



THE AUSTRALIAN NATIONAL UNIVERSITY

澳大利亚国立大学

Discipline Rule 2018

2018 年纪律规则

I, Professor Brian P. Schmidt, Vice-Chancellor, make the following rule.
本人，Brian P. Schmidt 教授，校长，制定下列规则。

Dated 19 March 2018
日期：2018 年 3 月 19 日

Professor Brian P. Schmidt AC FAA FRS
Brian P. Schmidt 教授 AC FAA FRS
Vice-Chancellor
校长

Contents

目录

Part/部分 1	Preliminary 序言 1
1	Name 名称..... 1
2	Commencement 生效 1
3	Authority 依据..... 1
4	Definitions 定义..... 1
5	Sexual harassment and other forms of harassment 性骚扰和其他形式的骚扰 5
Part/部分 2	Misconduct 不当行为 7
6	Misconduct 不当行为 7
Part/部分 3	Consequences of misconduct 不当行为的后果..... 10
7	Reporting misconduct etc. 举报不当行为等..... 10
8	Respondent and complainant in relation to conduct 与行为有关的被投诉人和投诉人 10
9	Keeping complainant informed 及时告知投诉人 11
10	Prescribed authority's role 指定人士的角色..... 12
11	Additional interim powers of prescribed authority 指定人士的其他临时权力14
12	Powers of, and action by, Vice-Chancellor 校长的权力和行动 15
13	Additional interim powers of Vice-Chancellor 校长的其他临时权力 18
Part/部分 4	Inquiries 调查 21
14	Inquiries 调查 21
15	Finding and action: prescribed authority 调查结果与行动: 指定人士..... 22
16	Finding and action: Vice-Chancellor 调查结果与行动: 校长 25
17	Notice of decisions 决定的通知 28
18	Undertaking by respondent 被投诉人的承诺 28
19	Effect of denial of access 禁止使用设施或参与活动的影响 29
20	Exclusion of student from University 禁止学生入学..... 29
Part/部分 5	Failure to meet obligations 未能履行义务..... 31
21	Failure to meet obligations by due date 未能按时履行义务 31
22	Re-enrolment following suspension 停学之后再次注册 31
23	Liability of persons financially supported by third parties 受第三方资助者的责任 31
24	Sanctions against persons who fail to meet obligations 对不履行义务者的制裁 32
Part/部分 6	Review and call-in of decisions 复议和收回决定 33
25	Meaning of <i>reviewable decision</i> 可复议的决定的定义 33
26	Review of reviewable decisions 对可复议决定的复议..... 34
27	Vice-Chancellor may call in decision 校长可收回决定 34
Part/部分 7	Miscellaneous 其他 36
28	Nominees for University officials 本校官员的被提名人 36
29	Multiple processes 多个程序..... 36
30	Extension of time 延长时限 37
31	Service of notices etc. 递送通知等..... 37

32	Repeal etc. 废止等	38
33	Transitional 过渡	38

Part/部分 1— Preliminary 序言

1 Name 名称

This is the *Discipline Rule 2018*.
本文件为《2018 年纪律规则》。

2 Commencement 生效

This instrument commences on the day after it is registered.
本立法文件生效日期为其注册之后的第二天。

3 Authority 依据

This instrument is made under the *Vice-Chancellorship Statute 2013*, section 9.5.
本立法文件根据《2013 年校长法》第 9.5 章制定。

4 Definitions 定义

In this instrument:
在本立法文件中：

complainant, in relation to conduct: see section 8(3) (Respondent and complainant in relation to conduct).
与行为有关的**投诉人**：请参见第 8（3）章（与行为有关的被投诉人和投诉人）。

course means a subject of scholarly study, whether it is taught:
课程指学术教学的一个科目，无论它是：

- (a) in a connected series of classes or demonstrations; or
由一系列相关联的课堂教学或演示构成；或
- (b) by means of practical work, including, for example, the production by students of essays, theses or case studies or the attendance and participation by students in seminars or workshops; or
结合实践，包括由学生撰写文章或论文或进行案例研究，或让学生出席和参加研讨会或研习会等等；或
- (c) by clinical or professional practice; or
通过临床或专业实习；或
- (d) in another way or in a combination of ways.
通过其他的一种或多种方式。

Dean, in relation to a student, means the Dean of the ANU College responsible for:

对学生而言，**院长**指澳大利亚国立大学下属学院的院长，负责：

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- (a) the program or course in which the student is or was enrolled or seeking enrolment; or
该学生正在或曾经就读或希望入读的项目或课程；或
 - (b) the course the student was given permission to audit.
允许学生旁听的课程。

discrimination includes unfair or inequitable treatment on the basis of a person's race, colour, sex, sexual preference or orientation, marital status, pregnancy or potential pregnancy, status as carer, age, disability, ethnic or national origin, breastfeeding requirements, religious, political or union affiliation, or any other attributes applied by or set out in any Commonwealth, State, Territory or University legislation that applies in relation to a University activity.

歧视包括基于人的种族、肤色、性别、性偏好或性取向、婚姻状况、是否怀孕或备孕、照料者身份、年龄、是否残疾、种族或国籍、母乳喂养要求、宗教、政治上或工会隶属关系，或任何与大学活动相关的联邦、州、领地或大学法律所应用或规定的任何其他属性而实行的不公平或不平等对待。

examination includes:

考试包括：

- (a) a task required to be performed or undertaken by a student for the assessment of the student's performance in a program or course in which the student is admitted or enrolled; and
学生必须执行或承担的任务，以评估学生在被录取或注册入读的项目或课程中的学业表现；和
- (b) a thesis, dissertation, minor thesis, research project, written report, assignment or essay undertaken for the assessment of a student's performance for an award offered by the University; and
为评估学生在本校提供的文凭中的表现而创作的论文、学位论文、辅修学位论文、研究项目、书面报告、作业或论文；和
- (c) a task required to be performed or undertaken by a person for the purpose of enabling the person to qualify for admission as a student in a program in the University.
学生为获得入读大学课程项目资格而需要执行或承担的任务。

exercise a function includes perform the function.

行使职能包括履行该职能。

function includes authority, duty and power.

职能包括授权、职责和权力。

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

骚扰：对于非性骚扰形式的骚扰，请参阅第 5（2）章（性骚扰和其他形式的骚扰）。

inquiry means an inquiry under Part 4 (Inquiries).

调查指第 4 部分（调查）下的调查。

misconduct: see section 6 (Misconduct).

不当行为：请参阅第 6 章（不当行为）。

obligation includes:

义务包括:

- (a) a non-monetary obligation, a monetary penalty or compensation (whether to be made or payable to the University or another person) under a University statute (other than the Parking and Traffic Statute), rule or order; and
根据大学法规（停车和交通法规除外）、规则或命令的非金钱义务、罚款或赔偿（无论应该向本校还是他人支付）；和
- (b) a monetary obligation (for example, a fee or charge for accommodation, board or a related service) payable to the University or to a hall of residence or affiliated college under a contract or agreement.
根据合同或协议应向本校或学生宿舍或附属学院履行的金钱给付义务（例如，住宿，伙食或相关服务的费用）。

prescribed authority means:

指定人士指:

- (a) in relation to any student—the Dean, the Registrar or a person nominated for the purpose by the Vice-Chancellor, as the case requires; and
对任何学生而言，指的是院长、教务长或校长为此目的提名的人（视情况而定）；和
- (b) in relation to a student who is a resident in a hall of residence or lodge of the University—the Head of the hall of residence or lodge.
对居住在本校宿舍或住所的学生而言，指的是宿舍或住所的负责人。

property includes any form of real and personal property.

