements notified to the Service Provider from time to time.

8.2 Agreed Program

If requested by a Client, the Service Provider must provide a program for the provision and completion of the Services, including dates by which

instructions, information or approvals are required and the Client will either:

(a) approve the program; or

(b) require the Service Provider to amend the program, and the Service Provider will so amend the program,

and the program will be the Agreed Program.

8.3 Suspension of Services

A Client may, for its sole convenience and at its absolute discretion, immediately suspend the provision of Services under any Legal Services Contract and related payment regardless of whether there has been any default by the Service Provider by written notice. A Client may only suspend payment in relation to those Services which are yet to be performed. Clause 10 will continue to apply in respect of previously performed Services.

8.4 Extension of Time

If Services are suspended by the Client, or the Service Provider is unavoidably delayed in providing the requested Services for any reason beyond the reasonable control of the Service Provider and its subcontractors, then the time for completion of the Services will be extended by a reasonable period, which the Client may notify to the Service Provider at any time. The Service Provider will have no claim for any delay or other costs unless otherwise agreed in writing.

9. Price for the Services

9.1 Fee Schedule

(a) The Service Provider must ensure that Services are provided efficiently and that Personnel with appropriate expertise and experience perform the Services under each Legal Services Contract to ensure that a Legal Services Contract represents value for money.

(b) Except as otherwise provided in this Agreement or otherwise as agreed with a Client, the Service Provider may only charge the Client amounts for the provision of the Services as set out in Schedule 4.

(c) The Rates are fixed for the Term, except as adjusted in accordance with clause 16 and item 4 of Schedule 1.

(d) Nothing in this Agreement prevents the Service Provider from charging a Client rates less than the Rates with respect to any Legal Services Contract.

(e) Subject to clause 33, amounts charged by the Service Provider must be inclusive of all costs and expenses of the Service Provider in relation to the provision of the Services.

9.2 Secondments

Unless approved by the Client in writing, the Service Provider must charge a Client the maximum amount calculated using the formula for a secondment listed in item 10 of Schedule 1.

9.3 Expenses and other disbursements

(a) The Service Provider may only charge a Client for expenses or other disbursements:

(i) on the basis of cost to the Service Provider without allowance for any profit or overhead

(ii) where the expenses or other disbursements are of a reasonable amount and have been reasonably incurred;

(iii) in accordance with Schedule 4.

(b) A Client will not reimburse the Service Provider to the extent that it is entitled to any discount, refund, credit (including goods and services tax credit), reimbursement or other allowance in relation to the cost or expense.

9.4 Estimates of legal costs

(a) The Service Provider must at no cost to a Client provide an estimate of the total legal costs for any Services required by the Client (**Estimate**):

(i) upon receipt of any Request for Services in relation to those Services; and

(ii) unless the Service Provider has already provided an Estimate under clause 9.4(a)(i), as soon as practicable after receipt of a Legal Services Order.

(b) A Service Provider will not be required to provide an Estimate if:

(i) the Client has agreed in writing to waive the requirement to provide an Estimate; or

(ii) an alternative pricing arrangement has been agreed with the Client.

(c) An Estimate must be provided to the Client in writing and:

(i) include, if requested, details of:

(A) estimated time and Rates of Personnel providing the Services calculated in accordance with Schedule 4;

(B) estimated disbursements or expenses likely to be incurred in relation to the Services calculated in accordance with Schedule 4;

(C) estimated fees of counsel; and

(D) identify the amount of GST that will be payable.

(d) Unless otherwise agreed between the Service Provider and the Client, Estimates must be provided within the following periods calculated from receipt of the Request for Services or Legal Services Order referred to in clause 9.4(a) as applicable:

(i) for complex matters, within 5 Business Days; and

(ii) for other matters, within 2 Business Days.

(e) In providing any Estimate, the Service Provider warrants to the Client that the Estimate:

(i) has been prepared consistently with clause 9.4(c); and

(ii) is as accurate as is reasonably possible, given the information provided by the Client.

(f) In this clause 9, unless otherwise specified, legal costs means the amount that the Client has been or may be charged by, or is or may become liable to pay to the Service Provider for the provision of the Services, including disbursements but not including interest.

9.5 Ongoing obligation in relation to Estimates

(a) When the Service Provider becomes aware that the total legal costs of the Services under a Legal Services Contract will exceed any Estimate, it must notify the Client as soon as it becomes aware, and in any event no later than the time that the legal costs accrued or incurred reaches

80% of the Estimate.

(b) A notice under clause 9.5(a) must specify:

(i) a revised Estimate for the Services, prepared in accordance with clause 9.4(c); and

(ii) the reason that the total legal costs in respect of the Services will exceed the original Estimate.

(c) A Client may approve a revised Estimate in its sole and absolute discretion. Where a Client approves a revised Estimate, it must give written notice of approval to the Service Provider.

(d) Where a Service Provider has provided an Estimate to a Client with respect to Services to be provided under a Legal Services Contract, the Client will not be liable to pay any amount to the Service Provider with respect to the Services which exceeds:

(i) the Estimate, or

(ii) where the Client has approved a revised Estimate, that revised Estimate.

9.6 Application of Volume Discount

The Service Provider acknowledges that the Volume Discount Amount will be applied to all legal billings under this agreement for the duration of the Term, unless specifically excluded by this section, once the applicable Volume Discount Threshold has been activated.

9.7 Activation of Volume Discount

(a) The Service Provider acknowledges that all legal billings, unless specifically excluded by this section, that are billed to an Agency, whether under this Agreement, another NSW Government panel or any other contract or engagement, from the Volume Discount Calculation Date and calculated cumulatively for the duration of the Term, will contribute to the activation of the Volume Discount Threshold.

(b) Activation of the Volume Discount Threshold will occur when the total amount of all legal billings, unless specifically excluded by this section, from the Volume Discount Calculation Date and calculated cumulatively for the duration of the Term, exceeds the relevant Volume Discount Threshold.

9.8 Exclusions for Activation of Volume Discount

The following fees and disbursements are excluded for the purpose of activating the Volume Discount Threshold:

(a) Core legal engagements with Crown Solicitor's Office;

(b) Third party disbursements, but not related entity disbursements;

(c) Counsel fees.

9.9 Exclusions for Application of Volume Discount

The following fees and disbursements are excluded for the purpose of application of the Volume Discount Amount once the Volume Discount Threshold has been activated:

(a) Third party disbursements, but not related entity disbursements;

(b) Fees that are fixed by legislation;

(c) Off-Panel Engagements;

(d) Counsel fees;

(e) Secondments;

(f) Core legal engagements with Crown Solicitor's Office;

(g) Previous Panel Engagements.

9.10 Volume Discount Threshold Amounts

The Service Provider acknowledges that the following Volume Discount Threshold amounts apply:

(a) $1,000,000

(b) $10,000,000

(c) $50,000,000

(d) $75,000,000

9.11 Most Favoured Pricing

The Service Provider must ensure that at all times during the Term that the Rates are no less favourable than any rates the Service Provider provides or offers to provide any other customer for equivalent or similar services of comparable volume and markets.

9.12 Capped Daily Rates

The Service Provider agrees that the fee charged for an individual lawyer on a date will not exceed the capped daily rate specified in the Fee Schedule.

9.13 Classification of Off-Panel Engagements

The Service Provider agrees that the Client will determine whether any engagement is classified an Off-Panel Engagement.

10. Invoicing and payment

10.1 Invoicing

(a) The Service Provider must submit to the Client a tax invoice or tax invoices in respect of each Legal Services Contract:

(i) monthly;

(ii) if required by the Client, as soon as practicable after the completion of the Services; or

(iii) as otherwise provided for in the relevant Legal Services Order.

(b) A tax invoice submitted pursuant to clause 10.1(a) must contain each of the matters specified in Item 5 of Schedule 1 and be sent to the address specified in a Legal Services Order, or as otherwise required by the Client.

(c) No invoice may be submitted in respect of Services provided or disbursements incurred more than six months before the date that the invoice is submitted to the Client.

10.2 Payment of invoice

(a) Subject to this clause 10.2, the Client will pay the invoiced amount to the Service Provider within 30 days of receipt of the invoice, in the manner specified in Item 6 of Schedule 1.

(b) An invoice will not be paid until such time as the invoice is certified for payment by the Agency Contract Manager for the Client. An invoice will not be certified for payment unless the Agency Contract Manager of the Client is satisfied that it is correctly calculated with respect to the Services that are the subject of the relevant Legal Services Contract and the Service Provider is entitled to claim payment.

(c) If the Agency Contract Manager of the Client disputes the invoiced amount for any reason, the Client must pay the undisputed amount of the invoice (if any), and notify the Service Provider of the amount the Client believes is due for payment. If the Client and the Service Provider are unable to agree on the balance of the invoiced amount, the dispute will be referred for determination in accordance with clause 29.

(d) Payment of an invoice is not to be taken as:

(i) evidence or an admission that the Services have been provided in accordance with this Agreement and the applicable Legal Services Contract;

(ii) evidence of the value of the Services supplied; or

(iii) an admission of liability,

but must be taken only as payment on account.

10.3 Fair payment

(a) A Client will, on demand by the Service Provider, pay simple interest on a daily basis on any overdue amount, at the rate determined in accordance with Rule 6.12(8) of the *Uniform Civil Procedure Rules 2005* (NSW).

(b) For the purposes of clause 10.3(a), overdue amount means an amount (or part thereof) that:

(i) is not, or is no longer, disputed in accordance with this Agreement;

(ii) is due and owing under a tax invoice (as defined in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) properly rendered by the Service Provider in accordance with this Agreement; and

(iii) has been outstanding for more than 30 days from the date of receipt of the invoice or the date that the amount ceased to be disputed, as the case may be.

11. Transitioning of Matters at Commencement of Term

Any legal services engagement between the Service Provider and an Agency in existence on the Commencement Date may transition to this Agreement at the discretion of the Client.

12. Records of Pro Bono Services

(a) In this clause 12, **Pro Bono Services** has the meaning adopted by the Australian Pro Bono Centre of the University of NSW in its definition of “pro bono legal services”, as published from time to time.

(b) If the Service Provider is not a Small Firm it is required to meet the National Pro Bono Target of 35 hours of pro bono work per lawyer per year.

(c) The Service Provider must maintain records in relation to Pro Bono Services as are required to demonstrate its performance against the National Pro Bono Target and report on this performance to the Panel Contract Manager and the Service Provider must make these records available for inspection by, or provide copies to, the Executive Contract Manager upon reasonable request.

(d) The provisions of clause 18 apply to any records referred to in this clause 12.

13. Cooperation with other service providers

(a) The Service Provider must co-operate with the Crown Solicitor's Office and with any third party service provider appointed by the Client (including any other providers of legal services under the Panel arrangements) where this is necessary to ensure the integrated and efficient conduct of the Client's operations or where the Client otherwise instructs the Service Provider to do so.

(b) The Service Provider must provide reasonable assistance to other service providers as the Client may request from time to time, provided that the Service Provider will be entitled with the prior written approval of the Client (which will not be unreasonably withheld) to charge for costs incurred as a direct result of providing the co-operation.

14. Contract management

14.1 Executive Contract Manager, Panel Contract Manager and Relationship Manager

(a) For the purposes of ensuring a productive and efficient relationship between the Lead Agency, each Client and the Service Provider under this Agreement:

(i) the Lead Agency nominates the person specified in Item 3 of Schedule 1 as the Executive Contract Manager;

(ii) the Lead Agency nominates the person specified in Item 3 of Schedule 1 as the Panel Contract Manager; and

(iii) the Service Provider nominates the person or persons specified in Item 3 of Schedule 1 as its Relationship Manager and alternate.

(b) It is the intention of the parties that subject to clause 29:

(i) all queries or issues of a day-to-day operational nature (including the submission of a Legal Services Order, the delivery of Services and the invoicing and payment relating to a Legal Services Contract) will be dealt with by the Service Provider and the relevant Client; and

(ii) all other queries, consents, approvals, complaints and disputes required or arising under or in connection with this Agreement (including, for the avoidance of doubt, all matters relating to contract management, the relationship of the parties and the overall operation of the Agreement) will be dealt with by the Panel Contract Manager (on the one hand) and the Relationship Manager (on the other hand).

(c) The Lead Agency may, from time to time, nominate a replacement Executive Contract Manager or Panel Contract Manager by written notice to the Service Provider.

(d) The Service Provider may from time to time nominate a replacement Relationship Manager or alternate by written notice to the Lead Agency.

14.2 Minimum Service Standards and Key Performance Indicators

(a) The Service Provider's performance against the Key Performance Indicators will be tracked, monitored and reported on by the Lead Agency as set out in the Service Level Agreement.

(b) The parties acknowledge and agree that the purpose of the Minimum Service Standards and the Key Performance Indicators is to ensure a minimum level of performance by the Service Provider, with the aim of continuous improvement in meeting the identified Key Performance Indicators (including measurable improvements in Client satisfaction, value, efficiency and productivity year on year), thereby increasing the

benefits to the State or both parties during the Term.

14.3 Reports and information to be provided by Service Provider

(a) The Service Provider must provide to the Panel Contract Manager:

(i) all reports specified in this Agreement including the Service Level Agreement, in the format and containing the matters specified in, and at the times required by, this Agreement or the Service Level Agreement (or as otherwise advised by the Panel Contract Manager);

(ii) all information relating to the calculation of the Volume Discount Threshold and the application of the Volume Discount Amount, in a form specified by the Panel Contract Manager. This will include information related to legal services billings, professional fees, counsel fees and disbursements across the entirety of the NSW Government whether under this agreement, another NSW Government panel or any other contract or engagement; and

(iii) all other data or information that the Panel Contract Manager or an Agency Contract Manager may reasonably request to enable it to adequately assess the performance of the Service Provider under this Agreement or any Legal Services Contract, in the format required by the Panel Contract Manager or Agency Contract Manager.

(b) The obligations of the Service Provider under clause 14.3(a) survive termination or expiry of this Agreement.

(c) In addition to the obligations contained in clause 14.3(a), the Service Provider must, if so requested by the Panel Contract Manager, ensure that its Relationship Manager attends any meeting in respect of the Panel arrangements reasonably required by the Panel Contract Manager.

(d) The Service Provider acknowledges that data provided by the Service Provider under this Agreement may be provided to other Clients.

14.4 Continuous improvement and value added services

(a) The parties agree that they will work together during the Term to identify new measures or initiatives for mutual value enhancement in connection with the provision of the Services under this Agreement, including through the:

(i) identification of efficiencies in the provision of the Services;

(ii) implementation of any applicable technological improvements; and

(iii) utilisation of any applicable industry-wide productivity gains,

with a view to achieving year on year improvements in value for both parties.

(b) The Service Provider agrees, when requested by a Client, to provide:

(i) any of the Value Added Services listed in item 10 of Schedule 1, according to its capacity; and

(ii) Any additional Value Added Services proposed by the Service Provider in its response to the Request for Proposal.

(c) Any value enhancing initiatives identified by the parties will be discussed and, if deemed appropriate, implemented by the parties as soon as practicable.

14.5 Use of Information Systems

(a) The Service Provider acknowledges that it may be required to use an information system for the purpose of procurement of Services, invoicing of Services or reporting.

(b) The information system may vary from time to time or between Agencies.

15. Performance Review

(a) The Service Provider may be subject to performance review throughout the Term in accordance with the Service Level Agreement and this clause 15.

(b) The Relationship Manager must be available to meet the Panel Contract Manager at least once in each Contract Year, and at other times as reasonably required by the Panel Contract Manager, to discuss contract management issues and review the Service Provider's performance under this Agreement, including to review the Service Provider's compliance with the Minimum Service Standards and the Key Performance Indicators as disclosed in the Annual Assessment performance report.

(c) The Service Provider acknowledges that as part of any performance review, whether arising out of the Annual Assessment or otherwise, the Lead Agency may set a course of remedial action in a performance report for the Service Provider to follow and implement. The Service Provider must comply with the requirements of any performance report within the timeframes specified by the Lead Agency in that report. If the Service Provider does not comply with the requirements of the performance report, the Lead Agency may suspend or terminate the Service Provider's membership of the Panel under clause 24.1.

(d) The Lead Agency may make available results of the Annual Assessment or other performance reviews to all Clients via the Electronic Vendor Management System or alternative means.

16. Price review

The price review mechanism set out in Item 4 of Schedule 1 applies. Any revised Rates calculated in accordance with the price review mechanism will take effect from the date specified in Item 4 of Schedule 1.

17. Materials to be provided by Service Provider

17.1 Form of Contract Materials

The Service Provider must ensure that all Contract Materials provided or required to be provided to the Lead Agency under this Agreement or to a Client as part of the Services under a Legal Services Contract, are provided in a form reasonably required by the Panel Contract Manager or the Agency Contract Manager, as applicable, including in the case of documents, in optical character recognition (OCR) form.

17.2 Provisions of advice to databases

The Service Provider must ensure that any advice which forms part of the Contract Material is provided to the Client on request to enable it to be included in any database of advices maintained by that Client or to the Panel Contract Manager for the purposes of any cross Agency database maintained by the State.

18. Access to records

18.1 Service Provider to retain records

(a) The Service Provider must, for a period of seven years after the later of termination or expiry of this Agreement or the termination or expiry of any Legal Services Contract, keep true and particular accounts and records of all Services supplied under this Agreement and any Legal Services Contract, including, subject to the terms of this Agreement:

(i) copies of the Contract Materials;

(ii) any Materials provided by the State or any Client;

(iii) records of expenses or other disbursements of the Service Provider in the provision of Services by the Service Provider; and

(iv) all supporting materials used to generate and substantiate invoices submitted in respect of Services supplied under this Agreement or any Legal Services Contract.

(b) Upon expiry of the period stated in clause 18.1(a), prior to the destruction of any records referred to in that clause, the Service Provider must, if required by the Agency Contract Manager, deliver to the Agency Contract Manager:

(i) any Materials provided by the State or any Client as specified by the Agency Contract Manager; and

(ii) copies of any other records referred to in clause 18.1(a);

where these are public records for the purposes of the *State Records Act 1998* (NSW) provided that the Client must meet the Service Provider's reasonable direct cost of supplying any Materials or copies referred to in this clause 18.1(b). Materials or copies required to be delivered to the Agency Contract Manager under this clause 18.1(b) may be provided in electronic form.

(c) If required by a Client, the Service Provider must comply with any relevant standard issued by the State Records Authority.

18.2 Right to access and audit

(a) The Lead Agency and any Client, or their duly authorised representatives, will have the right, after giving reasonable notice, at any time during business hours, to inspect and/or audit the accounts and records of the Service Provider referred to in clause 18.1(a), for the purpose of auditing the Service Provider's compliance with this Agreement and any Legal Services Contract, including the provision of the Services, the calculation of any Legal Services Fees and the amount of any Counsel's fees. Such representatives will be entitled (at the expense of the Lead Agency or the Client, as applicable) to take copies of or extracts from any such accounts or records. Copies or extracts of accounts or records taken by, or provided to, such representatives may be in electronic form.

(b) For the purposes of this clause 18.2, the Service Provider must grant, and where relevant must ensure that its sub-contractors grant, the Lead Agency and any Client or their duly authorised representatives, access at reasonable times and upon reasonable notice to any accounts or records related to this Agreement or any Legal Services Contract, and to any premises at which such accounts or records are held, for the purpose of accessing accounts or records of the Client only.

(c) The Service Provider must ensure that any sub-contract entered into for the purposes of this Agreement or any Legal Services Contract contains an equivalent clause granting the rights specified in this clause 18 with respect to accounts or records and premises of the sub-contractor.

(d) The rights of the Lead Agency under clause 18.2(a) may be exercised with respect to this Agreement and any Legal Services Contract.

(e) The rights of a Client under this clause 18.2(a) may be exercised in relation to any Legal Services Contract between the Service Provider and the Client.

(f) At no additional cost to the State, the Lead Agency or any Client, the Service Provider must promptly take corrective action to rectify any error, non-compliance or inaccuracy identified in any audit in the way the Service Provider has under this Agreement or any Legal Services Contract:

(i) provided any Services;

(ii) calculated any Legal Services Fees invoiced to the Client; or

(iii) otherwise not complied with its obligations under this Agreement or any Legal Services Contract.

(g) The right of access and audit granted under this clause 18.2 may be exercised by the Lead Agency and any Client at any time during the Term or in the seven year period following the expiry of the Term.

(h) For the avoidance of doubt, the Lead Agency or the relevant Client will be solely responsible for the costs of conducting any audit under this clause 18.2.

(i) Nothing in this Agreement or any Legal Services Contract reduces, limits or restricts in any way any statutory function, power, right or entitlement of any Agency with respect to the Service Provider's accounts or records. The rights of the Lead Agency or a Client under this Agreement or a Legal Services Contract are in addition to any other power, right or entitlement of such an Agency.

19. Intellectual Property Rights

19.1 Warranty and indemnity by Service Provider

(a) The Service Provider warrants to each Client that it is entitled to use and deal with any Intellectual Property Rights which may be used by it in connection with the provision of the Services under this Agreement or any Legal Services Contract, including any assignment or licence of Intellectual Property Rights to the State or any Client under this clause 19.

(b) The Service Provider indemnifies and will at all times keep the State and any Client indemnified against any loss, damage, claim, action or expense (including legal expense) arising out of or otherwise in connection with any breach or alleged breach by the Service Provider of the Intellectual Property Rights of any third person, relating to the provision of the Services under this Agreement or any Legal Services Contract or relating to the exercise by the State or a Client of its rights under any licence of Intellectual Property Rights granted by this clause 19.

19.2 Ownership of Contract Intellectual Property

(a) Subject to clause 19.9(a), from the time of creation, any and all Intellectual Property Rights (excluding the Pre-Existing Intellectual Property, the State Intellectual Property, the Client Intellectual Property or the Licensed Intellectual Property) incorporated or comprised in the following Contract Material will vest in the Client:

(i) any Contract Material prepared or provided for publication or communication by or on behalf of the Client;

(ii) any Contract Material prepared or provided for use as precedents

by a Client; and

(iii) any other Contract Material where a Client specifies in a Legal Services Order that it requires Intellectual Property Rights in that Contract Material to vest in the Client,

(iv) (which Intellectual Property Rights are referred to in this Agreement as Contract Intellectual Property).

(b) The Service Provider irrevocably and unconditionally assigns to each Client free of additional charge, all right title and interest in and to the Contract Intellectual Property and the Service Provider must sign all documents and do all things reasonably required to ensure that such assignment is effected.

(c) Subject to the express terms of any Legal Services Order, a Client grants to the Service Provider free of additional charge a non-exclusive world-wide licence for the Term of this Agreement and any Legal Services Contract, subject to clause 28, to use, reproduce, adapt and modify the Contract Intellectual Property, and to sub-license its rights under this clause 19.2(c) solely for the purposes of providing the Services to the Client under this Agreement or the Legal Services Contract to which that Legal Services Order relates.

19.3 Moral Rights

The Service Provider warrants to each Client that:

(a) all individuals who may have "moral rights" (as that expression is defined in the *Copyright Act 1968* (Cth)) in any documents provided as part of the Services or any works constructed in accordance with that material have validly provided their written consent (pursuant to sections 195AW and 195AWA of that Act); and

(b) the consent referred to in paragraph (a) allows a Client (or others) to deal with that material or those works (including by way of destruction or alteration and without attribution of authorship) in such manner as the Client may decide without being held to have infringed any moral right of the individual

and indemnifies the Client from all loss and liability in relation to any breach of such warranties.

19.4 Existing Moral Rights

Where the Services relate to any change to or the use of any material in relation to which moral rights may exist, the Service Provider must, in providing the Services, consider the obligations imposed by the *Copyright Act 1968* (Cth) in relation to "moral rights" and ensure that nothing is done which may place a Client in breach of those obligations.

19.5 Ownership of existing Intellectual Property

(a) All Pre-Existing Intellectual Property used by the Service Provider in connection with the provision of Services under this Agreement or any Legal Services Contract or the creation of Contract Intellectual Property remains the property of the Service Provider or its licensors.

(b) All State Intellectual Property used by the Service Provider in connection with the provision of the Services under this Agreement or any Legal Services Contract remains the property of the State or the Client, as applicable.

19.6 Licence of State Intellectual Property

(a) The State grants to the Service Provider free of additional charge, a non-exclusive, non-transferable, worldwide licence to use, reproduce, modify and adapt the State Intellectual Property to the extent necessary for the

purposes of carrying out the Service Provider's obligations under this Agreement or a Legal Services Contract.

(b) The licence granted to the Service Provider under this clause 19.6 is for the Term or the term of any applicable Legal Services Contract.

19.7 Licence of Client Intellectual Property

Subject to the terms of any Legal Services Contract, the Client grants to the Service Provider free of additional charge, a non-exclusive, non-transferable, worldwide licence to use, reproduce, modify and adapt the Client Intellectual Property to the extent necessary for the purposes of carrying out the Service Provider's obligations under the relevant Legal Services Contract.

19.8 Licence of Pre-Existing Intellectual Property

The Service Provider irrevocably and unconditionally grants to the State and each Client, free of additional charge, a perpetual non-exclusive, worldwide licence to use, reproduce, adapt, modify, publish, communicate or exploit any Pre-Existing Intellectual Property to the extent that such Pre-Existing Intellectual Property forms part of or is integral to, any Contract Material and to sub-license its rights under this clause 19.8.

19.9 Licence of Licensed Intellectual Property

(a) Subject to clause 19.9(b), the Service Provider irrevocably and unconditionally grants to the State and to each Client, free of additional charge, a perpetual, non-exclusive, world-wide licence to use, reproduce, adapt, modify, publish, communicate or exploit any and all Intellectual Property Rights (excluding Pre-Existing Intellectual Property, the State Intellectual Property or the Client Intellectual Property) in the following Contract Material for any purpose except commercial exploitation:

(i) all Contract Material filed, or prepared or provided for use, in any litigation or other dispute resolution;

(ii) advice to a Client; and

(iii) any other Contract Material not within the scope of clause 19.2(a) and clauses 19.9(a)(i) and 19.9(a)(ii),

(which Intellectual Property Rights are referred to in this Agreement as **Licensed Intellectual Property**), and to sub-license its rights under this clause 19.9(a).

(b) The licence granted by the Service Provider to each Client under clause 19.9(a) is limited to Licensed Intellectual Property with respect to Contract Materials created by or on behalf of the Service Provider in the course of or as a result of providing the Services to that Client under a Legal Services Contract with that Client, including any Contract Material provided or required to be provided to that Client under the Legal Services Contract.

19.10 Confidentiality obligations of Service Provider not affected

(a) The provisions of clause 28 prevail over:

(i) clause 19.2(c); and

(ii) any express term of the relevant Legal Services Order relating to the Contract Intellectual Property referred to in clause 19.2(a)(iii) or clause 19.2(c);

and to the extent of any inconsistency, nothing in this clause 19 will license the Service Provider to use, disclose or otherwise deal with any Confidential Information contrary to clause 28 or any other provision of this Agreement.

20. Failure to perform

(a) Without limiting any other clause of this Agreement, or any other remedy a Client may have, if the Service Provider fails to provide or perform any of the Services in accordance with the requirements of a Legal Services Contract, the relevant Client will not be required to pay for those Services and may, by written notice to the Service Provider, require the Service Provider to:

(i) remedy any default (if the default is capable of being remedied) at the Service Provider's own expense; or

(ii) re-perform the Services (if the Services are capable of being re-performed by the Service Provider),

within the time specified in the notice (which must be reasonable having regard to the nature of the Services).

(b) If the remedied or re-performed Services are remedied to the satisfaction of the Client, then the Client will pay the applicable Rates or Legal Services Fees for those remedied or re-performed Services (which the parties acknowledge may be less than the cost to the Service Provider of remedying or re-performing the Services).

(c) If the default referred to in clause 20(a) is not capable of being remedied or the Services are not capable of being re-performed, or the Service Provider fails within the time specified to remedy the default or re-perform the Services, the Client may terminate the Legal Services Contract, in which case clause 24.4 will apply.

21. Warranties

The Service Provider warrants to the State and each Client that:

(a) the Service Provider has the power to enter into this Agreement and perform its obligations under this Agreement and any Legal Services Contract;

(b) the Service Provider has the necessary authorisations to perform its obligations under the Agreement and any Legal Services Contract and will use its best endeavours to maintain such authorisations for the Term of this Agreement and the term of any Legal Services Contract;

(c) the provision of the Services will be carried out with all due care and skill and in accordance with all applicable standards, principles and practices;

(d) the Service Provider and its Personnel have the accreditation to provide the Services as set out in the Tender Documentation, and Personnel required to be accredited who provide the Services will have that accreditation during the Term of this Agreement and any Legal Services Contract;

(e) the Service Provider and its Personnel, agents and approved sub-contractors are appropriately qualified and have the requisite knowledge, skill and expertise to provide the Services in accordance with the Minimum Service Standards and the Key Performance Indicators;

(f) whilst on premises owned or controlled by a Client, the Service Provider and its Personnel, agents and contractors will at all times comply with the Client's lawful directions and policies of which the Service Provider is notified or is otherwise aware, including any applicable work health and safety and security policies;

(g) where the Client has, either expressly or by implication, made known to the Service Provider any particular purpose for which the Services are required, the Services will be performed in such a way as to achieve that result;

(h) the provision of the Services will not infringe any right of any third party (including any intellectual property right) or any Laws;

(i) all representations made by the Service Provider in or in connection with the Tender Documentation were and remain accurate and the Service Provider has and will maintain during the Term the quality assurance arrangements set out in the Tender Documentation; and

(j) the information contained in the Tender Documentation as to the structure, viability, reliability, insurance cover, capacity, experience and expertise of the Service Provider, its Personnel and contractors is correct.

22. Conflicts of interest, Incidents and probity

22.1 Conflicts of interest

(a) The Service Provider warrants that as at the Commencement Date and except as disclosed to the Lead Agency or the relevant Client, it does not, and will ensure that its Personnel and sub-contractors do not, hold any office or possess any property, are not engaged in any business, trade or calling and do not have any obligations by virtue of any contract whereby, directly or indirectly, duties or interests are or might be created in conflict with, or might appear to be created in conflict with, their duties and interest under this Agreement or a Legal Services Contract.

(b) During the term of this Agreement or the term of any Legal Services Contract:

(i) the Service Provider must immediately notify the Agency Contract Manager of the relevant Client of any matter or change in circumstances that may give rise to an actual, potential or perceived conflict of interest with respect to that Client and provide details of all circumstances relevant to the actual, potential or perceived conflict of interest; and

(ii) the State, the Lead Agency or a Client may notify the Service Provider that it believes an actual, potential or perceived conflict of interest has arisen in respect of the Service Provider.

(c) Where the Service Provider, or the Panel Contract Manager or the Agency Contract Manager of the relevant Client gives notice under clause 22.1(b) the Service Provider must:

(i) provide any information reasonably requested by the Panel Contract Manager or the Agency Contract Manager of the relevant Client; and

(ii) take any steps reasonably required by the Panel Contract Manager or the Agency Contract Manager of the relevant Client to address the conflict of interest.

(d) **Statutory land acquisition processes:** Panel Firms appointed to the Panel for this Area of Law may not act against the NSW Government in any compulsory acquisition matter without the approval of the Agency Contract Manager of the relevant Client.

(e) The Service Provider agrees that failure to comply with this clause 22 will constitute a breach of a fundamental term of this Agreement and the Lead Agency may terminate this Agreement or a Client may terminate any Legal Services Contract with immediate effect.

(f) For the purposes of providing notice under clause 22.1(b)(i), if the Service Provider cannot determine the applicable Agency Contract Manager, the Service Provider must seek direction from the Panel Contract Manager.

22.2 Pro Bono and conflicts of interest

The parties acknowledge that the State encourages lawyers to provide legal services on a pro bono basis and recognises that it is appropriate for providers of legal services, including the Service Provider, to act against the State and any Client in pro bono matters where there is no conflict of interest (or where the conflict is approved), and where to do so would not be in breach of the Service Provider's obligations under clause 22.1 or any other requirements of this Agreement or a Legal Services Contract with respect of any conflict of interest.

22.3 Incidents

(a) The provisions of this clause 22.3 do not limit the obligations of the Service Provider under clause 22.4 in relation to Probity Events.

(b) The Service Provider warrants that to the best of its knowledge, after making diligent inquiry, as at the Commencement Date it has disclosed to the Lead Agency or the relevant Client all Incidents which have occurred in the 2 years prior to the Commencement Date.

(c) During the Term of this Agreement and the term of any Legal Services Contract, the Service Provider will immediately notify the Panel Contract Manager and the Agency Contract Manager of the relevant Client of any Incident, or any circumstance which might reasonably be considered an Incident, which has occurred since the Commencement Date.

22.4 Probity

(a) During the Term of this Agreement and the term of any Legal Services Contract:

(i) if a Probity Event with respect to this Agreement or the provision of Services under any Legal Services Contract occurs, the Service Provider will immediately give written notice to the Panel Contract Manager and the Agency Contract Manager of the relevant Client of the Probity Event, and the notice must provide details of all relevant circumstances; and

(ii) the Lead Agency or a Client may give written notice to the Service Provider that it believes such a Probity Event has occurred.

(b) Where the Service Provider or the Panel Contract Manager or the Agency Contract Manager of the relevant Client gives notice under clause 22.4(a), the Service Provider must:

(i) provide any information reasonably requested by the Panel Contract Manager or the Agency Contract Manager of the relevant Client; and

(ii) take any steps reasonably required by the Panel Contract Manager or the Agency Contract Manager of the relevant Client, to address the Probity Event, including procuring that the relevant Personnel or sub-contractor ceases to provide Services to the Client.

22.5 Specific requirements of the Client including probity plans

The obligations of the Service Provider under this clause 22 are in addition to any specific requirements of a Client in relation to any Legal Services Contract concerning conflicts of interest or probity. The Service Provider must comply with any other requirements of the Client with respect to conflicts of interest or probity in the provision of Services under a Legal Services Contract, including the requirements of any probity policy or probity plan, whether stated in the relevant Legal Services Order or otherwise.

22.6 Termination of this Agreement or Legal Services Contracts

Without limitation to any provision of this Agreement, where:

(a) the Service Provider fails to comply with this clause 22; or

(b) any actual, potential or perceived conflict of interest, Incident or Probity Event is not resolved to the satisfaction of the State, the Lead Agency or the relevant Client, including in any time the State, the Lead Agency or the relevant Client may require, then:

(i) the Lead Agency may by written notice to the Service Provider immediately exercise its rights under clause 24.1; and

(ii) the Client may immediately terminate any Legal Services Contract.

23. Change in Control

23.1 Change in Control Generally

(a) The Service Provider must notify the Lead Agency in writing of any change in Control of the Service Provider (or of the ultimate holding company of the Service Provider, if applicable) of which it becomes aware.

(b) Following receipt of a notice under clause 23.1(c), the Lead Agency may seek such further information as is reasonable in relation to the change in Control.

(c) If a change in Control occurs:

(i) the Lead Agency may, by written notice to the Service Provider, remove the Service Provider from any Area of Law, or terminate this Agreement; and

(ii) any Client may terminate any Legal Services Contracts on foot.

Termination under this clause will take effect at any nominated time within 12 months after the change in Control.

(d) In determining whether or not to take any action under clause 23.1(c), the Lead Agency may consider such information as it considers relevant or necessary, including:

(i) compliance by the Controller with Governmental policies including in relation to ethical employment standards;

(ii) insurance coverage maintained by the Controller;

(iii) the financial viability of the Controller; and

(iv) the likely ability of the Controller to satisfy the requirements set out in the Tender Documentation, and the obligations of the Service Provider under this Agreement and any Legal Services Contract.

(e) For the purposes of 23.1(a), if a Service Provider is listed on a stock exchange, notice must be provided as soon as legally possible.

23.2 Mergers and Acquisitions

(a) The Service Provider acknowledges that if the Service Provider:

(i) merges with another legal services provider; or

(ii) is acquired by another legal services provider; or

(iii) acquires another legal services provider,

that appointment to an area of law under this Agreement does not

automatically transfer to the new legal entity and will be subject to a review by the Panel Contract Manager.

(b) The Service Provider must notify the Panel Contract Manager of any proposed merger or acquisition as soon as practical.

23.3 Movement of personnel to another entity

(a) In the event that a practice group, or a significant proportion of a practice group, where significant proportion refers to either the number of personnel or the collective experience of such personnel, transfers to another entity or Service Provider, appointment to an area of law under this Agreement does not automatically transfer to the other entity or Service Provider.

(b) The Service Provider must notify the Panel Contract Manager of any personnel movement under clause 23.3(a) as soon as practical.

24. Termination

24.1 Grounds for termination by the Lead Agency

(a) If:

(i) the Service Provider consistently fails to provide the Services in accordance with the Minimum Service Standards or the Key Performance Indicators or otherwise in accordance with the requirements of this Agreement;

(ii) the Service Provider fails to remedy, to the satisfaction of the Lead Agency, any breach of this Agreement (which in the reasonable opinion of the Lead Agency is able to be remedied) within 28 days after the date on which the Lead Agency issues the Service Provider a written notice requiring the Service Provider to remedy the breach;

(iii) suspension or termination is permitted under clause 15, clause 22.6, clause 23 or any other clause of this Agreement;

(iv) the Service Provider breaches any material provision of this Agreement and in the reasonable opinion of the Lead Agency such breach cannot be remedied;

(v) during the Term there is a change in governmental policy that affects the Lead Agency's ability to perform its obligations under this Agreement or which, in the reasonable opinion of the Lead Agency, has the effect of making the provision of Services under this Agreement unviable, inappropriate or otherwise unsuitable; or

(vi) an Incident or Probity Event occurs in relation to the Service Provider or any of its Personnel engaged in providing Services to a Client that is contrary to prevailing community standards, or is otherwise regarded by the public as unacceptable or which brings the reputation of the Service Provider into disrepute and as a consequence the Lead Agency believes that its continued association with the Service Provider will be prejudicial or otherwise detrimental to the reputation of the State;

(vii) the Service Provider:

(A) being a partnership, company or other composite body undergoes a change in its structure which, in the reasonable opinion of the Lead Agency, limits the capacity of the Service Provider to provide the Services or otherwise precludes or adversely affects the Service Provider's ability to

carry out its obligations and duties under this Agreement or under a Legal Services Contract; or

(B) goes into liquidation or a receiver and manager or mortgagee's or chargee's agent is appointed or becomes subject to any form of insolvency, administration or arrangement, or in the case of an individual, becomes bankrupt or enters into a scheme or arrangement with creditors,

then the Lead Agency may in its absolute discretion by written notice to the Service Provider immediately (or at such time within the immediately succeeding 12 months as specified in the notice):

(viii) suspend, for such period as is specified in the notice, the Service Provider's membership of the Panel to the extent specified in the notice (including in respect of the provision of Services in any Area of Law);

(ix) terminate:

(A) the Service Provider's membership of the Panel;

(B) the Service Provider's membership, of the Panel to the extent that it relates to any Area of Law; and/or

(C) this Agreement.

(b) In the event of suspension or termination of the Service Provider's membership of the Panel pursuant to this clause 24.1:

(i) the Service Provider will not be entitled to receive any Legal Services Orders from any Client with respect to legal services within any of the Areas of Law to the extent to which and for the period in relation to which the suspension or termination applies; and

(ii) the Service Provider will continue to perform its obligations under this Agreement, including the Service Level Agreement and under any Legal Services Contract;

(iii) the suspension or termination will not prejudice any right of action or remedy which may have accrued to each party prior to such suspension or termination; and

(iv) neither the State or any Client will be liable to the Service Provider in respect of any indirect or consequential loss, including any loss of profits or opportunity.