财产包括任何形式的不动产和个人财产。

Example of property

财产示例

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

知识产权，包括任何数据或信息的知识产权。

reviewable decision: see section 25 (Meaning of *reviewable decision*).

可复议的决定：参见第 25 章（可复议的决定的定义）

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

性侵犯包括未经他人同意而对他人实施的任何性犯罪。

Examples of sexual assault

性侵犯示例

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

违反《1900 年刑法》（首都领地），第 54 章（未经同意进行性交）或第 60 章（未经同意的猥亵行为）的行为。

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

【注：性侵犯包括一系列行为，所有这些行为都是不可接受的并且构成犯罪，具体指

某人在非自愿或未经其同意的情况下（包括撤回其同意时）而被迫、被胁迫或被诱骗进行性行为。】

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

性骚扰: 请参阅第 5（1）章（性骚扰和其他形式的骚扰）。

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

学生指正在或曾经就读或希望入读本校提供的项目或课程的人，或者已经或曾经获得本校许可旁听本校提供的课程的人。

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

与本校有关的行为指与本校相关联的行为。

Examples

例如

1 Conduct that relates to the University, its activities, or its staff, or students, in their capacity as members of the staff, or students, of the University.

1 以本校教职员或学生的身份进行的，与本校、学校的活动、教职员或学生有关的行为。

2 Conduct that happens on or in, or in connection with, land or premises owned or occupied by the University.

2 在本校拥有或占用的土地或房屋之上、之中发生的或与之相关的行为。

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

3 在本校旅馆、研究生宿舍、学生宿舍、附属学院或本校提供或安排的任何其他住宿中或与之相关的行为。

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

4 使用或通过本校信息基础设施或服务或任何其他本校资源、设备或服务从事的行为。

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

5 在行使本校职能的过程中发生或与之相关的行为。

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

6 在与本校有关的任何职能或事件发生时的行为或与之相关的行为（无论是否由本校组织或批准）。

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

7 当某人以任何身份代表本校时所发生的行为。

victimisation includes any unfavourable treatment, including adverse changes to a person's work or study environment, denial of access to resources, work

opportunities or training, or ostracism of a person as a consequence of the person's involvement in a grievance under any grievance procedures applying in the University.

受害包括任何不利待遇，包括由于某人根据本校的申诉程序提起申诉而导致其工作或学习环境出现不利变化、被剥夺获得资源、工作机会或培训的机会或被排挤。

working day means a day that is not a Saturday, a Sunday, a public holiday in the Australian Capital Territory, or a University holiday.

工作日指除星期六、星期日、澳大利亚首都领地的公共假日或大学假日以外的日子。

5 Sexual harassment and other forms of harassment 性骚扰和其他形式的骚扰

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

就本立法文件而言，如果某人对另一人（**被骚扰的人**）有下列行为，则为性骚扰：

- (a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
对被骚扰的人做出不受欢迎的性挑逗或提出不受欢迎的性要求；或
- (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed;
对被骚扰的人做出其他不受欢迎的有性意味的行为；

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

在理性人考虑到所有情况的情况下，应能够预料到被骚扰的人会有感到被冒犯、侮辱或恐吓的可能性。

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

【注：该定义复制自《1984年性别歧视法》（联邦）第28A（1）章中对**性骚扰**的定义。】

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

就本立法文件而言，如果某人对另一人（**被骚扰的人**）从事如下行为，则使另一人受到另一种形式的骚扰：

- (a) is offensive, humiliating or intimidating to the person harassed, but is not sexual harassment; and
对被骚扰的人具有冒犯性、侮辱性或威吓性，但不是性骚扰；并且
- (b) is engaged in by the person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

此人从事该行为时的情形，在理性人考虑到所有情况的情况下，应该能够预料到被骚扰的人会有感到被冒犯、侮辱或恐吓的可能性。

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

对于第（1）和（2）款，要考虑的内容包括但不限于以下情况：

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

被骚扰的人的性别、年龄、性取向、性别认同、是否为双性人、婚姻或恋爱状态、宗教信仰、种族、肤色、种族或国籍；

(b) the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;

被骚扰的人与做出性挑逗或要求的人或从事该行为的人之间的关系；

(c) any disability of the person harassed;

被骚扰的人是否有残障情况；

(d) any other relevant circumstance.

任何其他有关情况。

(4) In this section:

在本章中：

conduct of a sexual nature includes the making of a statement of a sexual nature to, or in the presence of, a person, whether the statement is made orally or in writing.

有性意味的行为包括以口头或书面形式向某人或在该人在场的情况下做出具有性意味的陈述。

Part/部分 2— Misconduct 不当行为

6 Misconduct 不当行为

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

如果学生从事以下行为，则属于**不当行为**：

- (a) that is dishonest, unethical, or otherwise demonstrates a lack of integrity or a lack of respect for the safety or wellbeing of other members of the University community; or
不诚实、不道德或以其他方式缺乏正直或缺乏对本校社区其他成员的安全或福祉的尊重的行为；或
- (b) that unreasonably hinders other members of the University community in the pursuit of their studies or research in the University or in participation in the life of the University; or
不合理地阻碍了本校社区中的其他成员在本校中继续学习、研究或参与本校生活；或
- (c) that is otherwise:
其他：
 - (i) a contravention of the values set by the Council for the University; or
违反本校理事会所设定的价值观；或
 - (ii) prejudicial to the good order and government of the University; or
损害本校的良好秩序和管理；或
 - (iii) reprehensible conduct for a member of the University community to engage in.
本校社区成员参与的应受斥责的行为。

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

【注：有关本校理事会目前确定的价值观，请参阅《2017-2021 年战略计划》。】

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

在不限第（1）款的情况下，如果学生有下列行为，则为**不当行为**：

- (a) sexually assaults or sexually harasses another member of the University community; or
对本校社区的另一名成员进行性侵犯或性骚扰；或
- (b) engages, or threatens to engage, in any other non-consensual conduct of a sexual nature in relation to another member of the University community if a reasonable member of the University community would, in all the circumstances, consider the conduct to be:
进行或威胁进行与本校社区另一成员有关的任何其他未经同意的具有性意味的行为，如果本校社区的理性成员在任何情况下均认为该行为：
 - (i) an invasion of privacy; or
侵犯隐私权；或
 - (ii) indecent; or
不雅；或