(c) Except to the extent required by the Client:

(i) suspension or termination of the Service Provider's membership of the Panel pursuant to this clause 24.1; or

(ii) termination of this Agreement

will not terminate a Legal Services Contract or release the Service Provider from its obligations to continue to perform the Services under any Legal Services Contract.

(d) Clause 24.1(a) does not limit the rights of the Lead Agency to suspend or terminate this Agreement under any other provision of this Agreement.

24.2 Termination of Legal Services Contract by the Client for convenience

(a) A Client may immediately terminate a Legal Services Contract for convenience by giving the Service Provider written notice.

(b) Where a Legal Services Contract is terminated by a Client pursuant to clause 24.2(a), then the Client will pay to the Service Provider all amounts owing under the terms of the Legal Services Contract in respect of Services completed, and work in progress as at the date of termination, provided that such Services or work in progress have, in the reasonable opinion of the Client, been performed in accordance with the requirements of the relevant Legal Services Contract.

(c) Where a Legal Services Contract is terminated pursuant to clause 24.2(a) the Client will not be liable for any amount in excess of the total amount that would otherwise have been payable under the Legal Services Contract if it had not been terminated.

24.3 Termination of Legal Services Contract by the parties

(a) Each of the parties to any Legal Services Contract may immediately terminate any Legal Services Contract by written notice to the other with a copy to the Panel Contract Manager if the other party fails to remedy, to the satisfaction of the notifying party, any breach of the Legal Services Contract within 14 days after the date on which the notifying party issues the other party a written notice requiring the other party to remedy the breach.

(b) Clause 24.3(a) does not limit the rights of the parties to terminate a Legal Services Contract under any express provision of this Agreement, a Legal Services Contract or in accordance with the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015*.

(c) The Service Provider may immediately terminate this Agreement and/or a relevant Legal Services Contract if circumstances arise that the Service Provider reasonably believes could create conflict of interest for the Service Provider, or a risk that the Service Provider will violate its auditor independence obligations or other professional obligations, that the Service Provider, using reasonable endeavours, cannot satisfactorily mitigate.

24.4 Consequences of termination or expiry

(a) Termination or expiry of this Agreement will not prejudice any right of action or remedy which may have accrued to either party prior to termination or expiry (as the case may be).

(b) Termination or expiry of a Legal Services Contract will not prejudice any right of action or remedy which may have accrued to either party prior to termination or expiry (as the case may be).

(c) Upon termination of this Agreement or a Legal Services Contract neither the State nor any Client will be liable to pay any compensation or other money to the Service Provider except as expressly provided for in this Agreement or that Legal Services Contract, as applicable.

(d) Upon termination of any Legal Services Contract, the relevant Client must pay to the Service Provider all amounts owing under the Legal Services Contract in respect of Services that have been completed but not invoiced as at the date of termination or expiry (provided that such Services have been performed in accordance with this Agreement and the relevant Legal Services Contract).

(e) In the event of termination of this Agreement or any Legal Services Contract neither the State nor any Client will be liable to the Service Provider in respect of any indirect or consequential loss, including any loss of profit or loss of opportunity.

(f) Upon termination of this Agreement or any Legal Services Contract, the Service Provider must provide to the Lead Agency or the Client as applicable a copy of all Contract Materials not already provided under this Agreement or the Legal Services Contract.

(g) If this Agreement is terminated or expires and the Service Provider continues to provide the Services under a Legal Services Contract with the written consent of the Lead Agency following the expiration of the Term, it does so under a monthly arrangement:

(i) which either party may terminate with 1 months' notice to the other; and

(ii) otherwise on the same terms and conditions as this Agreement.

24.5 State and Client's rights not affected

Any termination of this Agreement by the Lead Agency or termination of a Legal Services Contract by a Client and any payment of money upon termination, including any payment under clause 24.4(d) shall not:

(a) in any way prejudice the right of the State or any Client to claim and recover damages for any prior breach of contract by the Service Provider, and

(b) preclude the State or any Client from recovering such other damages as the State may suffer or incur arising out of the termination of this Agreement.

24.6 Termination rights exhaustive

The rights of termination specified in this clause 24 are the only rights of termination available to the parties and any common law rights of termination are excluded.

25. Transition

25.1 Transitional assistance

The Service Provider acknowledges and agrees that on termination or expiry of this Agreement or a Legal Services Contract the Service Provider will provide all such transitional assistance as may be reasonably necessary or requested by the Lead Agency to facilitate the smooth transition of any relevant information, knowledge, systems or assets from the Service Provider to the Lead Agency or a relevant Client (or to a third party nominated by the Lead Agency) to enable the Lead Agency or the relevant Client to continue to obtain the benefit of such information, knowledge, systems or assets following the termination or expiry of this Agreement.

25.2 Client may require Transition Plan

(a) Without limitation to the scope of clause 25.1, if required by any Client in respect of which the Service Provider provides substantial or ongoing Services, the Service Provider must prepare a written proposal specifying the tasks to be performed for the purposes of transition upon the expiration or termination of any relevant Legal Services Contract (**Transition Proposal**).

(b) Within 30 days of the receipt of a request under clause 25.2(a), the Service Provider must submit the Transition Proposal to the Client for approval.

(c) The Service Provider must make such amendments (including additions) to the Transition Proposal as may be required by the Client. Upon approval in writing by the Client, the Transition Proposal will become the Transition Plan.

(d) A Client may give written notice to the Service Provider to prepare and submit to the Client, for approval, a Transition Proposal setting out variations to the Transition Plan as may be reasonably required to update the Transition Plan.

(e) Within 30 days of the date of receipt of a notice under clause 25.2(d), the Service Provider must submit the Transition Proposal to the Client for approval, and clause 25.2(c) will apply.

(f) The Service Provider must prepare any Transition Proposal or Transition Plan under this clause 25 at its own cost.

(g) Upon expiry or termination of this Agreement or termination of the Service Provider's membership of the Panel or any Area of Law, the Service Provider must carry out its obligations under the Transition Plan and cooperate with the Lead Agency and any Client, where applicable, for a period of up to 3 months, for the purposes of transitioning the provision of the Services to any new provider of legal services, or to the Lead Agency or the Client, as applicable.

25.3 Handover of Contract Material

As part of the Service Provider's transition obligations it must:

(a) deliver any electronically stored Contract Material in the format or formats required by the Lead Agency or the Client, as applicable; and

(b) provide access to all Contract Material held by the Service Provider, where this has not already been supplied to the Lead Agency or the Client, as applicable.

26. Insurance

26.1 Service Provider to maintain insurance

(a) The Service Provider must (and must ensure that any sub-contractors appointed by it under clause 31) obtain and maintain the insurances specified in Item 7 of Schedule 1:

(i) on the terms;

(ii) for the risks identified;

(iii) for the period of time; and

(iv) for the amounts,

specified in item 7 of Schedule 1.

(b) The Service Provider must effect professional indemnity insurance for the amount specified in Item 7 of Schedule 1. The Service Provider must maintain such insurance for the Term and for a period of 6 years from the later of the date on which the Term expires or the last date on which the Service Provider provides any Services under a Legal Services Contract.

(c) The Service Provider must provide the Lead Agency with evidence of the currency of any insurance it is required to obtain, on or prior to submitting its first invoice under this Agreement, and otherwise in accordance with the Service Level Agreement and on request by the Lead Agency at any time during the Term.

(d) Where any insurance the Service Provider is required to obtain and maintain expires during the Term (**Initial Insurance**), the Service Provider must provide the Lead Agency with evidence of the currency of relevant replacement insurance prior to the expiration of the Initial Insurance.

(e) The Service Provider acknowledges that a Client may be unable to pay an invoice in the absence of a certificate of currency for the insurances required under this clause 26.

27. Security

(a) In fulfilling its obligations under this Agreement or under any Legal

Services Contract, the Service Provider must:

(i) comply with such Commonwealth, State or Territory legislation relating to matters of security as are set out in this Agreement or as may be advised by the Lead Agency or the Agency Contract Manager for the relevant Client from time to time; and

(ii) comply with any specific security requirements specified in a Legal Services Order or as advised by a Client (including its Personnel or subcontractors undergoing any police checks, finger printing checks or other checks) prior to obtaining access to the Client's site, or providing any Services or fulfilling its obligations under a Legal Services Contract, including any security clearance requirements; and

(iii) inform its Personnel and subcontractors of:

(A) the provisions of any relevant legislation relating to secrecy and security advised to it under clause 27(a); and

(B) the specific security requirements advised to it under clause 27(a)(ii);

and procure any necessary consent of its personnel or subcontractors.

(b) If required by a Law Enforcement Client under clause 27(a)(ii), the Service Provider must, before commencing work on any Services:

(i) give the Client accurate information about the identity, job history, character and associates of its Personnel and subcontractors; and

(ii) a list of any of the Service Provider's Personnel and subcontractors with actual or proposed access to the Agency's sites or Confidential Information; and

(iii) not permit a person to commence work on any Services unless the Client has approved the person; and

(iv) make such arrangements for complying with security requirements as are appropriate; and

(v) obtain written approval from the Client to commence work on the Services.

(c) A Law Enforcement Client requiring any investigations under clause 27(a)(ii) as it considers appropriate will undertake those investigations at the Law Enforcement Client's expense.

(d) The Service Provider must notify the Law Enforcement Client promptly if the Service Provider becomes aware of any change in any of the matters under clauses 27(b) or 27(c) that may affect the suitability of the Service Provider's Personnel or subcontractors and must obtain any necessary consent from the relevant Personnel or subcontractor.

(e) The Service Provider acknowledges that prior to being granted access to documents, Materials or information pursuant to this Agreement or a Legal Services Contract, any of its Personnel or subcontractors may first be required to provide the Service Provider with an acknowledgement that he or she is aware of any applicable legislation or security instructions. Nothing in this clause excuses non-compliance by the Service Provider or its Personnel with any applicable legislation.

28. Confidentiality and privacy

28.1 Service Provider's obligations of confidentiality

(a) Except as permitted in clause 28.2, the Service Provider must not, and must make sure that its Personnel, agents, sub-contractors and advisers do not:

(i) disclose any Confidential Information without the prior written consent of the Lead Agency or a Client, as applicable; or

(ii) use any Confidential Information,

except strictly for the purposes of carrying out the Service Provider's obligations under this Agreement or a Legal Services Contract.

(b) In giving written consent to the disclosure of Confidential Information, the Lead Agency or the relevant Client may impose such conditions as it thinks fit.

28.2 Exceptions to Service Provider's obligations of confidentiality

The Service Provider may disclose the Confidential Information:

(a) to its legal advisers, auditors and other advisers who require this information to provide advice to the Service Provider in relation this Agreement or a Legal Services Contract;

(b) to its associated firms, for the purposes of checking for conflicts of interest;

(c) to the Service Provider's Personnel or permitted sub-contractors who require this information for the purposes of this Agreement or the relevant Legal Services Contract, provided in each case that if required by the Panel Contract Manager or the Agency Contract Manager of the Client, before such disclosure occurs the Service Provider will obtain an undertaking executed by those persons to maintain the confidentiality of the Confidential Information, in such form as is reasonably required by the Lead Agency or the Client, as applicable;

(d) subject to clause 28.5, if required to do so by Law, court order, a House of Parliament, or Committee of a House of Parliament; or

(e) if strictly required in connection with legal proceedings relating to this Agreement, after notifying the Court of the obligations the Service Provider owes to the State or any Client in respect of the Confidential Information and where required by the Panel Contract Manager or the Agency Contract Manager of the Client, the Service Provider using its reasonable endeavours to have the relevant Confidential Information disclosed only on a confidential basis and any proceedings be held in camera (as appropriate).

28.3 Prevention of use or disclosure of Confidential Information

(a) The Service Provider must take all reasonable precautions to prevent any unauthorised disclosure of Confidential Information, including the following precautions:

(i) the Service Provider must at all times ensure that all Confidential Information is protected from unauthorised access or use and from misuse, damage and destruction by any person and must take protective measures, including, but not limited to, administrative, physical and technical safeguards, that are no less rigorous than accepted industry standards and commensurate with the consequences and probability of unauthorised access to, or use, misuse or loss of Confidential Information; and

(ii) except with the prior authority of the Lead Agency or the relevant Client, the Service Provider must not store any Confidential Information in any location outside of Australia; and

(iii) if Confidential Information is stored in any location outside Australia, as authorised, ensure that access is restricted to those Service Provider personnel with the appropriate authorisations who have a need for such access to enable the Service Provider to provide the Services or otherwise to comply with this

Agreement or the relevant Legal Services Contract.

(b) The Service Provider must notify as soon as practicable, but no later than 72 hours, the Panel Contract Manager and if applicable the Agency Contract Manager of the relevant Client in writing of:

(i) any Eligible Data Breach including:

(A) the nature of the Confidential Information; and

(B) if known to the Service Provider, the person who has accessed or used the Confidential Information; and

(ii) any request from a foreign government or agency for access to Confidential Information (unless such notification is prohibited by law).

(c) In the event that the Service Provider is aware that there are reasonable grounds to suspect that there may have been an Eligible Data Breach, or if the Service Provider receives a threat in relation to an Eligible Data Breach, the Service Provider must:

(i) carry out, within seven days, a reasonable and expeditious assessment of whether there are reasonable grounds to believe that the relevant circumstances amount to an Eligible Data Breach; and

(ii) provide written notice to the Panel Contract Manager of the outcome of the assessment, and if applicable, comply with the notification requirements of clause 28.3(b).

(d) The Service Provider must:

(i) in the event of any Eligible Data Breach, comply with the directions of the Panel Contract Manager and the Agency Contract Manager of the relevant Client in relation to the measures to be taken, including in relation to:

(A) obtaining evidence about how, when and by who the Service Provider's information system and/or the Confidential Information has or may have been compromised, providing it to the Panel Contract Manager and Agency Contract Manager on request, and preserving and protecting that evidence for a period of up to 12 months;

(B) implementing any mitigating strategies to reduce the impact of any unauthorised use or dissemination of any Confidential Information or the likelihood or impact of any future similar incident; and

(C) preserving and protecting Confidential Information (including, as necessary, reverting to any backup or alternative site or taking other action to recover Confidential Information); and

(ii) in the event of a request from a foreign government or agency for access to Confidential Information, attempt to redirect any such foreign government or agency to request the access directly from the Lead Agency or the Client.

28.4 Confidentiality of Client Satisfaction Surveys

(a) Without limitation to any other provision of this Agreement, the Service Provider acknowledges that any Client Satisfaction Survey conducted under this Agreement in relation to the Service Provider or any Client Satisfaction Survey conducted in relation to any other service provider under the Panel arrangements is Confidential Information.

(b) The Service Provider must not use or disclose Confidential Information with respect to any Client Satisfaction Survey other than pursuant to this clause 28.

28.5 Disclosure by Service Provider required by Law

(a) Subject to the Service Provider first complying with clauses 28.5(b)(iii), 28.5(b)(iv) and 28.5(b)(v), the Service Provider may disclose Confidential Information that is required to be disclosed by Law, court order, a House of Parliament, or a Committee of a House of Parliament, but only to the extent of such requirements.

(b) In the event that the Service Provider:

(i) is required by Law, court order, a House of Parliament, or a Committee of a House of Parliament to disclose all or any part of the Confidential Information; or

(ii) anticipates or has cause to anticipate that it may be so required,

the Service Provider must as soon as possible (to the extent permitted by law):

(iii) notify the Agency Contract Manager of any relevant Client of such actual or anticipated requirements;

(iv) cooperate fully with any relevant Client to try to lawfully avoid or limit the scope of that disclosure; and

(v) take such steps as that Client reasonably requires to permit that Client to have a reasonable opportunity to oppose or to restrict such disclosure by lawful means.

28.6 Return of information by Service Provider

(a) All Confidential Information will remain the property of the State or the relevant Client and all copies or other records containing the Confidential Information (or any part of it) must (except to the extent necessary to comply with requirements under law, the reasonable requirements of professional indemnity insurance or retained in automated business continuity procedures) be returned by the Service Provider to the Lead Agency or the relevant Client on request, or upon termination or expiry of this Agreement or the relevant Legal Services Contract.

(b) Upon the occurrence of any of the events specified in clause 28.6(a), the Service Provider will not make any further use of, exploit or deal with in any way the relevant Confidential Information.

(c) The Service Provider must not refuse to comply with, or delay in performance of, its obligations under clause 28.6(a) whether on the basis of any alleged lien, set off, proprietary or quasi proprietary right or any other claim or demand against the State or any Client or any other person.

28.7 Service Provider’s Personnel, agents, sub-contractors and advisers

The Service Provider must procure that the Service Provider’s Personnel, agents, sub-contractors and advisers do not do or omit to do anything that if done or omitted to be done by the Service Provider would be a breach of the Service Provider's obligations under this clause 28.

28.8 Specific confidentiality requirements of any Client

The obligations of the Service Provider under this clause 28 are in addition to any specific requirements of a Client in relation to any Legal Services Contract with respect to confidentiality of Confidential Information. The Service Provider must comply with any other requirements of the Client with respect to

confidentiality of Confidential Information in the provision of the Services under a Legal Services Contract, whether stated in the relevant Legal Services Order or otherwise.

28.9 Injunction for breach of obligations of confidentiality

The Service Provider acknowledges that the State, the Lead Agency or any relevant Client (as the case may be) will be entitled (in addition to any other remedy it may have) to seek an injunction or other equitable relief with respect to any actual or threatened breach by the Service Provider of this clause 28 and without the need on the part of the Lead Agency or the relevant Client to prove any special damage.

28.10 Public domain

Confidential Information will not be deemed to be in the public domain merely because it relates to other Information which may be in the public domain.

28.11 Service Provider's consent to disclosure of information

(a) The Service Provider acknowledges that the Lead Agency or a Client may be required to publish certain information concerning this Agreement, in the case of the Lead Agency, or a Legal Services Contract, in the case of a Client, in accordance with the *Government Information (Public Access) Act 2009* (NSW).

(b) The Service Provider consents to each relevant Agency publishing or otherwise disclosing or making available all such information as is necessary to comply the requirements of the *Government Information (Public Access) Act 2009* (NSW).

(c) If the Service Provider reasonably believes that any part of this Agreement or a Legal Services Contract contains information which is commercial-in-confidence or could reasonably be expected to affect public safety or security, then the Service Provider should immediately notify in writing the Lead Agency, with respect to the Agreement, or the Client, with respect to a Legal Services Contract, identifying the provisions and providing reasons so that the relevant Agency may consider seeking to exempt those provisions from publication.

28.12 Privacy and personal information

Subject to any obligation that the Service Provider has under any applicable privacy laws, other laws and its professional obligations, where the Service Provider has access to personal information as defined in the *Privacy and Personal Information Protection Act 1998* (NSW) in order to fulfil its obligations under this Agreement or a Legal Services Order, the Service Provider must, where collecting personal information on behalf of a Client, comply with the obligations as defined in the *Privacy and Personal Information Protection Act 1998* (NSW) as if it were a Client.

28.13 Rights cumulative

The right of the State and any Client under this clause 28 are in addition to the right of the State and any Client at law or in equity, including under the *Legal Profession Uniform Law* (*NSW*).

29. Disputes

29.1 Notice of Disputes

If a party believes a dispute has arisen between the parties that party will provide the other party with notice of the general nature of the dispute:

(a) in relation to the provision of Services or any other matter concerning the

rights and obligations of a Client or the Service Provider under a Legal Services Contract, the relevant Agency Contract Manager and the Service Provider's Relationship Manager; and

(b) in relation to any other dispute concerning this Agreement, the Panel Contract Manager and the Service Provider's Relationship Manager.