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- (iii) otherwise unacceptable conduct for a student to engage in in relation to another member of the University community; or
由学生对本校社区另一成员实施该行为是不可接受的；或
- (c) subjects another member of the University community to any other form of harassment, victimisation or discrimination; or
使本校社区的另一名成员遭受任何其他形式的骚扰、伤害或歧视；或
- (d) otherwise behaves in an violent, threatening or intimidating way to another member of the University community or otherwise creates a hostile study, research or work environment; or
以其他暴力、威胁或恐吓的方式对待本校社区的另一成员，或以其他方式造成不利的学习、研究或工作环境；或
- (e) intentionally, recklessly or negligently causes risk or danger to the health or safety of another member of the University community; or
因故意、鲁莽或过失而给本校社区另一成员的健康或安全带来风险或危险；或
- (f) intentionally or recklessly obstructs or disrupts an activity or proceeding of the University; or
故意或鲁莽地阻碍或破坏本校的活动或程序；或
- (g) intentionally, recklessly or negligently destroys, damages, defaces, loses, removes or otherwise interferes with, or makes unauthorised use of, property of the University or another person; or
因故意、鲁莽或疏忽而破坏、损坏、污损、丢失、移走或以其他方式介入本校或他人的财产，或未经授权使用本校或他人的财产；或
- (h) enters a place in the University that the student is not permitted to enter; or
进入本校不允许学生进入的场所；或
- (i) contravenes a reasonable order or direction (however described) of an officer or employee of the University or a person acting with the lawful authority of the University; or
违反本校的官员或雇员或在本校的合法权限下行事的人的合理命令或指示（无论如何描述）；或
- (j) contravenes a University statute, rule or order or an order or direction (however described) given under a University statute, rule or order; or
违反本校章程、规则或命令或本校章程、规则或命令下的命令或指示（无论如何描述）；或
- (k) acts dishonestly or unfairly in connection with:
在以下方面做出不诚实或不公平的行为：
(i) any assessment for admission to the University; or
本校的任何招生评估；或
(ii) the preparation or presentation of any assignment or material in support of an application for admission to the University; or
为申请入读本校而准备或展示作业或材料；或
- (l) makes a statement to the University, or to an officer or employee of the University, that the student knows to be false (including the provision of a falsified medical certificate or falsified academic transcript); or
向本校或本校的官员或雇员做出其明知为虚假的陈述（包括提供伪造的医疗证明或伪造的学业成绩单）；或
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- (m) engages in, or is party to, conduct intended to deceive the University (including the provision of a falsified medical certificate or falsified academic transcript); or
从事或参与意图欺骗本校的行为（包括提供伪造的医疗证明或伪造的学业成绩单）；或
- (n) contravenes the University's instructions to students at, or in relation to, an examination.
违反本校向学生做出的考试指示或与考试有关的指示。

Examples for paragraph (b)

(b) 段的例子

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

违反《1900年刑法》（首都领地）第61B章（亲密观察或拍摄视觉数据等），第72C章（未经同意散播亲密图像）或第72E章（威胁拍摄或散播亲密图像）的行为。

[Note: An example of the operation of a provision is not exhaustive and may extend the operation of the provision (see *Acts Interpretation Act 1901* (Cwlth.), section 15AD and *Legislation Act 2003* (Cwlth), section 13(1)(a)).]

【注：一项规定的实施示例并不详尽，该规定的实施可能会延伸（请参见《1901年法令解释法》（联邦）第15AD章和2003年立法法（联邦）第13章第（1）（a）款）。】

Part/部分 3— Consequences of misconduct 不当行为的后果

7 Reporting misconduct etc. 举报不当行为等

- (1) If any person considers that a student has, or may have, engaged in conduct that is misconduct, the person may report the student's conduct to the Vice-Chancellor or a prescribed authority.
如果任何人认为学生有不当行为或可能有不当行为，则可以向校长或指定人士举报学生的行为。
- (2) To remove any doubt, if a prescribed authority considers that a student has, or may have, engaged in conduct that is misconduct, the prescribed authority may report the student's conduct to the Vice-Chancellor or another prescribed authority.
为了免生疑问，如果指定人士认为学生有不当行为或可能有不当行为，则指定人士可将学生的行为报告给校长或其他指定人士。
- (3) If the Vice-Chancellor or a prescribed authority (the **relevant authority**) considers that a student has, or may have, engaged in conduct that is misconduct, the relevant authority may exercise functions under this instrument in relation to the student's conduct even though the relevant authority has not received a report under this section about the conduct.
如果校长或指定人士（**有关人士**）认为学生有不当行为或可能有不当行为，即使相关机构尚未收到本章中有关行为的报告，有关人士也可就该学生的行为行使本立法文件规定的职能。

8 Respondent and complainant in relation to conduct 与行为有关的被投诉人和投诉人

- (1) This section applies if:
本章适用于：
 - (a) a report is made under section 7 (Reporting misconduct etc.) about the conduct of a student; or
根据第 7 章（举报不当行为等）做出关于学生行为的报告；或
 - (b) the Vice-Chancellor or a prescribed authority decides under section 7 to exercise functions under this instrument in relation to the conduct of a student.
校长或指定人士根据第 7 章决定行使本立法文件中与学生的行为有关的职能。
- (2) For the purposes of this instrument, the student may be referred to as the **respondent**.
就本立法文件而言，该学生可被称为**被投诉人**。
- (3) For the purposes of this instrument, each of the following may be referred to as the **complainant** in relation to the conduct:
就本立法文件而言，涉及以下行为各人可被称为**投诉人**：
 - (a) if this section applies because a report is made under section 7—the person who makes the report or, if the report is made on behalf of another

person who is a student, the other person;

如果是因为根据第 7 章做出了报告而本章适用，则为做出该报告的人，或者，如果该报告是代表其他学生做出的，则为其他学生；

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

在任何情况下，如果该行为影响或可能影响某位学生，那么为该学生。

9 Keeping complainant informed 及时告知投诉人

- (1) This section applies if:

本章适用于：

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

根据第 7 章（举报不当行为等）做出关于学生行为的报告；或

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

校长或指定人士根据第 7 章决定行使本立法文件中与学生的行为有关的职能。

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

校长或指定人士可不时以口头或书面形式将以下事项告知投诉人：

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

是否已根据本立法文件或以其他方式针对该行为采取了任何行动；

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

如果尚未针对该行为采取任何行为或特定行为，则告知投诉人针对该行为或该特定行为（包括任何调查结果）不采取行动的理由；

- (c) if action has been taken in relation to the conduct—the action taken in relation to the conduct, the reasons for taking that action (including any finding made) and the outcome of that action;

如果已就该行为采取了行动，则告知投诉人就该行为采取的行动，采取该行动的理由（包括任何调查结果）以及该行动的结果；

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

是否根据申诉规则或针对该行为启动了任何程序，以及程序的性质、结果以及导致该结果的原因；

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

校长或指定人士认为应告知投诉人的其他任何事项。

10 Prescribed authority's role

指定人士的角色

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

如果指定人士知悉学生（**被投诉人**）有不当行为或可能有不当行为，则指定人士必须首先决定是否应根据本立法文件针对被投诉人的行为采取行动。

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

指定人士如果认为存在以下情况，那么可以决定不根据本立法文件对被投诉人采取行动：

- (a) that there are not adequate grounds for believing that the respondent engaged in the conduct or that the conduct is misconduct (or both); or
没有充分的理由认为被投诉人从事了该行为或认为该行为是不当行为（或两者兼有）；或
- (b) that it is otherwise not appropriate for action to be taken, or taken for the time being, in relation to the respondent under this instrument in relation to the conduct.