29.2 Negotiation

The parties will use reasonable endeavours to attempt to resolve the dispute. If the dispute has not been resolved within 30 calendar days of the date of receipt of a notice served under clause 29.1, either party may, by written notice, refer the matter to expert determination in accordance with clause 29.3, otherwise either party may commence proceedings in a court of competent jurisdiction in respect of the dispute.

29.3 Expert Determination

If either party gives notice pursuant to clause 29.2, the expert determination is to be carried out as follows:

(a) **Expert lists**: Within 5 Business Days after the date of the notice under paragraph 29.2, the parties must exchange written lists of proposed experts from whom the expert is to be chosen in order of preference.

(b) **Selection of Expert**: A person that appears on both lists under clause 29.3(a) will be appointed as the expert to determine the dispute and if more than one person appears on both lists the person given the highest order of priority by the party that gave the notice under clause 29.2 will be appointed.

(c) **Nomination of Expert**: If no person appears on both lists, the parties must request the President of the NSW Law Society to nominate a person to act as the expert.

(d) **Expert Determination Agreement**: The Lead Agency and the Service Provider must enter into an agreement with the expert on such reasonable terms as the expert may require.

(e) **Reasonable assistance**: The Service Provider and Client will each provide the Expert with copies of all reports and other Materials relevant to the dispute, and all other information required to keep the Expert informed and able to carry out his or her function under this clause 29.3.

(f) **Determination of the Expert**: The determination of the expert must be given to the parties in writing and will be final and binding upon the parties.

(g) **Costs**: The parties must bear their own costs in connection with the expert determination proceedings and must pay an equal portion of the cost of the expert.

29.4 Continued Performance

(a) Despite the existence of a dispute:

(i) the Service Provider must continue to provide the Services and perform its obligations under this Agreement and any Legal Services Contract;

(ii) each party must otherwise comply with its obligations under this Agreement and any Legal Services Contract, except that a Client will be under no obligation to make any payment in respect of any amounts which are in dispute; and

(iii) each party's rights under this Agreement and under any Legal Services Contract, including the rights of the Lead Agency to suspend or terminate the Service Provider's membership of the Panel or any Area of Law under clause 24.1, and of any Client to

terminate any Legal Services Contract will not be affected.

(b) The State and any Client may make full use of all Contract Materials regardless of any dispute in existence between any Client and the Service Provider over any unpaid amounts owing to the Service Provider or any other matter and the Service Provider waives any lien or similar right which might otherwise be attached to such Contract Materials.

30. Compliance with Law and policies

30.1 Compliance with Law and policies in general

(a) The Service Provider must, in performing its obligations under this Agreement and under any Legal Services Contract, comply with all Laws affecting or applicable to the provision of Services by the Service Provider.

(b) The Service Provider is not required to do anything that would breach its professional or ethical obligations to the court or other clients.

(c) The Service Provider must ensure that at all times throughout the Term and in relation to the provision of Services under a Legal Services Contract it complies with the obligations identified in Schedule 6 and with all other policies or amended policies notified to the Service Provider by the Lead Agency or a Client from time to time under this Agreement.

30.2 Briefing of counsel

(a) The Service Provider acknowledges that in addition to the obligations under this Agreement in relation to compliance with government policies, the Service Provider agrees that Senior Counsel are only to be briefed by exception with approval of the Agency, and that any briefing of Senior Counsel is to be in accordance with Premier's Memorandum 2018-06 and in accordance with the current Attorney General's rates.

(b) The Service Provider acknowledges that it is the expectation of the NSW Government that the Service Provider will only brief counsel from chambers which have adopted the Bar Best Practice Guidelines (which include appropriate sexual harassment and bullying procedures, and grievance procedures).

(c) The Service Provider acknowledges that it is the expectation of the NSW Government that the Service Provider will only brief counsel who have explicitly committed to the NSW Bar Association's Gender Equitable Briefing policy (whether as individuals or through chambers adopting the policy).

31. Sub-contracting

(a) Except as expressly provided in this Agreement, the Service Provider must not sub-contract to any third person any of its obligations under this Agreement without the prior written consent of the Client, which consent may be given or withheld by the Client in the Client's absolute discretion.

(b) Except as expressly provided in this Agreement and any Legal Services Contract, the Service Provider must not sub-contract to any third person any of its obligations under that Legal Services Contract without the prior written consent of the Agency Contract Manager for the relevant Client, which consent may be given or withheld by the Agency Contract Manager in the Agency Contract Manager's absolute discretion (including as to any liability requirements).

32. Access and safety

32.1 Access to premises

If the Service Provider requires access to the premises of a Client in connection with the provision of the Services, that Client will, subject to its usual security requirements, permit the Service Provider reasonable access to the premises at such times as may be reasonably necessary to enable the Service Provider to provide the Services.

32.2 Obligations

When the Service Provider enters the premises of a Client, the Service Provider must and must ensure that its Personnel, agents and contractors use all reasonable endeavours to protect people and property; prevent nuisance and unnecessary noise and disturbance; and act in a safe and lawful manner and comply with the safety standards and policies of the Client (as notified to the Service Provider).

32.3 No occupier's liability

(a) A Client and its officers, employees, agents and invitees will not be responsible for any damage done to the Service Provider's property or to that of any of the Service Provider's Personnel, agents or sub-contractors or for any personal injury sustained by any of the Service Provider's Personnel, agents or sub-contractors occurring on the Client's premises as a result of:

(i) the negligence or recklessness of such Personnel, agent or sub-contractors; or

(ii) if such Personnel, agent or sub-contractor has failed to comply with the occupational health and safety and security policies of the Client (as notified to the Service Provider).

(b) In respect of cl 32.3(a) the Service Provider unconditionally and irrevocably releases each Client and its employees, agents and invitees from all such responsibility and agrees to indemnify each Client, its officers, employees, agents and invitees (**Indemnified Party**) against any loss that the Indemnified Party may suffer as a result of any third party bringing an action against that Indemnified Party in relation to any such circumstances, except to the extent that such circumstances were caused directly as a result of the Indemnified Party's negligence.

33. GST

33.1 Definitions

Terms used in this clause have the same meanings given to them in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

33.2 Consideration is exclusive of GST

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under or in accordance with this Agreement are exclusive of GST.

33.3 Recipient to pay an additional amount

If GST is imposed on any supply made under or in accordance with this Agreement, the recipient of the taxable supply must pay to the supplier an additional amount equal to the GST payable on or for the taxable supply subject to the recipient receiving a valid tax invoice in respect of the supply at or before the time of payment. Payment of the additional amount will be made at the same time as payment for the taxable supply is required to be made in

accordance with this Agreement.

33.4 Reimbursement

If this Agreement requires a party to pay for, reimburse or contribute to any expense, loss or outgoing (reimbursable expense) suffered or incurred by another party, the amount required to be paid, reimbursed or contributed by the first party will be the amount of the reimbursable expense net of input tax credits (if any) to which the other party is entitled in respect of the reimbursable expense plus any GST payable by the other party.

34. Staff Costs

(a) The Service Provider will indemnify and keep indemnified each Client from all liability for the Staff Costs in any way relating to the Services.

(b) If a Client is or becomes liable to pay any Staff Costs, that Client may deduct the amount of its liability for the Staff Costs from any amount due by the Client to the Service Provider, whether under this Agreement or otherwise.

35. Indemnity and limitation of liability

35.1 Indemnity

The Service Provider is liable for, and indemnifies a Client to whom it has provided Services against, all Liability arising out of or in connection with the breach of this Agreement and any Legal Services Contract by the Service Provider or its Personnel or the negligence or default of the Service Provider or its Personnel in relation to the delivery of the Services.

35.2 Exceptions to Indemnity

The liability and indemnity in clause 35.1 will not apply to the extent that such Liability:

(a) is incurred as a result of the negligent act, omission or default of an Agency; or

(b) includes:

(i) any cost, expense, loss or damage of an indirect or consequential nature;

(ii) any loss of profits, loss of goodwill, loss of revenue or loss of use of property; or

(iii) any loss arising from business interruption; or

(c) exceeds the Liability of the Service Provider in contract or tort at general law.

35.3 Limitation of liability by contract

(a) The aggregate liability of the Service Provider for all loss or damage sustained by the Agency from events arising out of or related to this Agreement (whether under statute, in contract or in tort, including for negligence, or otherwise) is limited to the Liability Cap. The Liability Cap is the amount set out in item 8 of Schedule 1.

35.4 Exceptions to Limited Liability

Nothing in clause 35.3 excludes or limits the Service Provider's liability:

(a) in respect of:

(i) death or personal injury; or

(ii) any liability that cannot by law be limited or excluded.

(b) to the extent that the Service Provider is entitled to recover that liability from any other third party (including any subcontractor of the Service Provider), or would have been entitled to recover that liability but for any act or omission of the Service Provider or the application of clause 35.3.

(c) in relation to loss or damage in respect of which the Service Provider is, under this Agreement, required to obtain insurance, provided that any liability of the Service Provider to the Agency for such loss or damage will not exceed the higher of:

(i) the Liability Cap; and

(ii) the amount of insurance cover the Service Provider is required by this Agreement to carry in respect of such liability.

35.5 No Claims Against Service Provider's Employees

A Client must not make (and must ensure that any related third party does not make) any claim or commence or pursue any proceedings against any of the Service Provider's employees in respect of the Services.

35.6 General

(a) Each indemnity under this Agreement is a continuing obligation, separate and independent from the other obligations of the party giving the indemnity and survives termination or expiry of this Agreement and any Legal Services Contract.

(b) It is not necessary for a party to incur any expense or to make any payment before enforcing a right of indemnity confirmed by this Agreement.

(c) If any indemnity payment is made by the Service Provider under this Agreement or any Legal Services Contract, the Service Provider must also pay to the Indemnified Party an additional amount equal to any GST which is payable by the Indemnified Party in respect of that indemnity payment.

(d) The parties agree that each indemnity in this Agreement, to the extent to which it benefits an Indemnified Party as stated in that indemnity is held by the State or a Client, as applicable, for itself and on trust for each Indemnified Party and can be enforced by the State or the Client on behalf of itself and each Indemnified Party.

36. Notices

36.1 Giving a communication

A Legal Services Order, notice, demand, certification, process or other communication relating to this Agreement will (in addition to any other method permitted by law) be sent by email to the applicable recipient as follows:

(a) to the Lead Agency: to the email address which is set out in Item 8 of Schedule 1 (or, where the notice or document is in relation to a Legal Services Contract, to the email address nominated in the relevant Legal Services Order);

(b) to a Client: to the Agency Contract Manager to the email address which is nominated in the Service Level Agreement; and

(c) to the Service Provider: to the email address which is set out in Item 8 of Schedule 1.

The Lead Agency, a Client or the Service Provider may change its email address for service under this clause 36.1 by written notice to the other parties from time to time.

36.2 Time of delivery

Unless an email bounce back or out of office message is received, a notice or document shall be taken to be delivered or served in accordance with the provisions of the Electronic Transactions Act 1999 (Cth) as if they applied to such notices.

36.3 After hours communications

If any notice or document is sent:

(a) after 5.00 pm in the place of receipt; or

(b) on a day which is a Saturday, Sunday or public holiday in the place of receipt,

it is taken as having been delivered at 9.00 am on the next day which is not a Saturday, Sunday or public holiday in that place.

37. General

37.1 Legal costs

Except as expressly stated otherwise in this Agreement, each party must pay its own legal and other costs and expenses of negotiating, preparing, executing and performing its obligations under this Agreement.

37.2 Amendment

(a) This Agreement may only be varied or replaced by a document executed by the Lead Agency and the Service Provider.

(b) A Legal Services Contract may only be varied or replaced by a document executed by the relevant Client and the Service Provider.

37.3 Waiver and exercise of rights

(a) A single or partial exercise or waiver by a party of a right relating to this Agreement or a Legal Services Contract does not prevent any other exercise of that right or the exercise of any other right.

(b) A party is not liable for any loss, cost or expense of any other party caused or contributed to by the waiver, exercise, attempted exercise, failure to exercise or delay in the exercise of a right by the first party.

37.4 Severability

Any provision of this Agreement or a Legal Services Contract which is invalid or unenforceable is to be read down, if possible, so as to be valid and enforceable, and, if that is not possible, the provision shall, to the extent that it is capable, be severed to the extent of the invalidity or unenforceability, without affecting the remaining provisions.

37.5 Rights cumulative

Except as expressly stated otherwise in this Agreement, the rights of a party under this Agreement are cumulative and are in addition to any other rights of that party.

37.6 Set off

The State or a Client may set off against any sum owing to the Service Provider under this Agreement or any Legal Services Contract any amount then owing by the Service Provider to the State or that Client.

37.7 Governing law and jurisdiction

(a) This Agreement is governed by and is to be construed in accordance with the laws applicable in NSW.

(b) Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of NSW and any courts which have jurisdiction to hear appeals from any of those courts and waives any right to object to any proceedings being brought in those courts.

37.8 Assignment by the Service Provider

The Service Provider must not assign, novate or transfer or otherwise dispose of any of its rights, title or interest in or under this Agreement or any Legal Services Contract without the prior written consent of the State, or the Client, as applicable, which consent may be given, given on conditions or withheld in the State's or the Client's discretion.

37.9 Assignment by the State parties

The State and any Client may assign, novate, transfer or otherwise dispose of any of its rights, title or interest in or under this Agreement and any Legal Services Contract, as applicable, to any other Agency where required in the event of any State government restructure or other re-organisation.

The Service Provider will execute such documents and do such things as and when reasonably requested by the State to do so in order to enable or facilitate such assignment, novation or transfer or other disposal in accordance with this clause 37.9.

37.10 Counterparts

This Agreement may consist of a number of counterparts and, if so, the counterparts taken together constitute one document.

37.11 Entire understanding

(a) This Agreement, including all Schedules and Annexures, together with the Tender Documentation, contains the entire understanding between the parties as to the subject matter of this Agreement.

(b) Each Legal Services Contract formed pursuant to this Agreement contains the entire understanding between the parties as to the subject matter of that Legal Services Contract.

(c) Except as otherwise provided in clause 37.11(a) or 37.11(b) (as the case requires):

(i) all previous negotiations, understandings, representations, warranties, memoranda or commitments concerning the subject matter of this Agreement or Legal Services Contract (as the case requires) are merged in and superseded by this Agreement or Legal Services Contract (as the case requires) and are of no effect; and

(ii) no oral explanation or information provided by any party to another:

(A) affects the meaning or interpretation of this Agreement or Legal Services Contract (as the case requires); or

(B) constitutes any collateral agreement, warranty or understanding between any of the parties.

37.12 Relationship of parties

(a) Neither this Agreement nor any Legal Services Contract is intended to

create a partnership, joint venture, agency or employment relationship between the parties.

(b) In providing the Services, the Service Provider acts as the Client's independent contractor and does not have any authority to act as the Client's agent or on its behalf, unless the Client expressly authorises the Service Provider to do so in writing.

(c) In particular, without limitation, the Service Provider has no authority to enter into contracts, make representations or incur liabilities on behalf of the State or a Client.

(d) The Service Provider must not purport to make any representation on behalf of the State or a Client except with the express written instructions of the State or that Client.

(e) The Service Provider acknowledges that its engagement to carry out the Services does not entitle it to any employee benefits or entitlements other than as expressly set out in this Agreement.

37.13 Survivorship

(a) Without limitation to any other provisions of this Agreement, any indemnity, warranty or representation given or made under this Agreement survives the termination or expiry of this Agreement.

(b) In addition to any clause that expressly states that it survives, or that any rights or obligations of a party will survive termination or expiry of this Agreement, the following clauses of this Agreement survive the termination or expiry of this Agreement: clauses 1 [Definitions and Interpretation], 14.3 [Reports and information to be provided by Service Provider], 18 [Access to records], 19 [Intellectual Property Rights], 21 [Warranties], 24.4 [Consequences of termination or expiry], 25 [Transition], 26 [Insurance], 27 [Security], 28 [Confidentiality and privacy], 34 [Staff Costs], 35 [Indemnity and limitation of liability] and 37 [General].

Schedule 1 – Contract Details

1. Appointment to the Panel (clause 1.4)

Service Provider:	[Variable A]
ACN/ABN:	[Variable B]
Address:	[Variable C]

The Service Provider is appointed to provide legal services in the following Areas of Law:

Sub-panel	Areas of law
[Variable D]	• **[Insert]** • **[Insert]**
[Insert]	• **[Insert]** • **[Insert]**
[Insert]	• **[Insert]** • **[Insert]**

2. Term (clause 2)

Commencement Date:	1 July 2021
Expiry Date:	30 June 2024
Further terms:	Three years + three years

3. Executive Contract Manager, Lead Agency's Panel Contract Manager and Relationship Manager (clause 14.1)

Executive Contract Manager

Name:	**Sally Webb**
Title:	Group General Counsel

Telephone/Mobile:
Email: Sally.webb@transport.nsw.gov.au

Lead Agency's Panel Contract Manager

Name: **Melissa Sloane**
Title: Principal Manager, Legal Practice

Telephone/Mobile:
Email: melissa.sloane@transport.nsw.gov.au

Service Provider's Relationship Manager

Name: **[Variable E]**
Title:

Telephone/Mobile:
Email:

Service Provider's Relationship Manager's Alternate

Name: **[Variable F]**
Title:

Telephone/Mobile:
Email:

4. Price review (clause 16)

4.1 CPI Adjustment

The Service Provider's Rates will be increased in accordance with the following formula on 1 July 2024 if Lead Agency exercises its option to extend and 1 July 2027 if the Lead Agency further exercises its option to extend:

$$\frac{IA \times latest\ CPI\ number}{earlier\ CPI\ number}$$

where:

IA is the amount of the Rates.

latest CPI number is the CPI number for the quarter ending on 31 March in the preceding Contract Year (**Year 1**); and

earlier CPI number is the CPI number for the quarter ending on 31 March three years prior to Year 1.

The adjustment provided in this item 4 will only be made where the latest CPI number is greater than the earlier CPI number

The Lead Agency will advise the Service Providers in writing of any increased Rates prior to 30 June of the relevant Contract Year.

4.2 Application of Adjustment

The CPI adjustment in this item 4 will take effect from 1 July following the

calculation of the CPI adjustment pursuant to this item 4, except that unless agreed in writing between a Client and the Service Provider, no increase in Rates will apply:

(a) to any Services provided prior to the relevant 1 July; or

(b) to vary any amount fixed or capped with respect to any Services under a Legal Services Contract.

5. Invoicing (clause 10.1)

5.1 Invoice requirements

Invoices must contain the information necessary to be a tax invoice for the purposes of the *A New Tax System (Services and Services Tax) Act 1999* (Cth) in addition to the following:

Invoice requirements include:

- the Service Provider's name
- the Service Provider's ABN
- the Client's ABN
- the date of issue of the tax invoice
- purchase Order number
- agency reference number
- matter name
- Legal Services Fees claimed, including details of Rates, lawyer, hours and expenses including detailed descriptions of the items to which they relate
- detailed descriptions of all disbursements claimed (including Counsel's fees) and records to substantiate them
- summary table containing a breakdown of professional fees, disbursements (exc. counsel fees), counsel fees, volume discount amount and total
- volume discount amount included as a separate line on the invoice (not embedded in the hourly rates)
- the total amount payable (including GST)
- the GST amount shown separately
- the total amount billed to date for the matter, including as a percentage to the most recent estimate
- the initial approved estimate for the matter
- the most recent approved estimate for the matter
- any other information as may reasonably be required by the Client or the Lead Agency.

If a Client elects to utilise electronic billing software, and the Service Provider has advised that it is able to issue invoices which are compatible with that software, the Service Provider will, if requested, ensure it provides invoices in a format which is compatible with the software of the Client.

5.2 Invoice Dispatch

All invoices must be sent electronically to the person(s) specified in the relevant Legal Services Order.

6. Payment (clause 10.2)

Payment for Services is to be made in accordance with the method specified in relevant Legal Services Order.

7. Insurance (clause 26.1(a))

Type of cover	Minimum indemnity limits (AUD)
Professional indemnity insurance	*Medium to large firms*: Professional indemnity insurance (approved under the Legal Profession Uniform Law (NSW) if the Service Provider is a law firm) of no less than $10M (AUD) for any one claim with deductibles of no more than $500k *Small firms*: Professional indemnity insurance (approved under the Legal Profession Uniform Law (NSW) if the Service Provider is a law firm) of no less than $2M (AUD) for each and every claim
Workers compensation insurance	As required under the workers compensation legislation.
Public liability insurance	$10 million per claim or any occurrence giving rise to a claim in any 12 month policy period

8. Limitation of liability (clause 35.3(a))

The liability cap is:

(a) the limit of liability under the Solicitor Scheme under the Professional Standards Act 1994 (NSW) where that scheme applies; or

(b) otherwise:

(i) in respect of Services provided under Sub-Panel 1 *Construction* specified in Schedule 2, $50 million; or

(ii) in respect of any other Sub-Panel specified in Schedule 2, $30 million; or

(iii) for a Small Firm, $10 million.

9. Notice particulars (clause 36)

Lead Agency

Addressee:	Panel Contract Manager Legal Services Transport for NSW
Email:	Legal_Reporting@transport.nsw.gov.au

Service Provider

Addressee:	[Variable C]
Address:	[Variable E]
Email:	[Variable E]

10. Value added services (clause 14.4)

Small Firms	• An advice hot-desk for small ad-hoc requests. • Provision of newsletters or updates on legal reform for staff.
Mid-Sized Firms	• An advice hot-desk for small ad-hoc requests. • Provision of newsletters or updates on legal reform for staff. • Provision of precedent documents for a small or fixed fee. • Use of or access to the Panel Firm's library or research facilities by staff. • Secondments of the Panel Firm's staff (at the discounted rate of cost plus on cost plus 10% margin) to Agencies, to cover extended absences of Agency staff or to address capacity issues. • CPD seminars or other professional development seminars/workshops provided by the firm, either specific to the Agency, or that Agency staff may attend (including in regional/rural areas of the State where relevant).
Large Firms	• An advice hot-desk for small ad-hoc requests. • Provision of newsletters or updates on legal reform for staff • Provision of precedent documents for a small or fixed fee. • Use of or access to the Panel Firm's library or research facilities by staff. • Secondments of the Panel Firm's staff (at the discounted rate of cost plus on cost plus 10% margin) to Agencies, to cover extended absences of Agency staff or to address capacity issues. • CPD seminars or other professional development seminars/workshops provided by the firm, either specific to the Agency, or that Agency staff may attend (including in regional/rural areas of the State where relevant); • Reverse secondments (where members of an Agency's staff are seconded to the Panel Firm for short periods, for professional development purposes.

Schedule 2 – Sub-Panels and Areas of Law

Sub Panel	Area of Law (a)	Area of Law (b)	Area of Law (c)	Area of Law (d)	Area of Law (e)	Area of Law (f)	Area of Law (g)	Area of Law (h)
1 Construction	Construction	Major Infrastructure Projects	PPP's and associated transaction s	Construction Related Dispute Resolution and Arbitration		-	-	-
2 Commercial Law	Commercial and contractual matters	Financial Services	Intellectual property	Information Technology	Competition	Taxation		
3 Planning, Property and Environment	Complex property advice, transactions and accreditation	Routine Property advice and transactions	Planning, environmental, heritage and natural resources	Statutory land acquisition	Crown Land and Local Government			-
4 Employment, Work Health and Safety	Employment and industrial relations	Visiting Practitioner Contract and Appointment D&A	NSW Police Specific Matters	Work health and safety	Discrimination		-	-
5 Government Regulatory and Administrative Law	Administrative law, statutory interpretation & governance advice	Statutory applications	Enforcement, Regulation and Prosecution		-	-	-	-
6 Litigation and Inquiries	Liability Litigation	General Litigation, Dispute Resolution and Debt Recovery	Inquiries		-	-	-	-
7 Legal Support Services	Document Discovery	Document Production Services	Automation Services	Digital Forensics	Process Serving	-	-	-

Schedule 3 – Core Legal Work – Services reserved to the Crown Solicitor

Premier's Memorandum 2018-06 requires agencies to refer certain legal matters, known as core legal work, to the Crown Solicitor. In limited circumstances, the Crown Solicitor may engage a Legal Services Provider to undertake this work.

Core Legal Work comprises legal matters which, because of their complexity, sensitivity or the need to be handled or managed centrally on behalf of the Government, must be referred to the Crown Solicitor's Office. In particular, legal matters of this nature include those which:

(a) have implications for Government beyond an individual Minister's portfolio;

(b) involve the constitutional powers and privileges of the State and/or the Commonwealth;

(c) raise issues which are fundamental to the responsibilities of Government; or

(d) arise from, or relate to, matters falling within the Attorney General's areas of responsibility.

Schedule 4 – Fee Schedule

1. Rates

(a) Unless a Client and Service Provider agree to a price for any Services which is not based on hourly rates, the rates set out in the rates matrix (as adjusted under this agreement) will be the maximum rates that may be charged.

(b) The Service Provider must not charge for any items listed in paragraph 3 below.

(c) As an alternative to charging on the basis of the Rates, the Service Provider may agree with a Client to charge on an alternative basis, which may include:

(i) a price based on the agreed value of the Services to the Client; or

(ii) a fixed fee agreement for a particular type of Services for a defined period.

2. Disbursements

(a) Clients will reimburse Service Providers for reasonable third party disbursements at cost, such as court fees, and lodgement fees.

(b) The following principles apply to reimbursement of other third party disbursements (including Counsel's fees, airfares and accommodation):

(i) prior approval in writing of a category of expenses expected to be incurred on a matter is required from the Client;

(ii) for internal audit purposes, the Service Provider must provide appropriate evidence of the expenses claimed and the relationship the expense bears to the services provided;

(iii) prior approval is required where the expense is likely to be in excess of $500; and

(iv) no service charge or administration charge is to be applied to any expenses, disbursements, or Counsel fees.

3. Non-chargeable items

Clients will not pay for:

(a) Preparation of any fee estimate contemplated in clause 9.3 above.

(b) Taxi travel, hire car travel, or other ride-sharing services charges.

(c) Preparation of a detailed legal services delivery program for a highly complex matter.

(d) Internal conferencing between lawyers unless pre-agreed by a Client.

(e) Time spent travelling within the Sydney Metropolitan area for Panel Firms based in Sydney.

(f) Time spent travelling to and from Sydney for Panel Firms located outside of the Sydney Metropolitan area.

(g) Internal photocopying and printing of documents. Clients will reimburse for bulk printing or bulk photocopying at the rates charged to the Panel Firms by external providers, without mark up, and with the prior approval of the Client.

(h) Meetings between a Client and/or the Lead Agency and the Panel Firm related to relationship management, performance review or information exchange.

(i) Telephone charges, fax charges and postage.

(j) Research undertaken by junior lawyers / paralegals at the request of

another lawyer in the Panel Law Firm unless the output of that research is shared with the Client.

(k) Costs, or other administrative charges, associated with a Panel Firm complying with the reporting or administrative requirements of TfNSW or a Client.

(l) Annual Audit Certificate.

(m) Additional matter the Service Provider stated in its response to the Request for Proposal that it would not charge for.

4. Rates matrix

The tables on the following pages set out by Sub-Panel the maximum rates that may be charged.

[Rates Matrix to be inserted]

Schedule 5 – Compliance with Government Policies

1. Codes of conduct and statements of business ethics

The Service Provider must comply with the Client's code of conduct and statement of business ethics, as in effect from time to time and published on the Client's website.

2. NSW Government Policies

In providing the Services, the Service Provider must, at its own cost, comply with all relevant Government policies, procedures and guidelines and be aware of and ensure that consideration is given to the Agencies' obligations to comply with Government policies, including the following:

(a) NSW Government Procurement Policy Framework

https://www.info.buy.nsw.gov.au/policy-library/policies/procurement-policy-framework;

(b) NSW Government Supplier Code of Conduct

https://www.info.buy.nsw.gov.au/policy-library/policies/supplier-code-of-conduct;

(c) Attorney General's rates for Legal Representation as at 1 August 2024

https://dcj.nsw.gov.au/legal-and-justice/strategies-and-plans/information-for-government-lawyers/attorney-generals-rates-legal-representation.html;

(d) Premier's Circular 2018-06 Briefing of Senior Counsel

https://arp.nsw.gov.au/c2018-06-briefing-senior-counsel;

(e) Premier's Memorandum 97-26 relating to Litigation Involving Government Agencies

http://arp.nsw.gov.au/m1997-26-litigation-involving-government-authorities;

(f) Alternative Dispute Resolution

https://courts.nsw.gov.au/about-us/alternative-dispute-resolution.html;

(g) Premier's Memorandum 2016-03 Model Litigant Policy for Civil Litigation and Guiding Principles for Civil Claims for Child Abuse

https://arp.nsw.gov.au/m2016-03-model-litigant-policy-civil-litigation-and-guiding-principles-civil-claims-child-abuse;

(h) Equitable Briefing Policy for Women Barristers

https://dcj.nsw.gov.au/legal-and-justice/strategies-and-plans/information-for-government-lawyers/equitable-briefing-policy.html;

(i) Premier's Memorandum No 2016-04NSW Government Core Legal Work Guidelines

https://arp.nsw.gov.au/m2016-04-nsw-government-core-legal-work-guidelines;

(j) NSW Government Cloud Policy

https://www.digital.nsw.gov.au/policy/cloud-strategy-and-policy/cloud-policy;

(k) Aboriginal Procurement Policy

https://buy.nsw.gov.au/policy-library/policies/aboriginal-procurement-policy;

(l) Small and Medium Enterprise and Regional Procurement Policy

https://buy.nsw.gov.au/policy-library/policies/sme-and-regional-procurement-policy;

(m) Supporting Australian Disability Enterprises

https://buy.nsw.gov.au/buyer-guidance/source/select-suppliers/australian-disability-enterprises;

(n) NSW Government Digital Information Security policy

https://www.digital.nsw.gov.au/policy/managing-data-information;

(o) NSW Government Cyber Security policy

https://www.digital.nsw.gov.au/policy/cyber-security-policy;

(p) NSW Government Artificial Intelligence Framework

https://www.digital.nsw.gov.au/policy/artificial-intelligence/nsw-artificial-intelligence-assessment-framework; and

(q) NSW Government Artificial Intelligence Ethics Policy

https://www.digital.nsw.gov.au/policy/artificial-intelligence/nsw-artificial-intelligence-assessment-framework.

Signing Page

EXECUTED by the parties as a Deed.

SIGNED SEALED AND DELIVERED by [name] as delegate of
Transport for New South Wales
on [DATE]
in the presence of:

Witness	Delegate
Name printed	Name printed

A. Where the Service Provider is a corporation:

SIGNED SEALED AND DELIVERED by the SERVICE PROVIDER
on [DATE]
in accordance with section 127 of the Corporations Act

Secretary (or additional Director)	Director
Name printed	Name printed

B. Where the Service Provider is a sole trader:

SIGNED SEALED AND DELIVERED by the SERVICE PROVIDER
on [DATE]
in the presence of:

Witness	Contractor
Name printed	Name printed

C. Where the Service Provider is a Partnership:

SIGNED SEALED AND DELIVERED by the SERVICE PROVIDER

on [DATE]

by its authorised representative:

Witness	Representative
Name printed	Name printed

D. Where the Service Provider is a "sole director" corporation:

SIGNED SEALED AND DELIVERED by the SERVICE PROVIDER

on [DATE]

in accordance with section 127 of the Corporations Act

Witness	Sole Director and Company Secretary
Name printed	Name printed

I am the sole Director and Company Secretary of the Service Provider and I occupy both offices.

Annexure A – requirements for Legal Services Order

NSW Government Legal Services Panel

[Agency Name]
LEGAL SERVICES ORDER

Where you have provided an estimate of fees and disbursements, this has been included below. If you have not yet provided an estimate, please do so and proceed with the work once we have confirmed it is acceptable.

Legal Services Order Client Ref No:	
Service Provider Name:	
Client:	
NSW Government Cluster Name:	

1. SERVICES	
Matter name	
Scope of engagement	
Delivery timeframe	
Sub-Panel	
Area of Law	
Expense Type **(mandatory field)**	OPEX ☐ CAPEX ☐
Advice ☐ Transaction ☐ Litigation ☐	

2. FEES	
Fixed fee/price	
Fee estimate	
Specific expenses and disbursements authorised by TfNSW (under clause 9.3 of the Panel Deed)	
Cap on expenses and disbursements	

3. SPECIAL TERMS	
Special Terms (if any)	
4. CLIENT'S REPRESENTATIVE	
Client's Representative	Internal Lawyer: Email: [NAME]@[agency].nsw.gov.au Mobile: [NUMBER]

5. INVOICING REQUIREMENTS
[Invoicing Requirements] If costs will exceed initial estimate, please send revised estimate **before exceeding** to ensure prompt payment

6. PANEL DEED CONDITIONS APPLY

Except as expressly provided above, any Legal Services Contract between the parties concerning this matter are governed by the terms and conditions of the Panel Deed, including the Rates specified in the Fee Schedule.

ACKNOWLEDGEMENT

The Service Provider has no actual, potential, perceived or apparent conflict of interest as defined in the Panel Deed, except as disclosed to the Client, in providing the services requested.

Signed on behalf of the Service Provider by:

_____
Signature

_____
Name

Date:

Please return the Legal Services Order to the Client's representative

Annexure B – Service Level Agreement

Annexure B Service Level Agreement

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1. Service Level Agreement Definitions

1.1 Definitions

In this Service Level Agreement (**SLA**), unless the context otherwise requires:

Annual Assessment is defined in item 2.3 of this SLA.

Assurance of Compliance Report means the report in the form of Annexure 1 of this SLA as amended from time to time and notified by the Lead Agency to the Service Providers.

Client Satisfaction Survey means a survey used by the Panel Contract Manager to measure the satisfaction of the Agency Contract Managers and other Personnel of Clients with the provision of Services by the Service Providers.

Existing Matter means any pre-existing agreement for the provision of legal services between the Service Provider and any Client that remains on foot as at the Commencement Date.

General Counsels Group (**GCG**) means the Group comprising the General Counsel of each lead Agency of the relevant NSW Government Cluster.

Key Performance Indicators (**KPIs**) means the performance measures to be used to review and assess the performance of Service Providers specified in item 2.2of this SLA.

Off-Panel Engagements Guideline means the policy that applies to Clients in the engagement of legal service providers who are not appointed to the Panel, or not appointed for the Sub Panel for which a Client proposes to engage them (as amended from time to time).

Panel Deed means the agreement between the Lead Agency and the Service Provider with respect to the provision of services under the Panel arrangements.

Service Providers means providers of legal services appointed by the State to one or more of the sub-panels which together constitute the Panel.

SLA Variation means a change to this SLA agreed in accordance with item 3.3 of this SLA.

Transactional Data means information relating to each matter including:

(a) Service Provider information, including:

  (i) name and ABN of the Service Provider;

  (ii) number and seniority of solicitors providing Services; and

  (iii) gender and seniority of any Counsel engaged;

(b) Client information, including the name of the Client, Client reference number and relevant business unit (business unit information not required for reports to Panel Contract Manager);

(c) information on the Services that are to be, or have been, provided, including:

  (i) the relevant Sub-Panel and Area of Law;

  (ii) a brief description of the matter (not required for reports to Panel Contract Manager);

(d) cost information, including:

  (i) Rates and hours worked or, where applicable, other fee arrangements;

  (ii) Counsel's fees;

  (iii) Related entity disbursements

  (iv) Other (third party) disbursements;

(v) GST; and

(e) any other information required by the Panel Contract Manager.

1.2 Other terms used in this SLA

Terms that are not defined in item 1.1 of this SLA and that are defined in clause 1 of the Panel Deed have the same meaning in this SLA.

2. Service Provider Performance Assessment

2.1 Minimum Service Standards

In providing Services pursuant to the Panel Deed, the Service Provider must satisfy the following minimum service standards.

(a) Understanding needs

The Service Provider must be capable of and committed to understanding the circumstances, interests and requirements of the Client.

(b) Meeting needs

The Service Provider must provide the Services in a manner which is sensitive to the Client's circumstances, supports the Client's interests, and meets the Client's requirements.

(c) Legal advice capability

The Service Provider must provide legal advice that is accurate, succinct, practical, and addresses the questions and issues raised by the Client.

(d) Preparing documents

The Service Provider must prepare documents that are succinct, comprehensive and in plain language and must seek sufficient instructions from the Client to enable documents to be prepared efficiently and in a timely manner.

(e) Appropriate Dispute Resolution and Litigation capability

(A) **Civil disputes**

The Service Provider must manage appropriate dispute resolution and litigation diligently and in accordance with the Model Litigant Policy. The Service Provider must advise on and conduct settlement negotiations with a view to the circumstances and requirements of the Client, and in accordance with the instructions of the Client.

(B) **Criminal proceedings**

The Service Provider must act with fairness and detachment in representing the State. As a prosecutor, the Service Provider must act in accordance with the prosecutor's duties. The Service Provider must advise on and conduct proceedings consistently with relevant prosecution guidelines.

(f) Managing costs

The Service Provider must have a mechanism for managing and containing the Legal Services Fees in relation to any Legal Services Contract. In the provision of the Services, the Service Provider must manage the allocation of work with regard to cost effectiveness, as well as to the level of seniority necessary to meet the Client's legal service requirements. The Service Provider must comply with all requirements in the Panel Deed in respect of Estimates.

(g) Managing matters

The Service Provider must implement practices to increase efficiency for both itself and any Client in the way it provides the Services including using protocols for communication and administrative arrangements so as to minimise the administrative burden and any duplication of effort (including for example, by agreeing a strategy for a matter in advance and revising it as necessary, ensuring the purpose of communication is clear and by taking simple administrative steps such as using reference numbers in all correspondence and using meaningful email subjects).

(h) Managing time

The Service Provider and Client must agree a timeline for provision of the Services at the initiation of each matter. The Service Provider must provide the Services in an efficient manner that meets the agreed timelines.

If it is anticipated that an agreed timeline might not be met, the Service Provider must immediately contact the Client to determine a substitute time for delivery. If the Client agrees to a substituted time for delivery, the Service Provider must provide the Services within that time. If no substituted time is agreed by the Client, the Service Provider may be required by the Client to cease provision of the Services.

(i) Reporting

The Service Provider must provide compliance and Transactional Data to the Panel Contract Manager at regular intervals as set out in item 3.1 of this SLA and in an electronic format as specified by the Panel Contract Manager and, once implemented, compatible with the State's Electronic Vendor Management System.

(j) Corporate Social Responsibility

The Service Provider must meet the National Pro Bono Target of 35 hours of pro bono work per lawyer per year, unless classified as a Small Firm. The Service Provider must adhere to the NSW Government Equitable Briefing Policy and apply innovation and resourcefulness to the promotion of diversity.

(k) Building capacity

Where possible, it is expected that the Service Provider will offer staff or agree to requests for staff to work on secondment for Clients, to enhance mutual understanding across the client-supplier relationship.

The Service Provider is also expected to implement practices to increase professional capacity, both internally, in terms of building staff expertise, and in its contractual relationship with Clients, through the provision of professional development seminars and other like value added services, or through the introduction of innovative practices which have the potential to add value to the client-supplier relationship.

2.2 Key Performance Indicators

Service Providers must comply with the following KPIs. In order to meet each KPI, a Service Provider must meet all requirements specified as the monitoring mechanism for that KPI.