因其他理由不宜或暂时不宜就该行为对被投诉人采取行动。

Examples for paragraph (b)

(b) 段的例子

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

1 已经对该行为进行了刑事调查或诉讼。

2 The conduct is not University-related conduct.

2 该行为不是与本校有关的行为。

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

如果指定人士根据第（2）款做出决定，则该指定人士必须在做出该决定后的5个工作日内，将此决定书面通知被投诉人。

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

为了免生疑问，如果指定人士认为暂时不宜根据本立法文件就该行为对被投诉人的行为采取行动，则本立法文件并不阻止指定人士、另一指定人士或校长随后决定不再根据本立法文件就该行为对被投诉人采取行动。

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

如果指定人士决定根据本立法文件就被投诉人的行为采取行动，并认为有充分理由相信被投诉人从事了该行为并且该行为是不当行为，则指定人士可以：

- (a) decide to hold an inquiry into the conduct; or
决定对该行为进行调查；或
- (b) refer the conduct to the Vice-Chancellor, if the prescribed authority considers that the conduct should be dealt with by the Vice-Chancellor and the conduct was not referred to the prescribed authority by the Vice-Chancellor under section 12(5)(a) (Powers of, and action by, Vice-Chancellor).

如果指定人士认为该行为应由校长处理，且校长未根据第 12（5）（a）章（校长的权力和采取的行动）将对该行为的处置权转交给该指定人士，则应由校长负责处理。

- (6) If the prescribed authority decides to hold an inquiry into the conduct, the prescribed authority must, within 5 working days after the day the decision is made, give the respondent a written notice that:

如果指定人士决定对行为进行调查，则指定人士必须在做出决定之日后的 5 个工作日内，书面通知被投诉人：

- (a) tells the respondent about the decision, including the name of the prescribed authority; and
告知被投诉人该决定，包括指定人士的姓名；并
- (b) includes a description of the conduct to be inquired into; and
包括对要调查的行为的描述；并
- (c) includes, or is accompanied by, copies of the material in the possession of the prescribed authority on which the prescribed authority may rely in the inquiry; and
包括或附有指定人士所持有并将作为调查依据的材料的副本；并
- (d) states the date, time and place fixed for the hearing of the inquiry; and
说明调查听证的日期、时间及地点；并
- (e) includes, or is accompanied by, a statement to the effect that:
 - (i) the purpose of the inquiry is to decide whether there has been misconduct by the respondent and that the powers of the prescribed authority include power to find that there has been misconduct by the respondent; and
调查的目的是确定被投诉人是否曾有不当行为，而指定人士的权力包括查明被投诉人是否有不当行为的权力；和
 - (ii) the inquiry will be conducted in an informal way; and
调查将以非正式方式进行；以及
 - (iii) the respondent may appear in person at the inquiry; and
被投诉人可以亲自出席调查听证会；以及
 - (iv) if the respondent does not appear at the time and place fixed for the hearing of the inquiry, the inquiry may be held in the absence of the respondent; and
如被投诉人没有在规定的时间及地点出席为调查而设的听证会，可在被投诉人缺席的情况下进行调查；以及

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- (v) the respondent may present to the inquiry oral or written statements (whether made by the respondent or another person); and
被投诉人可以向调查方提交口头或书面陈述（无论是由被投诉人还是其他人做出）；以及
 - (vi) the respondent may, in addition to or instead of appearing in person at the inquiry, give the inquiry a written statement about the conduct being inquired into (whether made by the respondent or another person); and
除了亲自出席调查之外或作为亲自出席调查的代替方式，被投诉人可以向调查方提交书面陈述，说明被调查的行为（无论是由被投诉人还是其他人做出）；以及
 - (vii) the respondent may be accompanied at the inquiry by another person who may observe the proceedings and, with the express approval of the prescribed authority, act as an advocate; and
可以由另一人陪同被投诉人调查，陪同者可以旁观该程序，并在指定人士的明确批准下担任辩护人；以及
 - (viii) the prescribed authority is not bound by rules of evidence.
指定人士不受证据规则约束。

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

除非事先征得被投诉人同意，否则必须在听证日期前至少提前 5 个工作日通知被投诉人。

11 Additional interim powers of prescribed authority

指定人士的其他临时权力

(1) If, in a case to which section 10(1) (Prescribed authority's role) applies, the prescribed authority is satisfied that the respondent is likely to have engaged in conduct that is misconduct, the prescribed authority may, before holding an inquiry into the conduct:

在适用第 10（1）章（指定人士的角色）的情况下，如果指定人士确信被投诉人可能有不当行为，则可在进行调查之前：

- (a) deny the respondent access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for 20 working days (or, if the Vice-Chancellor sets a longer period by written notice given to the respondent, the longer period); or
禁止被投诉人在 20 个工作日内（或者，如果校长通过以书面通知的方式给被投诉人设置了更长的期限，则以该期限为准）使用本校一切设施和场所、本校任何场所或任何场所的任何部分、或参加由本校或代表本校进行的一切或任何活动；或
- (b) if conduct was engaged in during an examination or other assessment—
exclude the respondent from attendance at that examination or assessment.

如果该行为发生在考试或其他评估期间，则可禁止被投诉人参加考试或评估。

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

【注：对于与信息基础设施或服务有关的某些行为，可以根据信息基础设施和服务规则采取行动。】

- (2) However, the prescribed authority may, under subsection (1)(a), deny the respondent access to facilities, premises or activities only if the prescribed authority considers that the conduct is of a nature that causes imminent and serious risk to the health or safety of a person or that the respondent's continued access to the facilities, premises or activities otherwise presents a serious risk to the University or its students, staff or property.
但是，只有在指定人士认为该行为的性质会给某人的健康或安全造成迫在眉睫的严重风险时，或认为被投诉人继续使用设施、场所或参与活动会对本校或本校学生、教职员或财产构成严重威胁时，该指定人士才可以根据第（1）（a）款拒绝被投诉人进入设施、场所或参与活动。
- (3) Also, the prescribed authority may, under subsection (1)(b), exclude the respondent from attendance at examination or other assessment only if the prescribed authority's considers that the exclusion is necessary to preserve the integrity of the examination or other assessment or order and decorum at the place of the examination or other assessment.
此外，只有在指定人士认为为了确保考试或其他评估的诚信度或秩序和礼仪，有必要将被投诉人排除在外时，才可根第（1）（b）款禁止被投诉人参加考试或其他评估。
- (4) If the prescribed authority takes action under subsection (1) in relation to the respondent, the prescribed authority must, as soon as is possible:
如果指定人士根据第（1）款对被投诉人采取行动，则指定人士必须尽快：
(a) tell the respondent in writing about the action taken; and
书面告知被投诉人所采取的行动；并
(b) give the respondent a written statement of the reasons for the decision to take the action; and
向被投诉人提供书面陈述，说明采取该决定的理由；并
(c) report the action taken, and the circumstances relating to it, to the Vice-Chancellor.
向校长报告所采取的行动及相关情况。
- (5) If the prescribed authority takes action under subsection (1) in relation to the respondent, the action does not, of itself, terminate the respondent's enrolment as a student.
如果指定人士根据第（1）款对被投诉人采取了行动，则该行动本身不会终止被投诉人的注册入读资格。

12 Powers of, and action by, Vice-Chancellor 校长的权力和行动

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

如果校长知道学生（**被投诉人**）已经有不当行为或可能有不当行为，并且该行为未由指定人士处理，则校长必须首先决定是否应根据本立法文件就被投诉人的行为对其采取行动。

- (2) The Vice-Chancellor may decide that action should not be taken in relation to the respondent in relation to the conduct if the Vice-Chancellor considers:

考虑到下列因素，校长可以决定不对被投诉人的行为采取行动：

- (a) that there are not adequate grounds for believing that the respondent engaged in the conduct or that the conduct is misconduct (or both); or
没有充分的理由认为被投诉人从事了该行为或认为该行为是不当行为（或两者兼有）；或
- (b) that it is otherwise not appropriate for action to be taken, or taken for the time being, in relation to the respondent under this instrument in relation to the conduct.