KPI No	KPI	Monitoring mechanism
1	**Managing Budget**	
	The Service Provider must actively manage and control costs in the provision of the Services, and except where permitted by the Panel Deed or where an Agency Contract Manager otherwise directs, must provide complete and accurate Estimates of Legal Services Fees including disbursements and Counsel fees (but excluding GST) for all Legal Services Contracts throughout the Term of the Panel Deed.	The Service Provider must notify Clients in writing as soon as practicable after the Service Provider becomes aware that the Estimate will be exceeded but in any event no later than the time the legal costs accrued or incurred reaches 80% of the Estimate (including legal fees, disbursements and counsels fees but excluding GST). The Service Provider must also provide an estimate of the percentage completion that the matter has reached. Any complaint concerning the Service Provider's management of costs which are resolved by the Agency Contract Manager will be reported by the Agency Contract Manager to the Panel Contract Manager.
2	**Regular reporting**	
	The Service Provider regular reports as required by the Panel Deed, including this SLA.	The Service Provider must submit the reports identified in clause 3.1: • On time; • In the format required; and • In the manner required. Different reports are required to be submitted monthly, quarterly and annually.

Annexure B - Service Level Agreement

KPI No	KPI	Monitoring mechanism
3	**Client satisfaction with the Services.**	
	The Service Provider must maintain Client satisfaction with the following aspects of the provision of the Services throughout the Term of the Panel Deed: • Overall satisfaction • Quality of work • Approach and strategy • Scope and instructions • Personnel assigned • Cost management • Management of work • Time management • Communication and reporting	Client satisfaction with the Services will be measured by Client Satisfaction Surveys undertaken in respect of the Contract Year, and assessed annually.

2.3 Performance Assessment

(a) The Service Provider's performance in relation to the KPIs will be monitored on an ongoing basis, and may be subject to a formal review on an annual basis (**Annual Assessment**). As part of the Annual Assessment, a performance report may be prepared by the Panel Contract Manager and provided to the Service Provider reporting on:

(i) the outcome of Client Satisfaction Surveys;

(ii) compliance with reporting requirements of the Panel Deed (including this SLA);

(iii) the outcome of any audit conducted in relation to the Service Provider in respect of the relevant Contract Year; and

(iv) compliance with policies

2.4 Client Satisfaction Survey

Client Satisfaction Surveys will be undertaken by Panel users throughout the Term and used as part of the monitoring mechanism for the performance of the Service Provider. Client satisfaction will be an integral part of the Annual Assessment of performance of the Service Provider by the Panel Contract Manager with input from Agency Contract Managers and Client Personnel. Agency Contract Managers will oversee the completion of Client Satisfaction Surveys. Results of the Client Satisfaction Surveys in respect of a Contract Year will be used to assess the Service Provider's compliance with the KPIs.

2.5 Audit Review

(a) Without limitation to any other provision of the Panel Deed, an audit of:

(i) the quality of the legal advice provided by the Service Provider (including the timeliness of the legal advice, comprehension, useability, accuracy and consistency);

(ii) the Legal Services Fees invoiced by the Service Provider (including the Rates applied, expenses and disbursements claimed, hours spent on the matter and the level of the lawyer providing the Services); or

(iii) any other aspect of the delivery of the Services;

may be undertaken by the State:

(iv) at the request of an Agency Contract Manager; or

(v) at the request of the Executive Contract Manager.

(b) The provisions of clause 18.2 of the Panel Deed apply to any audit conducted pursuant to this item 2.5 of this SLA.

3. SLA Procedures

3.1 Reports by Service Providers

(a) The table below sets out reports to be provided by the Service Provider to the Panel Contract Manager or, where specified, to the Agency Contract Managers and the time at which they are to be provided. All reports for the first Contract Year must cover the period from the Commencement Date to the end of the first Contract Year.

(b) Where the table specifies that reports must be provided during the term of any Legal Services Contract, or by a date following the final Contract Year, those reports must be provided notwithstanding termination or expiry of the relevant Panel Deed, in accordance with clause 14.3 of the Panel Deed.

(c) Where the Term of a Panel Deed or the term of any Legal Services Contract under that Panel Deed terminates or expires on a day prior to the

end of a calendar quarter, a reference in item 3 of this SLA to a calendar quarter includes that part of that calendar quarter up to the date of termination or expiry.

(d) Reports required to be submitted on a Monthly basis must be submitted no later than the 7th day of each month until the month after the deed expires or is terminated.

(e) Reports required to be submitted on a Quarterly basis must be submitted no later than the 7th day of the month following the end of the quarter (for example, reports for the 1st quarter of a financial year would be submitted on 7 October).

(f) Reports required to be submitted on an Annual basis must be submitted no later than 7 July each year.

	Reports to be provided by Service Providers	To
3.1.1	**Invoices (including estimate compliance)** **Monthly** Service Providers must provide a report containing Transactional Data for each Legal Service Contract and for Existing Matters To be provided monthly or as otherwise required by the Panel Contract Manager.	Agency Contract Manager (Using template provided by Panel Contract Manager or Electronic Vendor Management System, once implemented)
3.1.2	**Agency Billing Summary** **Quarterly** Service Providers must provide a report containing summary Transactional Data for each Agency incorporating all matters billed during the quarter or as otherwise required by the Panel Contract Manager.	Panel Contract Manager (Using template provided by Panel Contract Manager or Electronic Vendor Management System, once implemented)
3.1.3	**Legal Advice Database Report** **Quarterly (Transport portfolio only)** Service providers must provide a report containing a list of advices provided to each agency within the Transport Cluster on a quarterly basis and include a OCR searchable PDF version of each Transport Cluster advice.	Each Agency Contract Manager in the Transport Cluster (Using template provided by Panel Contract Manager or Electronic Vendor Management System, once implemented)
3.1.4	**Volume Discount Report for All Eligible Billings from NSW Government Panels, Schemes and Contracts** **Quarterly** Service providers must provide a report containing cumulative eligible billings to Government agencies/entities (including all NSW Government Panels, Schemes and Contracts to monitor volume discount threshold, volume discount activation and volume discount application.	Panel Contract Manager (Using template provided by Panel Contract Manager or Electronic Vendor Management System, once implemented)
3.1.5	**Counsel Briefed** **Annually** Service Providers must provide a report to the Panel Contract Manager on counsel briefed annually. The report must include the names of barristers briefed and: • Name of barrister • Gender • Level of barrister (junior or QC/SC)	Panel Contract Manager (Using template provided by Panel Contract Manager)

	Reports to be provided by Service Providers	To
	• Area of Law involved (by reference to the table provided with this template) • Number of matters briefed to counsel • Type of Brief (Judicial, Non-Judicial or Advisory) • Attorney General's prior approval (for senior counsel only) • Total amount paid in counsel's fees To be provided annually or as otherwise required by the Panel Contract Manager.	
3.1.6	**Value Adds** **Annually** Service Providers must provide a report on value added Services provided in accordance with the Panel Deed during the year including: • The Agency and name of the contact to whom the advice or Service was provided; • The date; • The Sub-Panel and Area of Law; • The nature of the value added service. Note that no details sufficient to identify the issue or the advice given should be provided. To be provided quarterly or as otherwise required by the Panel Deed or Panel Contract Manager.	Panel Contract Manager (Using template provided by Panel Contract Manager)
3.1.7	**Assurance of compliance** **Annually** Service Providers must provide a report on compliance with the Panel Deed requirements in relation to: • conflict of interest • Incidents, Probity Events • Adherence to Government policies • Monitoring and reporting of costs • Currency of insurance	Panel Contract Manager (By completing the Assurance of Compliance Report and / or Electronic Vendor Management System, once implemented)
3.1.8	**Pro Bono Services** **Annually** Service Providers must provide a report on the **Pro Bono Services** provided in accordance with the Panel Deed in each Contract Year and any financial year following the final Contract Year	Panel Contract Manager (Using template provided by Panel Contract Manager or Electronic Vendor Management System, once implemented)
3.1.9	**Social Outcomes Reports** **Annually** Service Providers must provide a report on social outcomes in the template provided including: 1. Aboriginal Social Outcomes, where a target has been established as part of the RFP (measures are not mandatory and are used to monitor progress only) 2. Gender Diversity 3. Small and Medium Enterprise and Regional	Panel Contract Manager (Using template provided by Panel Contract Manager or Electronic Vendor Management System, once implemented)

	Reports to be provided by Service Providers	To
	Procurement 4. Australian Disability Enterprises 5. Sustainability	

Note: All reports for the first Contract Year must cover the period from the Commencement Date to the end of the first Contract Year.

3.2 Reports to be provided to Service Providers

The table below sets out the report to be provided to individual Service Providers.

	Reports to be provided to Service Providers	By
3.2.1	**Firm Specific Annual Report** **Annually** Specific for each individual Service Provider, this report provides an overview of the Service Provider's billings by sub panel and area of law, including the Service Provider's ranking, share of spend and the gap between it and other firms in relation to billings. It also includes a breakdown of the Service Provider's client satisfaction survey results if a sufficient number of survey responses were provided during the year. This report is to be provided by 15 December in each Contract Year and in the year following the final Contract Year (except that where a Panel Deed is terminated by the Lead Agency under clause 24.1 of the Panel Deed, the Panel Contract Manager will have no obligation to provide further reports specified in this item 3.2.1 to the Service Provider under that Panel Deed).	Panel Contract Manager (By email)

3.3 Variations to the SLA

The following procedures apply regarding variations to the SLA:

(a) The Panel Contract Manager, an Agency Contract Manager or any Service Provider may submit a SLA variation request to the Executive Contract Manager.

(b) All requests must be in writing and contain the following information:

(i) a description of the variation requested and rationale for the variation;

(ii) the date from which it is proposed the variation becomes effective;

and

(iii) draft wording of the variation sought.

(c) The Executive Contract Manager will decide whether the request will necessitate an amendment to the SLA, and if so the Executive Contract Manager will draft the amendment and provide it to the General Counsel Group (GCG) for discussion.

(d) The Executive Contract Manager may seek comment from the relevant Service Providers concerning the proposed amendment in his or her absolute discretion.

(e) If the GCG and the relevant Service Providers agree to the proposed

amendment, then the Executive Contract Manager or the Panel Contract Manager will notify relevant Service Providers of the amendment and the terms of the SLA in the relevant Panel Deeds will be amended with effect from the date set out in the notification to the Service Providers.

(f) The State will not be obliged to agree to any variation to the SLA which is not to be made to all relevant Panel Deeds, but may in its absolute discretion do so.

(g) A control file will be kept by the Executive Contract Manager of resolved and outstanding requests for variations to the SLA under this item 3.3.

4. Governance

4.1 Roles and Responsibilities

Responsibility for the management of the SLA is detailed in the table below.

Entity	Responsibilities
Lead Agency Transport for NSW	Responsible for the development, establishment and overall management of the Panel arrangements. Appoints the Panel Contract Manager.
Executive Contract Manager	Overall oversight and responsibility for the Panel Deed, including: • determine variations and changes to Minimum Service Standards and KPIs (note any proposed changes to the terms and conditions of this SLA or a Panel Deed will be referred to the General Counsels Group); • exercise statutory and regulatory decision making; • exercise the option for extension or termination of this or any other Panel Deed; • remove or add service providers as Service Providers, extend or vary the services to be made available by the Service Providers on the Panel, in accordance with the terms of the Panel Deeds; and • determine whether to suspend or terminate a Service Provider's membership on the Panel.
Panel Contract Manager	Oversight and responsibility for overall Sub-Panel (Area) and contract management of the Panel arrangements including: • develop and implement a Sub-Panel management plan including communication strategy, transition & value for money; and identify continuous improvement opportunities; • oversee maintenance of the technological systems • supporting the panel through data collection and analysis; • monitor client satisfaction with Service Providers; • monitor overall performance of Service Providers including audit and quality assurance processes and determination as to the composition of the Panel; • review of performance of Service Providers against Minimum Service Standards and KPIs; • create protocols and procedures for the Panel; • benchmark performance and service delivery arrangements between Service Providers and the State; • monitor and report on Service Providers' compliance with policies, guidelines and work practices; • monitor and report on Service Providers' initiatives to promote social outcomes;
General Counsels	The GCG is responsible for:

Entity	Responsibilities
Group (GCG)	• periodic review of the outcomes from the Panel Deed from a whole of Government perspective; • consider recommendations to terminate or suspend a Service Provider from an Area of Law; • provision of policy and guidance on the legal requirements of Clients; and • creation or variation of Panel Rules (procurement rules) (subject to approval by the Procurement Board).
Agency Contract Manager	Each Agency Contract Manager is to: • make decisions on exemption requests referred to him or her under the Off-Panel Engagements Guideline; • obtain regular reports as to legal services acquired by the Agency; • be the main point of contact with the Panel Contract Manager and a conduit for communications between staff of their own Agency and the Panel Contract Manager; • communicate operating arrangements for the Panel to Panel users within their Agency; • implement and support value for money and continuous improvement initiatives; • assist Agency Personnel in framing requests for the provision of Services from Service Providers; • identify operational legal issues and develop strategies, policies and interventions to address these issues; • advise Agency Personnel of the most appropriate Service Providers to provide the Services required; • coordinate the completion of Client Satisfaction Surveys across the Agency, thereby providing timely and regular review of Service Providers' performance against the SLA • provide reports on the resolution of any complaints resolved by the Agency Contract Manager on the management of costs; • maintain conflict of interest register for their respective agency; and • provide reports on the resolution of any complaints regarding the Model Litigant Guidelines.
Service Provider	Compliance with provisions of the Panel Deed including the SLA.
Client Agencies	The role of Agencies requiring services under the Panel Deed is to: • ensure compliance with their obligations under the Panel Deed • appoint an Agency Contract Manager to manage the Agency's rights and obligations under the Panel Deed and be a conduit of information between the Panel Contract Manager and Agency Personnel; • support the Agency Contract Manager in the conduct of his or her roles and responsibilities; and • establish and maintain the necessary records systems to support the obligations of the State and the Agency under the Panel Deed and provide access to any records required by the Panel Contract Manager. Note: Agencies are required to report off-Panel expenditure to the Panel Contract Manager. These requirements are not addressed

Entity	Responsibilities
	in the Panel Deed or SLA.

4.2 Governance and Performance Management Meetings

Meeting	Frequency
GCG, Panel Contract Manager and Executive Contract Manager – Legal Services Panel Governance • Discuss contractual management issues, Service Providers' performance, Panel effectiveness, improvements to Panel administration and develop and review policies and guidelines affecting the Panel arrangements. • Review client satisfaction • Consider changes of services that may impact on the SLA • Review government's requirements for legal services • Review of Service Providers' remedial action if applicable • Consider and recommend termination or suspension of Service Providers from the Panel • Consider changes to the Panel composition and size	Half-yearly and as required.
Executive Contract Manager, Panel Contract Manager and Relationship Manager • Review of performance • Implement and report on any remedial action • Discuss any changes to improve the administration of the Panel arrangements	As required

5. Agency Contract Managers

Agency	Cluster	First Name	Last Name	Title	Telephone	Email

NSW Government Legal Services Panel

[Agency Name]
LEGAL SERVICES ORDER

Where you have provided an estimate of fees and disbursements, this has been included below. If you have not yet provided an estimate, please do so and proceed with the work once we have confirmed it is acceptable.

Legal Services Order Client Ref No:	
Service Provider Name:	
Client:	
NSW Government Cluster Name:	

1. SERVICES	
Matter name	
Scope of engagement	
Delivery timeframe	
Sub-Panel	
Area of Law	
Expense Type **(mandatory field)**	OPEX ☐ CAPEX ☐
Advice ☐ Transaction ☐ Litigation ☐	

2. FEES	
Fixed fee/price ex GST	
Fee estimate ex GST	
Specific expenses and disbursements ex GST authorised by TfNSW (under clause 9.3 of the Panel Deed)	
Cap on expenses and disbursements	

3. SPECIAL TERMS	
Special Terms (if any)	

4. CLIENT'S REPRESENTATIVE	
Client's Representative	Internal Lawyer: Email: [NAME]@[agency].nsw.gov.au Mobile: [NUMBER]

5. INVOICING REQUIREMENTS

All *[add Agency name]* Invoices should be issued electronically in PDF format to *[add email address].* Please address all invoices to, *[Name of Person], [Title], [Branch], [Agency], [Address].*

Please note that in accordance with the fee estimate compliance requirements in the Legal Services Panel Deed, once fees incurred on the matter reach 80% of the approved fee estimate as per the LSO,

an update is required to confirm whether the work can be completed within the remaining approved estimate or if the work is unable to be completed within the approved estimate, provide a detailed explanation as to why and a revised fee estimate. We are unable to pay any invoices that exceed the fee estimate until a revised estimate is received and approved.

NSWLSP Monthly Report: Monthly invoice reports are to be issued by the 7th day of each month to [add email address].

Account Statements: Please email Account Statements by the 7th of each month to [add email address].

6. PANEL DEED CONDITIONS APPLY

Except as expressly provided above, any Legal Services Contract between the parties concerning this matter are governed by the terms and conditions of the Panel Deed, including the Rates specified in the Fee Schedule.

ACKNOWLEDGEMENT

The Service Provider has no actual, potential, perceived or apparent conflict of interest as defined in the Panel Deed, except as disclosed to the Client, in providing the services requested.

Signed on behalf of the Service Provider by:

_____
Signature

_____
Name

Date:

Please return the Legal Services Order to the Client's Representative

GIPA2025/05 – Request 6 – Misconduct cases data

Request 6f - Student misconduct and appeals data

Notes:

Note 1 – Some cases may have a mix of behaviours and maybe identified as inappropriate behaviour.

Year	Total cases	Academic	Fraud	Non-Academic
2022	1350	1314	8	28
2023	1272	1207	18	47
2024	1192	1130	10	52

Request 6g - Harassment/Discrimination cases

Year	No. of cases	Outcome
2022	3	1 case - Formal Warning
		1 case – Dismissed due to insufficient evidence
		1 case - Reprimand and a suspension suspended
2023	6	1 case - Dealt with by the Faculty
		1 case - Dismissed due to insufficient evidence
		1 case - Formal Warning
		2 cases - Formal Warning and a suspension suspended
		1 case - Reprimand and excluded for 2 years
2024	3	1 case - Dealt with by others
		1 case - Formal Warning
		1 case - Reprimand

Request 6g/h - Sexual Harm cases

Year	No. of cases	Outcome
2022	2	1 case - insufficient evidence and victim withdrew the report
		1 case - SMA received and referred to Director SSU/CBAIT Student Rules did not apply, dealt with by others.
2023	1	1 case - insufficient evidence to proceed
2024	12	1 case - Formal Warning
		1 case - Formal Warning and Directive
		3 cases - Reprimand
		1 case - Reprimand and a suspension suspended
		1 case - reprimand and exclusion suspended
		1 case - Reprimand and permanent exclusion
		2 cases - ongoing
		2 cases - insufficient evidence to proceed

From: Roze Abraham
To: Kylie Readman
Subject: RE: For review: meeting notes and BA"s brief
Date: Thursday, 20 March 2025 2:39:00 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image006.png
image007.png
image008.png
image009.png
image010.png

Thanks Kylie - please let me know which stakeholders were missed from your perspective please?

Roze Abraham
Executive Officer

It often suits me to work and send emails outside of normal operating hours, but I do not expect you to read, respond or action this email outside of your working hours.

Office of the Provost
University of Technology Sydney
T. +61 02 9514 1658
M. s3.2 Personal affairs

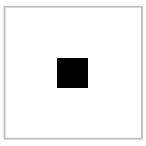
From: Kylie Readman <Kylie.Readman@uts.edu.au>
Sent: Thursday, 20 March 2025 2:38 PM
To: Roze Abraham <Roze.Abraham@uts.edu.au>
Subject: Re: For review: meeting notes and BA's brief

Thanks Roze. This is very helpful.

Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance and appointments:
Jacklyn McCauley
jacklyn.mccauley@uts.edu.au | Extension x1465



I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for this land.