因其他理由不宜或暂时不宜就该行为对被投诉人采取行动。

Examples for paragraph (b)

(b) 段的例子

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

1 已经对该行为进行了刑事调查或诉讼。

2 The conduct is not University-related conduct.

2 该行为不是与本校有关的行为。

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

如果校长根据第（2）款做出决定，则校长必须在做出决定之日后的 5 个工作日内，以书面形式将其决定告知被投诉人。

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

为了免生疑问，如果校长认为暂时不宜根据本立法文件就该行为对被投诉人采取行动，则本立法文件并不妨碍校长或指定人士随后决定不再根据本立法文件就该行为对被投诉人采取行动。

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

如果校长决定应根据本立法文件就该行为对被投诉人采取行动，并认为有充分理由相信被投诉人从事了该行为并且该行为是不当行为，校长可以：

- (a) refer the conduct to a prescribed authority to be dealt with by the prescribed authority under this Part and Part 4 (Inquiries); or

将该行为转交给指定人士，由其根据本部分和第 4 部分（调查）处理；或

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- (b) refer the conduct to a panel of persons appointed by the Vice-Chancellor for inquiry into the conduct on behalf of the Vice-Chancellor; or
将该行为转交给校长任命的调查组，以代表校长调查该行为；或
- (c) decide to hold an inquiry into the conduct.
决定对该行为进行调查。
- (6) If the Vice-Chancellor decides to deal with the conduct under subsection (5)(b) or (c), the Vice-Chancellor must, within 5 working days after the day the decision is made, give the respondent a written notice that:
如果校长决定根据第（5）（b）或（c）款处理该行为，则校长必须在做出决定之后的5个工作日内，书面通知投诉人：
- (a) tells the respondent about the decision; and
告知被投诉人该决定；并
- (b) includes a description of the conduct to be inquired into; and
包括对要调查的行为的描述；并
- (c) includes, or is accompanied by, copies of the material in the possession of the Vice-Chancellor on which the panel or the Vice-Chancellor may rely in the inquiry; and
包括或附有校长所持有的，并且调查组或校长用作调查依据的材料的副本；并
- (d) if a panel has been appointed under subsection (5)(b)—tells the respondent the names of the members of the panel; and
如已根据第（5）（b）款委任调查组，则告知被投诉人调查组成员的姓名；并
- (e) states the date, time and place fixed for the hearing of the inquiry; and
说明调查听证的日期、时间及地点；并
- (f) includes, or is accompanied by, a statement to the effect that:
包括或随附具备下列效果的陈述：
- (i) the purpose of the inquiry is to decide whether there has been misconduct by the respondent and that the powers of the Vice-Chancellor include the power to find that there has been misconduct by the respondent; and
调查的目的是确定被投诉人是否曾有不当行为，而校长的权力包括查明被投诉人是否有不当行为；以及
- (ii) the inquiry will be conducted in an informal way; and
调查将以非正式方式进行；以及
- (iii) the respondent may appear in person at the inquiry; and
被投诉人可以亲自出席调查听证会；以及
- (iv) if the respondent does not appear at the time and place fixed for the hearing of the inquiry, the inquiry may held in the absence of the respondent; and
如果被投诉人没有在为规定的时间及地点出席调查听证会，可在被投诉人缺席的情况下进行调查；以及
- (v) the respondent may present to the inquiry oral or written statements (whether made by the respondent or another person); and
被投诉人可以向调查方提交口头或书面陈述（无论是由被投诉人还是其他人做出）；以及
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- (vi) the respondent may, in addition to or instead of appearing in person at the inquiry, give the inquiry a written statement about the conduct being inquired into (whether made by the respondent or another person); and

除了亲自出席调查之外或作为亲自出席调查的代替方式，被投诉人可以向调查方提交书面陈述，说明被调查的行为（无论是由被投诉人还是其他人做出）；以及

- (vii) the respondent may be accompanied at the inquiry by another person who may observe the proceedings and, with the express approval of the Chair of the panel or the Vice-Chancellor (as the case requires), act as an advocate; and

可以由另一人陪同被投诉人调查，陪同者可以旁观该程序，并在调查组主席或校长（视情况而定）的明确批准下担任辩护人；和

- (viii) the panel or the Vice-Chancellor (as the case requires) is not bound by rules of evidence.

调查组或校长（视情况而定）不受证据规则的约束。

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

但是，如果校长在根据第（6）款向被投诉人发出通知时，尚未根据第（5）（b）款指定调查组的所有成员，则校长必须随后书面通知被投诉人，将调查组成员的姓名告知被投诉人。

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

除非事先征得投诉人同意，否则第（6）款所指的通知及第（7）款所规定的任何通知，必须在听证会日期前至少提前 5 个工作日送达被投诉人。

- (9) If the Vice-Chancellor appoints a panel under subsection (5)(b), the panel must consist of 2 members of the academic staff of the University (one of whom is to be appointed as the Chair of the panel) and 1 student appointed by the Vice-Chancellor after consultation with the President of the Australian National University Students' Association Inc. or the Australian National University Postgraduate and Research Students' Association Inc., as the case requires.

如果校长根据第（5）（b）款任命调查组，则该调查组必须包括本校 2 名学术人员（其中一名将被任命为调查组主席），并且视情况而定，还包括由校长与澳大利亚国立大学学生会主席或澳大利亚国立大学研究生会主席协商后任命的 1 名学生。

13 Additional interim powers of Vice-Chancellor

校长的其他临时权力

- (1) If, in a case to which section 12(1) (Powers of, and action by, Vice-Chancellor) applies, the Vice-Chancellor is satisfied that the respondent is likely to have engaged in conduct that is misconduct, the Vice-Chancellor may, before an inquiry is held into the conduct:

在适用第 12（1）章（校长的权力和采取的行动）的情况下，如果校长信纳被投诉人可能从事了不当行为，那么校长可以在对该行为进行调查之前：

- (a) deny the respondent access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for a specified period or until the inquiry has been completed and its finding dealt with under this instrument, whichever happens first; or 禁止被投诉人使用本校一切设施和场所、本校任何场所或任何场所的任何部分、或参加由本校或代表本校进行的一切或任何活动，禁止期为指定期限或者直到调查结束并且已根据调查结果和本立法文件进行处理（二者以先发生者为准）；或
- (b) if conduct was engaged in during an examination or other assessment— exclude the respondent from attendance at that examination or assessment.

如果该行为发生在考试或其他评估期间，则可禁止被投诉人参加考试或评估。

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

【注：对于与信息基础设施或服务有关的某些行为，可以根据信息基础设施和服务规则采取行动。】

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

但是，只有在校长认为该行为的性质会给某人的健康或安全造成迫在眉睫的严重风险时，或认为被投诉人继续使用设施、场所或参与活动会对本校或其学生、职员或财产构成严重威胁时，才可以根据第（1）（a）款禁止被投诉人进入设施、场所或参与活动。

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

此外，只有在校长认为为了确保考试或其他评估的诚信度或秩序和礼仪，有必要将被投诉人排除在外时，才可根第（1）（b）款禁止被投诉人参加考试或其他评估。

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

如果校长根据第（1）款对被投诉人采取行动，则校长必须尽快：

- (a) tell the respondent in writing about the action taken; and 书面告知被投诉人所采取的行动；并
- (b) give the respondent a written statement of reasons for the decision to take the action.

向被投诉人提供书面陈述，说明采取该决定的理由。

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

如果校长根据第（1）款对被投诉人采取行动：

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

该行为本身不会终止被投诉人的学生注册；并且

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

被投诉人可在第（4）款得到执行之日起 10 个工作日内，向校长就该行动提交书面陈述。

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

如果被投诉人根据第（5）（b）款提交了书面陈述，则校长必须予以考虑，并且必须尽快决定是否更改或结束上述禁止期。

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

如果校长根据第（6）款做出决定，则校长必须尽快：

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

以书面形式将该决定告知被投诉人；并且

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

如果决定不结束禁止期，并且不按照被投诉人的要求改变该决定，则应给被投诉人提供书面陈述，说明做出该决定的理由。

Part/部分 4— Inquiries 调查

14 Inquiries 调查

- (1) A prescribed authority, a panel appointed under section 12(5)(b) (Powers of, and action by, Vice-Chancellor) or the Vice-Chancellor may hold an inquiry into conduct of a student (the **respondent**).
指定人士，根据第 12（5）（b）章（校长的权力和行动）任命的调查组或校长可对学生（**被投诉人**）的行为进行调查。
 - (2) The Registrar may appoint a person to assist the person or panel holding the inquiry to conduct the inquiry into the conduct.
教务长可委任一人协助主持调查的人或调查组对有关行为进行调查。
 - (3) The person or panel holding the inquiry must consider any oral or written statement presented by the respondent to the inquiry and may consider any other matters that the person or panel considers appropriate.
主持调查的人或调查组必须考虑被投诉人对调查提交的任何口头或书面陈述，也可考量自己或调查组认为适当的其他事项。
 - (4) The respondent must be given the opportunity at the inquiry to comment on the material in the possession of the person or panel holding the inquiry on which the person or panel intends to rely.
在进行调查时，必须给被投诉人机会就调查人或调查组持有并将作为依据的材料发表评论。
 - (5) The inquiry must, subject to this section, be conducted in the way that the person or panel holding the inquiry decides.
在符合本章规定的情况下，调查必须以主持调查的人或调查组决定的方式进行。
 - (6) The person or panel holding the inquiry may act in an informal way and is not bound by the rules of evidence, but may inform itself on any matter as the person or panel considers just.
主持调查的人或调查组可以采取非正式的方式行事，不受证据规则的约束，但可以就其本人或调查组认为合理的任何事项了解事实。
 - (7) At the inquiry, the respondent may:
在调查中，被投诉人可以：
 - (a) appear in person; and
亲自出席；并且
 - (b) present to the inquiry oral or written statements (whether made by the respondent or another person); and
向调查方提交口头或书面陈述（不论是由被投诉人或他人做出）；并
 - (c) in addition to or instead of appearing in person, give the inquiry a written statement about the conduct being inquired into (whether made by the respondent or another person).
除亲自出席或作为亲自出席的替代选择外，还可提交一份有关所调查行为的书面陈述（无论是由被投诉人还是其他人做出的）。
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- (8) At the inquiry, the respondent may be accompanied by another person who may:
在调查中，被投诉人可以由另一人陪同，该陪同者可以：
- (a) observe the proceedings; and
旁观程序；并
 - (b) with the express approval of the person or panel holding the inquiry, act as an advocate.
在主持调查的人或调查组的明确批准下，担任辩护人。
- (9) If the respondent was given notice of the inquiry in accordance with section 10(6) and (7) (Prescribed authority's role) or section 12(6), (7) and (8) (Powers of, and action by, Vice-Chancellor), the person or panel holding the inquiry may exercise its powers whether or not the respondent is present at the hearing of the inquiry.
如果根据第 10（6）和（7）章（指定人士的角色）或第 12（6），（7）和（8）章（校长的权力和行动）通知了被投诉人，则无论被投诉人是否出席调查听证会，主持调查的人或调查组均可行使其权力。

15 Finding and action: prescribed authority 调查结果与行动：指定人士

- (1) This section applies if a prescribed authority holds an inquiry under section 14 (Inquiries) into conduct of a student (the **respondent**).
如指定人士根据第 14 章（调查）对学生（**被投诉人**）的行为进行调查，则本章适用。
- (2) The prescribed authority may, after considering the matter, find:
指定人士在调查研判后，可认定：
- (a) that the respondent has not engaged in conduct that is misconduct; or
被投诉人没有从事不当行为；或
 - (b) that the respondent has engaged in conduct that is misconduct.
被投诉人有不当行为。
- (3) If the prescribed authority finds that the respondent has not engaged in conduct that is misconduct, the prescribed authority must dismiss any proceeding by the prescribed authority under this instrument in relation to the conduct inquired into.
如果指定人士认定被投诉人没有从事不当行为，则该指定人士必须撤销其根据本立法文件对所调查的行为进行的任何程序。
- (4) If the prescribed authority finds that the respondent has engaged in conduct that is misconduct, the prescribed authority may do 1 or more of the following:
如果指定人士认定被投诉人有不当行为，可采取以下 1 项或多项行动：
- (a) decide to take no action;
决定不采取任何行动；
 - (b) reprimand the respondent;
训诫被投诉人；
 - (c) deny the respondent access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for a specified period of no longer than 12 months;
在不超过 12 个月的期限内，禁止被投诉人使用本校全部或任何设施、进入

所有本校场所、本校任何场所或本校场所的任何部分，或参加由本校或代表本校进行的全部或任何活动；

- (d) suspend the candidature or enrolment of the respondent in a program or course in which the respondent is admitted or enrolled, and prohibit the resumption of candidature or enrolment, for a specified period of no longer than 12 months;
在不超过 12 个月的期限内，暂停被投诉人已经被录取或注册的项目或课程的候选资格或注册资格，并禁止恢复该候选资格或注册资格；
- (e) determine the conditions under which the respondent may attend classes or lessons, use any facility of the University, or otherwise continue with the respondent's studies or research program;
确定被投诉人可以上课或入读课程、使用本校的任何设施或继续进行学习或研究计划的条件；
- (f) refer the matter to the Vice-Chancellor, if the prescribed authority considers that the misconduct should be dealt with by the Vice-Chancellor;
如果指定人士认为该不当行为应由校长处理，则转交给校长处理；
- (g) require the respondent to apologise, or take the other action the prescribed authority considers appropriate, with a view to mitigating the effect of the misconduct;
要求被投诉人道歉，或采取指定人士认为适当的其他行动，以减轻不当行为的影响；
- (h) accept an undertaking from the respondent, including, for example, an undertaking to attend University Counselling (or another appropriate counselling provider) to address behavioural issues;
接受被投诉人的承诺，包括例如承诺接受本校（或其他适当的咨询提供方）就被投诉人的行为问题所提供的咨询服务；
- (i) tell any relevant professional, government or other organisation or agency about the finding and any action taken in relation to it.
将调查结果以及与此有关的任何行动告知任何相关的专业人士、政府或其他组织或机构。

- (5) In deciding what action (if any) should be taken in relation to respondent, the prescribed authority must take all relevant matters into account, including, for example, the following:

在决定应针对被投诉人采取何种行动（如有）时，指定人士必须考虑所有相关事项，例如，包括以下内容：

- (a) the health and safety of students and staff of the University, and the protection of University property;
本校学生和教职员工的健康和​​安全，以及对大学财产的保护；
 - (b) the objectives of punishment, deterrence and rehabilitation;
处罚、威慑和改过自新的目标；
 - (c) the nature and severity of the respondent's misconduct;
被投诉人的不当行为的性质和严重性；
 - (d) the effect of the misconduct, including any loss, damage or harm caused to the University or its students, staff or property.
不当行为的后果，包括对大学或其学生，教职员工或财产造成的任何损失、损害或伤害。
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- (6) Without limiting subsection (5), the prescribed authority may take into account any other finding of misconduct made in relation to the respondent and the action (if any) taken in relation to that finding.