From: Roze Abraham <Roze.Abraham@uts.edu.au>
Date: Thursday, 20 March 2025 at 12:59 pm
To: Kylie Readman <Kylie.Readman@uts.edu.au>
Subject: RE: For review: meeting notes and BA's brief

Hi Kylie,

Noted, I will include HDR and speak to Kate regarding her preferred stakeholders.

Just to clarify the note on senior leaders being involved in the mapping, we have conversations noted with PVCs and Unit leads, are you suggesting DVC's and Directors also feed into this? I have updated the scope to highlight the review and approval process for collective clarity – senior leaders will review ahead of finalisation and presentation to the VC.

I did ask for all to update the stakeholder list as it was an approximation on my part. Please let me know who is missing so they can be included.

The scope of this work is for the current state to be prepared, including existing gaps, overlaps and interdependencies. At the senior executive review point, we can absolutely capture the future state intentions.

Here's an updated link including the review and approval process.

Let me know if anything is unclear,
Roze

Roze Abraham
Executive Officer

It often suits me to work and send emails outside of normal operating hours, but I do not expect you to read, respond or action this email outside of your working hours.

Office of the Provost
University of Technology Sydney
T. +61 02 9514 1658
M. s3.2 Personal affairs

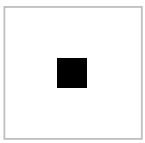
From: Kylie Readman <Kylie.Readman@uts.edu.au>
Sent: Thursday, 20 March 2025 10:08 AM
To: Roze Abraham <Roze.Abraham@uts.edu.au>
Subject: Re: For review: meeting notes and BA's brief

Hi Roze,
Vicki has just noted the BA's work which prompted me to look at the scope again. In the conversation, Kate has raised the point that HDR needs to be included. I'd like senior leaders to be involved in the mapping too, probably post the first set of conversations so that we can comment on future plans about gaps and overlaps. I'm also happy to direct the BA to where

the gaps are in the current stakeholder list. Who is the BA? I need to alert Jac to look out for meetings that might come up.
Many thanks
Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance and appointments:
Jacklyn McCauley
jacklyn.mccauley@uts.edu.au | Extension x1465



I acknowledge the Gadigal People of the Eora Nation, upon whose ancestral lands UTS stands. I pay my respects to the Elders both past and present, acknowledging them as the traditional custodians of knowledge for this land.

From: Roze Abraham <Roze.Abraham@uts.edu.au>
Date: Monday, 10 March 2025 at 4:36 pm
To: Vicki Chen <Vicki.Chen@uts.edu.au>, Kylie Readman <Kylie.Readman@uts.edu.au>, Kylie Gould <Kylie.Gould@uts.edu.au>, Bill Paterson <William.Paterson@uts.edu.au>, Marshall Craddock <Marshall.Craddock@uts.edu.au>, Kumar Srinivasan <Kumar.Srinivasan@uts.edu.au>
Cc: Danielle Woolley <Danielle.Woolley@uts.edu.au>, Ellen Goh <Ellen.Goh@uts.edu.au>, Amy Persson <Amy.Persson@uts.edu.au>, Jo Tilly <Jo.Tilly@uts.edu.au>
Subject: For review: meeting notes and BA's brief

Dear Colleagues,

My apologies for the delay in getting these papers and minutes out to you all. CI / New Faculty have absorbed my time.

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Thanks,

Roze

Roze Abraham
Executive Officer

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Office of the Provost
University of Technology Sydney
T. +61 02 9514 1658
M. s3.2 Personal affairs

From: Melissa Oey **On Behalf Of** Vicki Chen
Sent: Monday, 10 March 2025 4:13 PM
To: Kylie Readman <Kylie.Readman@uts.edu.au>; Kylie Gould <Kylie.Gould@uts.edu.au>; Bill Paterson <William.Paterson@uts.edu.au>; Marshall Craddock <Marshall.Craddock@uts.edu.au>; Kumar Srinivasan <Kumar.Srinivasan@uts.edu.au>
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Next steps to be determined at the meeting.

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TS Logo

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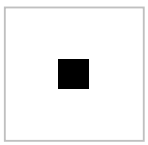
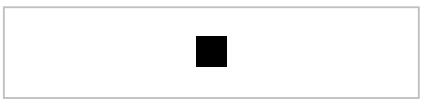
From:	Kylie Readman
To:	Roze Abraham
Subject:	Re: For review: meeting notes and BA"s brief
Date:	Monday, 24 March 2025 10:02:39 AM
Attachments:	image001.png image002[36].png image003[20].png image004[47].png image005[25].png image006[22].png image007[80].png image008[2].png image009[22].png image010[51].png

Thanks Roze, I will come back to you with some more contact points in my Division but I've been swamped with OSI work (like so many!). Hope to get my head up in the next couple of weeks!
All the best
Kylie

Professor Kylie Readman (she/her)
Deputy Vice Chancellor and Vice President (Education and Students)
University of Technology Sydney
PO Box 123 Broadway NSW 2007 Australia
uts.edu.au

For assistance and appointments:
Jacklyn McCauley
jacklyn.mccauley@uts.edu.au | Extension x1465





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From: Roze Abraham <Roze.Abraham@uts.edu.au>
Date: Monday, 24 March 2025 at 9:36 am
To: Vicki Chen <Vicki.Chen@uts.edu.au>, Kylie Readman <Kylie.Readman@uts.edu.au>, Kylie Gould <Kylie.Gould@uts.edu.au>, Bill Paterson <William.Paterson@uts.edu.au>, Marshall Craddock <Marshall.Craddock@uts.edu.au>, Kumar Srinivasan <Kumar.Srinivasan@uts.edu.au>
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<Steve.Drissell@uts.edu.au>

Subject: RE: For review: meeting notes and BA's brief

Deal All,

Following on from the below, the Business Analyst supporting on this current state mapping will be reaching out to the identified stakeholders listed in the below briefing document.

Noting DVC R has requested HDR be explicitly noted also. I will reach out to Kate for her nominated stakeholders.

Please advise your teams that Steve Drissell (cc'd) will be reaching out to them in due course.
I have updated item 2 with a review and approval process for group clarity on next steps.
Melissa will coordinate a meeting where the draft current state map will be presented by Steve to this group.

Any questions, please reach out,
Roze

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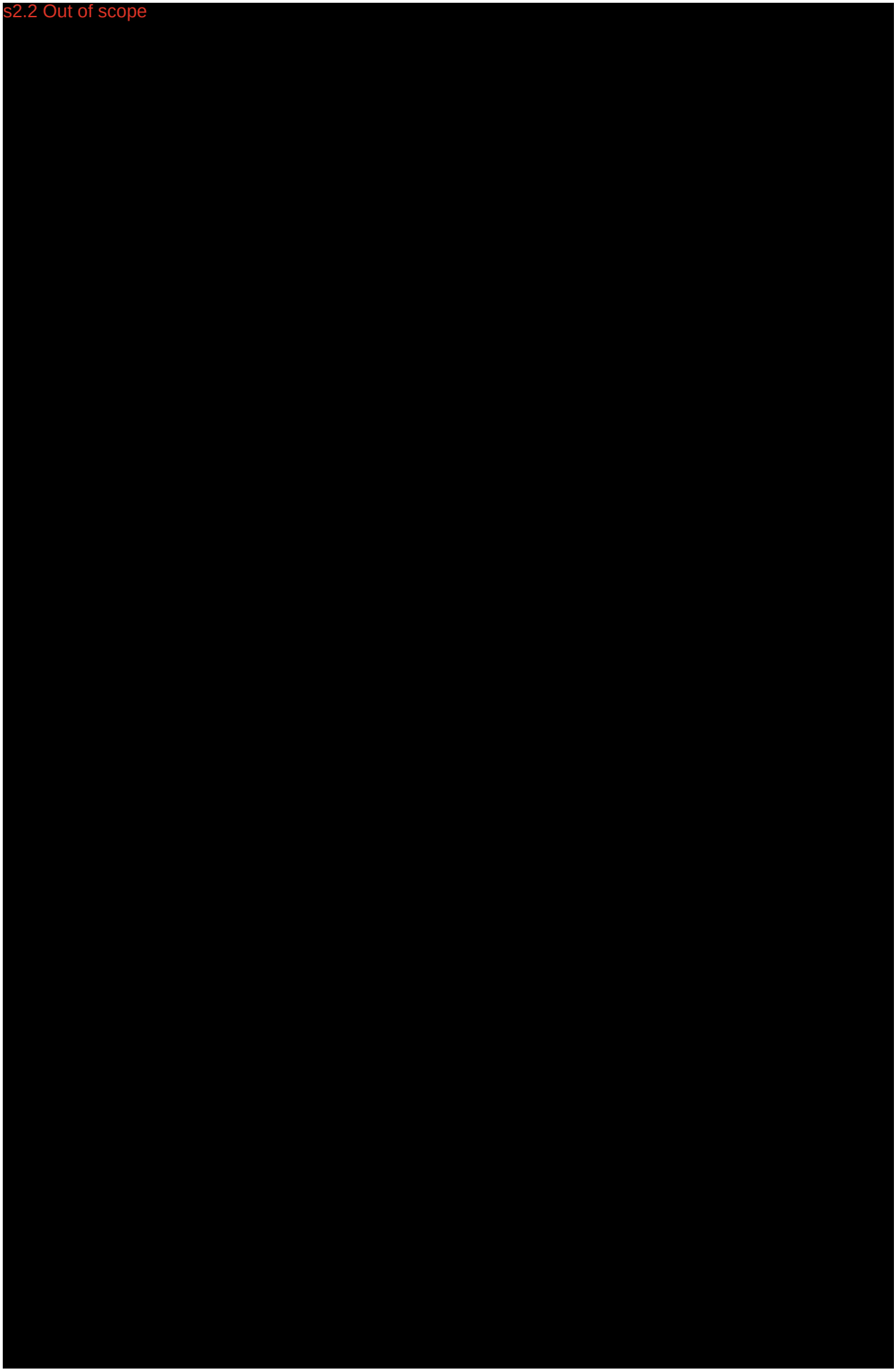
s2.2 Out of scope



s2.2 Out of scope

[redacted]

From: Steve Drissell <Steve.Drissell@uts.edu.au>
Sent: Wednesday, 14 May 2025 1:22 PM
To: Roze Abraham <Roze.Abraham@uts.edu.au>
Subject: Steve Drissell shared "Complaints and Compliance current state" with you

[redacted]

Steve Drissell invited you to edit a file

Hi Roze, hope you're ok. The meeting with Andrew/Michelle went well. Here is the deck presented. thanks Steve

[redacted] Complaints and Compliance current state

[redacted] This invite will only work for you and people with existing access.

[redacted]

[redacted]

[redacted]

This email is generated through UTS's use of Microsoft 365 and may contain content that is controlled by UTS.

GIPA2025/05
DOC 070LINK1

Complaints and Compliance - Current State

May 2025 - V1

UTS CRICOS 00099F
UTS TEQSA PRV12060

Complaints and Compliance

Current State (notes from Roze)

- GBV Action Plan response that was created last year and the Student Misconduct review recommendations conducted by DVC ES, Gen Counsel and Dir GSU are both on hold. Note that there is overlap in findings among all three.
- The single reporting tool risk for example, is one that the GBV Action Plan had called out and work is underway in ITU to plan for a single reporting tool.
- The ALP win also signals that the GBV legislation and National Code may soon be passed and require reporting of data UTS does not have – that the tool was intended to collect.

Complaints and Compliance

Approach

- Interviewed a variety of 21 stakeholders from Faculties, Operations Division, Teaching and Learning, Provost, and the Student Association
- Reviewed Angela Hill report, UTS policies & procedures
- Prepared Key Risks (and potential mitigations), other Observations
- Prepared current state Process Maps
- Potential Next Steps

Note: no consideration of OSI and CI impacts at this point

Complaints and Compliance

Stakeholders interviewed

Stakeholder	Job Title	Department
Alex Sabharwal	Director, Student Administration	Lifetime Learner Experience Unit
Andrea Thompson	Manager, Student Misconduct & Appeals	Governance Support Unit
Catharine Pruscino	RNA Program Manager	Provost
Felicity Howell	Manager, Employee Relations	People Unit
Jacqui Wise	Pro-Vice Chancellor (Students)	
Janelle Sheather	Workplace Relations Specialist	People Unit
Jo Blackwell	Head of Partnering and Workplace Relations	People Unit
Jo Tilly	Director	PVC Social Justice and Inclusion
Joanne Gray	Pro-Vice-Chancellor (Educations and Students),	Deputy Vice-Chancellor (Education and Students)
Kathleen Baird	RAO & Head of School, Nursing and Midwifery	School of Nursing and Midwifery
Luke Tipene	RAO & Lecturer	School of Architecture
Martin Newman	RAO & Lecturer	School of Communication
Megan Cassidy	Manager, Student Complaints	Governance Support Unit
Melanie Fitzgerald	Strategic Business Partner	People Unit
Mia Campbell	President	UTS Students' Association
Michael Ford	RAO & Lecturer	School of Architecture
Nathan Beard	Workplace Relations Officer	People Unit
Phoebe Bailey	RAO & Associate Professor	Clinical Psychology
Richard Birrell	Deputy University Secretary and Deputy Director	Governance Support Unit
Shabnam Gill	Head of Compliance and Assurance	Office of General Counsel
Veronika Roth	Deputy Director, Student Administration Unit	Lifetime Learner Experience Unit

Complaints and Compliance

Key Risks and Other Observations

Ref.	Title	Type	Likelihood	Impact
1	Students' mental wellbeing due to misconduct processing time	Key Risk	High	High
2	Student Misconduct and Complaints processing disruption	Key Risk	Medium	High
3	Inconsistent application of policy and procedures	Key Risk	Medium	Medium
4	Sexual Harm / GBV preventative measures not UTS data-driven	Key Risk	Medium	High
5	'Repeat offender' management	Key Risk	Medium	Medium/High
6	Student experience when reporting sexual misconduct	Key Risk	Low	Medium/High
7	Students choosing not to report sexual misconduct	Key Risk	Medium	Medium
8	No single point of entry for complaints, academic and student misconduct, sexual misconduct	Observation	N/A	N/A
9	No single technical application for overall management of complaints and misconduct.	Observation	N/A	N/A
10	Complaints and misconduct data	Observation	N/A	N/A
11	No consistent processes or software for managing plagiarism in faculties	Observation	N/A	N/A
12	Quality of policies and student rules	Observation	N/A	N/A

Complaints and Compliance

Key Risks

Key Risks		
Ref.	Title	Description
1.	Students' mental wellbeing due to misconduct processing time	**Risk:** Deterioration of students' mental wellbeing due to the Student misconduct processing times. **Cause:** Processing of a student misconduct matter can take six months to close out, due to; lack of info from the faculty, complexity (& engagement of external investigators), limited GSU resources, work backlog, manual nature of work. There is also a lack of communication to students and faculty staff regarding cases, and no ability for students to view case status online. **Effect:** Students suffer stress and anxiety due to potential considerable impacts to their future, e.g. study outcomes, enrolments, finances, living situation, visas, etc. **Likelihood:** High **Impact:** High **Potential Mitigation:** One view of student, automation & dashboards, internal investigation resource

Complaints and Compliance

Key Risks

Key Risks		
Ref.	Title	Description
2.	Student Misconduct and Complaints processing disruption	**Risk:** Processing slows down or ceases. **Cause:** The GSU Misconduct and Complaints Teams (2 staff) consist of highly experienced team members with complimentary skillsets. Should there be disruption to staff availability due to medium/long term leave or staff turnover, hiring cover/replacement would likely take several weeks/months. **Effect:** Processing of matters could considerably slow down turnaround times, or in some cases, cease to proceed. Backlog of matters to be actioned would increase. **Likelihood:** Medium **Impact:** High **Potential Mitigation:** Measure case handling performance and cross skill between teams, resource adequately. Internal investigator resource – cost analysis (of current external spend).

Complaints and Compliance

Key Risks

Key Risks		
Ref.	Title	Description
3.	Inconsistent application of policy and procedures	**Risk:** Inconsistent application of policies, rules, procedures and general fairness. **Cause:** Disparate systems, manual processes, interpretation of unclear policy, RAO inexperience (plagiarism). **Effect:** Negative student experiences, reputational damage and potentially ombudsman investigation. Student Misconduct team provide Quality Assurance reviews, but after decisions have been made in faculties. **Likelihood:** Medium **Impact:** Medium **Potential Mitigation:** Refresh of policies and procedures with General Counsel endorsement. Move plagiarism decisioning to Student Misconduct team and resource accordingly. More robust RAO training/accreditation.

Complaints and Compliance

Key Risks

Key Risks		
Ref.	Title	Description
4.	Sexual Harm / GBV preventative measures not UTS data-driven	**Risk:** Preventative measures do not directly address UTS misconduct trends. **Cause:** Student misconduct data is not readily available to identify risk trends and deliver appropriate strategies. Annual data is collated/reported by the Misconduct Team, but not useful and timely for preventative strategies **Effect:** Avoidable Sexual Harm /GBV could occur **Likelihood:** Medium **Impact:** High **Potential Mitigation:** Elicit RNA team data reporting requirements and collaboratively review what and how data is collected, ideally through mandatory technological rules-based case management.

Complaints and Compliance

Key Risks

Key Risks		
Ref.	Title	Description
5.	'Repeat offender' management	**Risk:** 'Repeat offenders' go unchecked. **Cause:** There is no reliable process for recording and retrieving student misconduct. e.g. ROA or Complaints Team staff member may not know if a student has previously been accused or penalised for misconduct. **Effect:** Students may not be adequately penalised and may result in further unacceptable behaviour. This could also pose risks to other students/staff, such as where an individual has a pattern of unacceptable behaviour, and no link is made between complaints/misconduct. **Likelihood:** Medium **Impact:** Medium/High **Potential Mitigation:** Enhance/implement technology that enables GSU limited access to student records, and linking of matters.

Complaints and Compliance

Key Risks

Key Risks		
Ref.	Title	Description
6.	Student experience when reporting sexual misconduct	**Risk:** Poor student experience when reporting sexual misconduct **Cause:** No separate mechanism/policy/procedure for sexual misconduct reporting – policy doesn't differentiate different types of misconduct. **Effect:** Student perception GSU process/policy can be unjust, favouring the accused, as the victim doesn't have an ongoing role/voice in the process, i.e. reporting student doesn't have an opportunity to add any further information in light of accused's response to allegation. This may result in an unfair outcome for the victim, and unsuitably lenient outcome for the accused. **Likelihood:** Low **Impact:** Medium/High **Potential Mitigation:** Review misconduct policies and procedures ensuring sexual misconduct fairness applies to all parties. General Counsel to endorse.

Complaints and Compliance

Key Risks

Key Risks		
Ref.	Title	Description
7.	Students choosing not to report sexual misconduct	**Risk:** Students choose not to report sexual misconduct **Cause:** Negative misconduct process reputation and lack of supportive policy. **Effect:** Perpetrators go unchecked and victims' experience/trauma not adequately addressed. Reputational damage to UTS. **Likelihood:** Medium **Impact:** Medium **Potential Mitigation:** Gather quantitative/qualitative data to further understand the magnitude of risk, e.g. 100 student survey responses with voucher for responding. Put actions in place to resolve.

Complaints and Compliance

Other Observations

Observation		
Ref.	Title	Description
8.	No single point of entry for complaints, academic and student misconduct, sexual misconduct	Some stakeholders have expressed a ‘one front door’ approach should be considered (with allowance for personal/phone contact for trauma-based reporting).

Complaints and Compliance

Other Observations

Observation		
Ref.	Title	Description
9.	No single technical application for overall management of complaints and misconduct.	• There are number of applications managing misconduct and complaints processes and data. E.g. Salesforce, Lex(GSU), Lex(CBAIT), G drive, SharePoint, email folders, MS power apps, HIRO, etc • This means there is no cohesive overarching 'system enabling; automated workflow, [email] communications, or document creation/storage, dashboard/reporting, task follow-up/escalation, workload planning/management.

Complaints and Compliance

Other Observations

Observation		
Ref.	Title	Description
10.	Complaints and misconduct data	• Complaints data capture in Salesforce is mostly free format text that does not support effective reporting • Misconduct data is not easily accessible in Lex. • Multiple Lex databases.

Complaints and Compliance

Other Observations

Observation		
Ref.	Title	Description
11.	No consistent processes or software for managing plagiarism in faculties	• Clinical Psychology have created (via IT) automated workflow in MS Power Apps (for academic misconduct) – auto-creates and emails word documents • Documents related to plagiarism may be stored on laptops or shared drives and ultimately lost

Complaints and Compliance

Other Observations

Observation		
Ref.	Title	Description
12.	Quality of policies and student rules	• Policies and student rules appear to have evolved overtime, updated by different individuals. • They are numerous, inconsistent, difficult to follow, lack illustrative processes, don't read as a set. • Policies do not adequately address situations where individuals involved are both students and staff members. • Policies have not been sufficiently endorsed/approved by internal UTS compliance

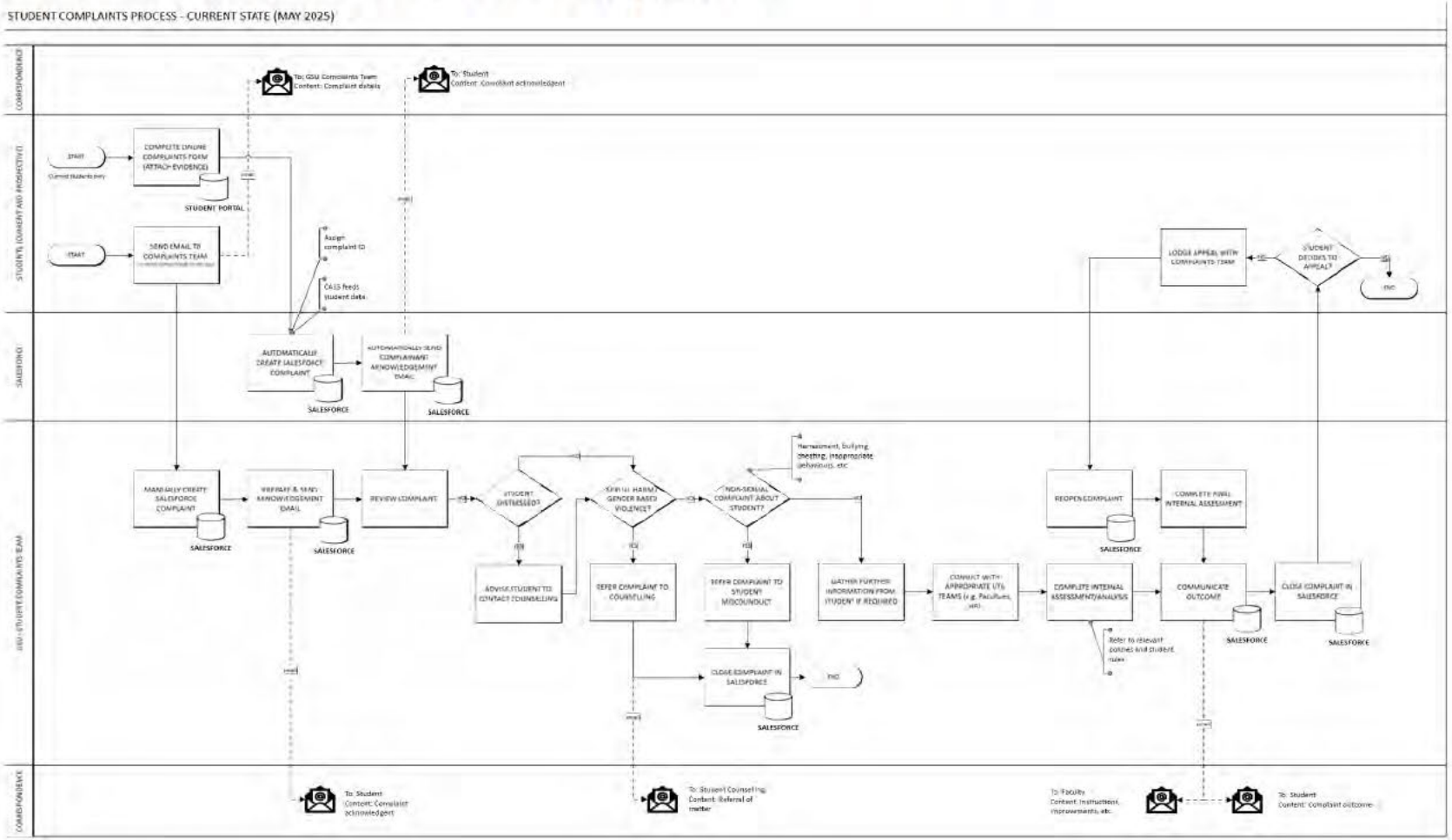
Complaints and Compliance

Process Maps

- Complaints
- Student Misconduct
- Appeals
- Academic Misconduct (Plagiarism)
- Sexual Harm / Gender-based Violence Reporting

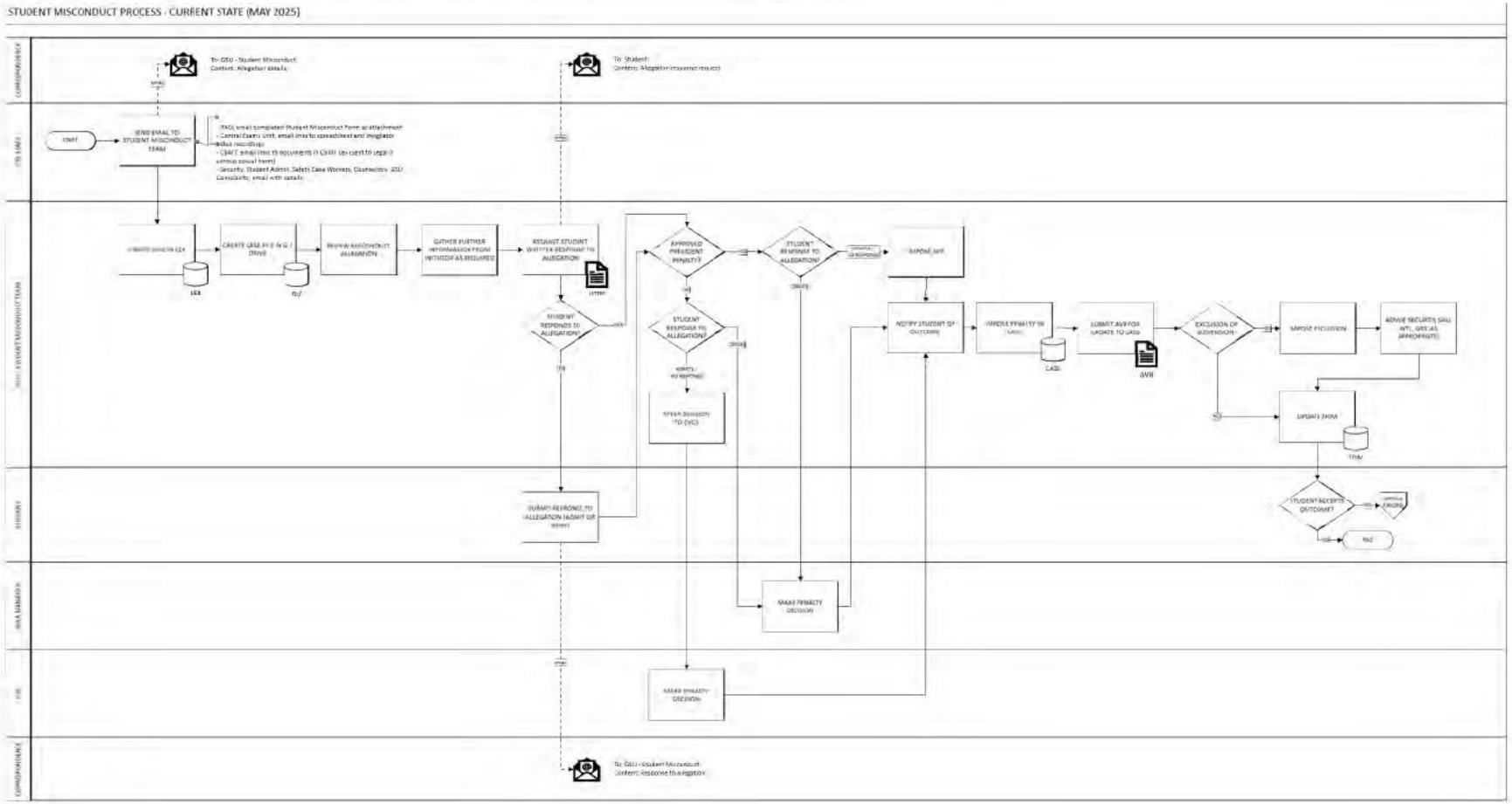
Complaints and Compliance

Process Map – Student Complaints



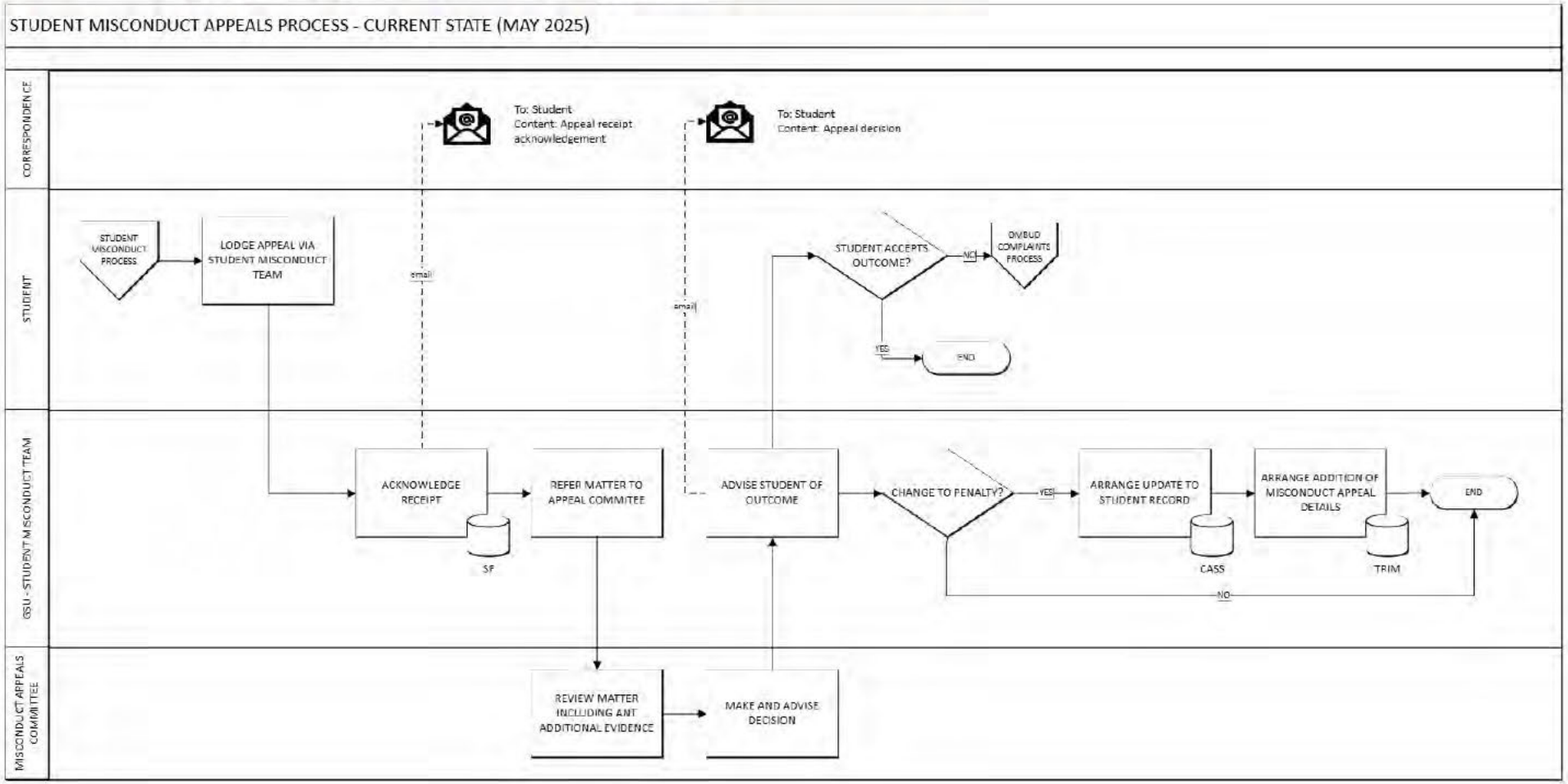
Complaints and Compliance

Process Map – Student Misconduct



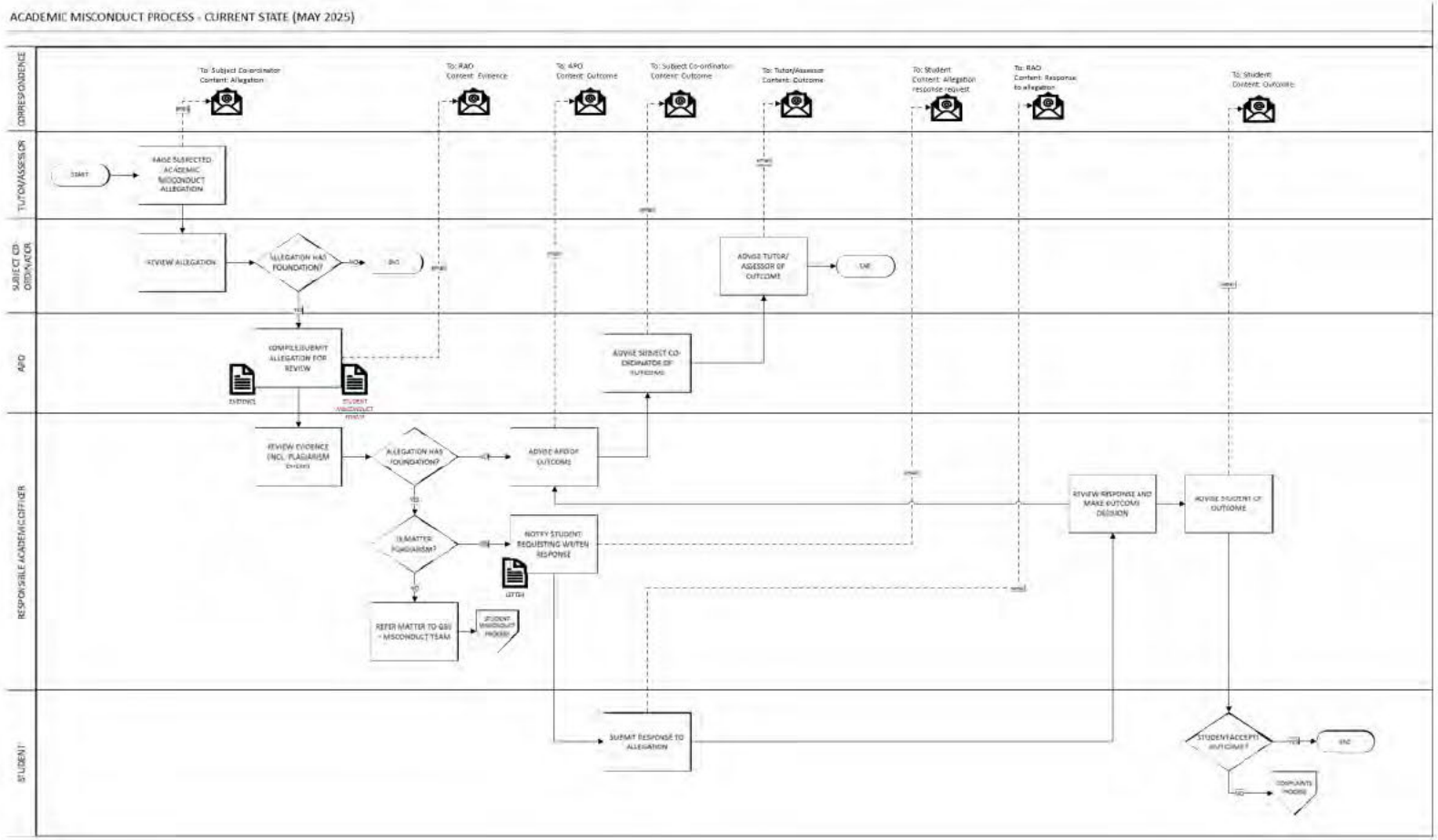
Complaints and Compliance

Process Map – Misconduct Appeals



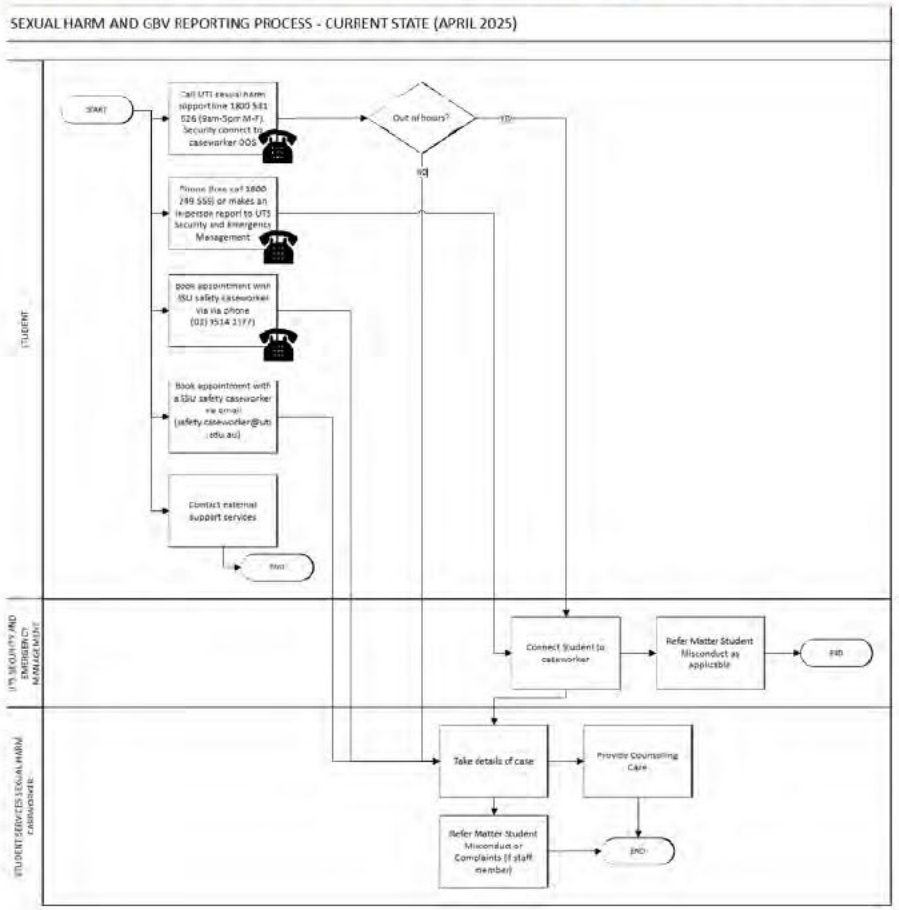
Complaints and Compliance

Process Map – Academic Misconduct (Plagiarism)



Complaints and Compliance

Process Map – Reporting Sexual Harm & GBV



Complaints and Compliance

Potential Next Steps

1. Understand OSI/CI implications, future organizational structure (UPMO/Business Analyst)
2. Review feasibility work done previously with IT vendors, e.g. Salesforce (Business Analyst)
3. Design future state process maps, including automations (GSU/Business Analyst)
4. Elicit Business/Functional Requirements or User Stories (GSU/Business Analyst)
5. Define scope of IT uplift and engage potential IT partners (Provost, IT, Procurement, Legal)