在不限第（5）款的规定下，指定人士可考虑就被投诉人不当行为的任何其他调查结果，以及就该结果而采取的行动（如有的话）。

- (7) If the prescribed authority exercises powers under this section in relation to the respondent, the prescribed authority must report the action taken, and the circumstances relating to it, to the Vice-Chancellor as soon as possible after the action is taken.

如果指定人士根据本章对被投诉人行使权力，则指定人士必须在采取行动后尽快向校长报告所采取的行动及与之有关的情况。

- (8) If the prescribed authority suspends the respondent's candidature or enrolment under this section, the suspension does not take effect until the later of the following:

如果指定人士根据本章暂停了被投诉人的候选或注册资格，则暂停的生效时间以下列情况中的较晚者为准：

- (a) the end of the time within which the respondent may apply for review under the Appeals Rule of the prescribed authority's decision;

被投诉人可根据申诉规则对指定人士的决定申请复议的时间结束时；

- (b) if the respondent applies for review of the decision under the Appeals Rule—the application for review is finally decided.

如果被投诉人根据申诉规则申请对该决定进行复议，则为复议申请最终被裁定的日期。

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

【注：即使已根据《申诉规则》提出了复议申请，但根据本章禁止使用设施、场所或参加活动的命令仍将继续有效（见《申诉规则》第 11 章）。】

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

然而，指定人士可通过书面通知的方式，告知被投诉人暂停决定立即生效。

- (10) The prescribed authority may give a direction under subsection (9) only if the prescribed authority considers that there would be an imminent and serious risk to the health or safety of students or staff of the University, or to University property, if the direction were not given.

只有在指定人士认为如果不这么做，会对学生或职员的健康或安全或本校财产安全造成迫在眉睫的严重风险时，才可以根据第（9）款做出这种指示。

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

如果指定人士根据第（4）（c）或（d）款对被投诉人采取了行动，则该行动本身不会终止或暂停被投诉人的注册资格。

16 Finding and action: Vice-Chancellor

调查结果与行动：校长

- (1) This section applies if a panel appointed under section 12(5)(b) (Powers of, and action by, Vice-Chancellor), or the Vice-Chancellor, holds an inquiry under section 14 (Inquiries) into conduct of a student (the **respondent**).
如果根据第 12 (5) (b) 章 (校长的权力和行动) 任命的调查组或校长根据第 14 章 (调查) 对学生 (**被投诉人**) 的行为进行调查, 则本章适用。
- (2) The Vice-Chancellor may, after considering the matter (including, if the inquiry was held by the panel, any report or recommendation of the panel), find:
校长在调查研判后 (如果调查组进行了调查, 那么包括考量调查组的所有报告或建议), 可能会认定:
 - (a) that the respondent has not engaged in conduct that is misconduct; or
被投诉人没有从事不当行为; 或
 - (b) that the respondent has engaged in conduct that is misconduct.
被投诉人有不当行为。
- (3) If the Vice-Chancellor finds that the respondent has not engaged in conduct that is misconduct, the Vice-Chancellor must dismiss any proceeding under this instrument in relation to the conduct inquired into.
如果校长认定被投诉人没有不当行为, 则校长必须撤销根据本立法文件对所调查行为进行的任何程序。
- (4) If the Vice-Chancellor finds that the respondent has engaged in conduct that is misconduct, the Vice-Chancellor may do 1 or more of the following:
如果校长认定被投诉人有不当行为, 则校长可以采取以下一项或多项措施:
 - (a) decide to take no action;
决定不采取任何行动;
 - (b) reprimand the respondent;
训诫被投诉人;
 - (c) deny the respondent access to all or any University facilities, to all University premises, any University premises or any part of University premises, or to all or any activities conducted by or on behalf of the University, for a specified period;
在指定期限内, 禁止被投诉人使用本校全部或任何设施、进入所有本校场所、本校任何场所或本校场所的任何部分, 或参加由本校或代表本校进行的全部或任何活动;
 - (d) impose on the respondent a monetary penalty of not more than \$500 for each occurrence of misconduct to which the finding relates;
对于调查结果提及的每项不当行为, 对被投诉人处以不超过 500 澳元的罚款;
 - (e) if, as a result of the misconduct, property was damaged or a person incurred expense—order the respondent to pay the owner of the property or the person who incurred the expense, as the case requires, compensation determined by the Vice-Chancellor;
如果由于不当行为而导致财产损坏或人员开支, 可命令被投诉人向财产的所有人或支出费用的人 (视情况而定) 支付由校长确定的赔偿金;

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- (f) exclude the respondent from the University;
禁止被投诉人入学;
- (g) suspend the candidature or enrolment of the respondent in a program or course in which the respondent is admitted or enrolled, and prohibit the resumption of candidature or enrolment, for a specified period of no longer than 12 months;
在不超过 12 个月的期限内，暂停被投诉人已经被录取或注册的项目或课程的候选资格或注册资格，并禁止恢复该候选资格或注册资格;
- (h) determine the conditions under which the respondent may attend classes or lessons, use any facility of the University, or otherwise continue with the respondent's studies or research program;
确定被投诉人可以上课或入读课程、使用本校的任何设施或继续进行学习或研究计划的条件;
- (i) accept an undertaking from the respondent, including, for example, an undertaking to attend University Counselling (or another appropriate counselling provider) to address behavioural issues;
接受被投诉人的承诺，包括例如承诺接受本校（或其他适当的咨询提供方）就被投诉人的行为问题所提供的咨询服务;
- (j) tell any relevant professional, government or other organisation or agency about the finding and any action taken in relation to it;
将调查结果以及与此有关的任何行动告知任何相关的专业人士、政府或其他组织或机构;
- (k) determine that the relevant award for the program the student is studying should not be conferred;
决定不授予该学生所学项目相关的文凭;
- (l) recommend to the Council that an award of the University conferred on the respondent be revoked.
建议理事会撤销颁发给被投诉人的本校文凭。
- (5) In deciding what action (if any) should be taken in relation to the respondent, the Vice-Chancellor must take all relevant matters into account, including, for example, the following:
在决定对被投诉人采取何种行动（如有）时，校长必须考虑所有相关事项，例如，包括以下内容:
- (a) the health and safety of students and staff of the University, and the protection of University property;
本校学生和教职员工的健康和安全，以及对大学财产的保护;
- (b) the objectives of punishment, deterrence and rehabilitation;
处罚、威慑和改过自新的目标;
- (c) the nature and severity of the respondent's misconduct;
被投诉人的不当行为的性质和严重性;
- (d) the effect of the misconduct, including any loss, damage or harm caused to the University or its students, staff or property.
不当行为的后果，包括对大学或其学生，教职员工或财产造成的任何损失、损害或伤害。
- (6) Without limiting subsection (5), the Vice-Chancellor may take into account any other finding of misconduct made in relation to the respondent and the action (if
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any) taken in relation to that finding.

在不限制第（5）款的情况下，校长可考虑对被投诉人做出的任何其他不当行为的调查结果，以及就该调查结果采取的行动（如有的话）。

- (7) If the respondent becomes liable to pay the University or another person a monetary penalty or compensation under a decision under this section, the respondent must pay the University or other person the amount of the penalty or compensation, or enter into an arrangement for its payment satisfactory to the Vice-Chancellor or the other person (as the case requires), not later than 20 working days after:

如果被投诉人有责任根据本章的规定向本校或其他人支付罚款或赔偿，则在不迟于以下时间之后的 20 个工作日内，被投诉人必须向本校或其他人支付罚款或赔偿金额，或达成令校长或相关人员满意的付款安排（视情况而定）：

- (a) if an application for review is not made under the Appeals Rule in relation to the decision—the day the respondent is given notice of the decision under section 17 (Notice of decisions); or

如果被投诉人未根据申诉规则对有关决定提出复议申请，则为根据第 17 章（裁定通知）将裁定告知被投诉人的日期；或

- (b) if an application for review is made under the Appeals Rule in relation to the decision—the day the application for review is finally decided.

如果被投诉人根据申诉规则对有关决定提出了复议申请，则为复议申请最终被裁定的日期。

- (8) If the Vice-Chancellor suspends the respondent's candidature or enrolment under this section, the suspension does not take effect until the later of the following:

如果校长根据本章暂停了被投诉人的候选或注册资格，则暂停的生效时间以下列情况中的较晚者为准：

- (a) the end of the time within which the respondent may apply for review under the Appeals Rule of the Vice-Chancellor's decision;

被投诉人可根据申诉规则对校长的决定申请复议的时间结束时；

- (b) if the respondent applies for review of the decision under the Appeals Rule—the application for review is finally decided.

如果被投诉人根据申诉规则申请对该决定进行复议，则为复议申请最终被裁定的日期。

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

【注：即使已根据《申诉规则》提出了复议申请，但根据本章禁止使用设施、场所或参加活动的命令仍将继续有效（见《申诉规则》第 11 章）。】

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

但是，校长可通过书面通知的方式，告知被投诉人暂停决定立即生效。

- (10) The Vice-Chancellor may give a direction under subsection (9) only if the Vice-Chancellor considers that there would be an imminent and serious risk to the health or safety of students or staff of the University, or to University property, if the direction were not given.

只有在校长认为如果不这么做，会对学生或职员的健康或安全或本校财产安全有迫在眉睫的严重风险时，才可以根据第（9）款做出指示。

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

如果校长根据第（4）（c）或（g）款对被投诉人采取行动，则该行动本身不会终止或暂停被投诉人的注册资格。

17 Notice of decisions

决定的通知

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

如果指定人士或校长（**有关人士**）根据第 15 章（调查结果与行动：指定人士）或第 16 章（调查结果与行动：校长）做出决定，则有关人士必须在做出决定之日后 5 个工作日内，将决定书面通知被投诉人和教务长。

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

该通知必须包括，或附有做出该决定的理由的说明。

- (3) Without limiting subsection (1), the notice must:

在不限第（1）款的前提下，该通知必须：

- (a) specify the conduct to which the decision applies; and

指明该决定适用的行为；并且

- (b) if the decision is that the respondent did not engage in conduct that is misconduct—tell the respondent that no further action is to be taken under this instrument in relation to the conduct; and

如果该决定认为被投诉人没有不当行为，那么告知被投诉人不会根据本立法文件就该行为采取进一步行动；并且

- (c) if the decision is that the respondent did not engage in conduct that is misconduct—tell the respondent about the action taken by the relevant authority in relation to the conduct, that the respondent may apply for review of the decision under the Appeals Rule, and how and by when an application for review must be made.

如果该决定认为被投诉人有不当行为，那么告知被投诉人有关人士对该行为采取的行动，以及被投诉人可以根据申诉规则申请对该决定进行复议，以及必须以何种方式、在何时提出复议申请。

18 Undertaking by respondent

被投诉人的承诺

- (1) If the prescribed authority or the Vice-Chancellor (the **relevant authority**) accepts the respondent's undertaking under section 15(4) (Finding and action: prescribed authority) or section 16(4) (Finding and action: Vice-Chancellor) in relation to a finding of misconduct:

如果指定人士或校长（**有关人士**）根据第 15（4）章（调查结果和行动：指定人士）或第 16（4）章（调查结果和行动：校长）以及关于不当行为的调查结果，接受了被投诉人的承诺：

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- (a) the relevant authority must give a written copy of the undertaking to the respondent and the Registrar; and
有关人士必须将该承诺书的书面副本提供给被投诉人和教务长；且
- (b) if the respondent contravenes the undertaking, the relevant authority may take action under that subsection in relation to the misconduct.
如果被投诉人违反承诺，则有关人士可根据该款对不当行为采取行动。
- (2) In deciding what action (if any) to take under section 15(4) or 16(4) (as the case requires), the relevant authority may take into account the respondent's contravention of the undertaking and any explanation provided by the respondent for the contravention.
在决定根据第 15（4）章或第 16（4）章（视情况而定）采取何种行动（如有）时，有关人士可考虑被投诉人违反该承诺的情况，以及被投诉人对违反承诺行为的任何解释。
- (3) Subsection (2) does not limit the matters that the relevant authority must or may take into account.
第（2）款并不限制有关人士必须或可能考虑的事项。

19 Effect of denial of access

禁止使用设施或参与活动的影响

If, under this instrument, a student is denied access to facilities, premises or activities, the student must not:
如果根据本立法文件，学生被禁止使用设施、场所或参与活动，则该学生不得：

- (a) use any facility to which the student is denied access; or
使用禁止其使用的任何设施；或
- (b) enter any premises, or the part of any premises, to which the student is denied access; or
进入禁止其进入的任何场所或该场所的任何部分；或
- (c) engage in any activity to which the student is denied access.
参与学生被禁止参加的任何活动。

20 Exclusion of student from University

禁止学生入学

If, under this instrument, a person is excluded from the University, the person ceases to be a student and, except with the permission of the Vice-Chancellor:
如果根据本立法文件禁止学生入学，则被禁止者将不再是学生，并且除非获得校长的许可，否则：

- (a) must not be enrolled again; and
不得再次注册；且
- (b) must not use any University facility, or enter any University premises or any part of University premises, that the Vice-Chancellor determines the person must not use or enter; and
不得使用校长决定禁止其使用的任何本校设施，或进入禁止其进入的任何本校场所或本校场所的任何部分；且
- (c) must not engage in any activities conducted by or on behalf of the University at the University or at a place other than the University.
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不得参加在本校或本校以外的地方由本校进行的或代表本校进行的任何活动

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Part/部分 5— Failure to meet obligations 未能履行义务

21 Failure to meet obligations by due date 未能按时履行义务

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

如果某人在下列时限内未履行其义务，校长可以终止此人的学生注册资格，禁止其使用本校全部或任何设施、进入本校所有场所或任何场所，或参与本校进行或代表该本校进行的全部或任何活动，或取消此人原本应享有的权利和特权：

- (a) within 10 working days after the due date determined in accordance with a University statute, rule or order or by the Vice-Chancellor, as the case requires; or
在根据本校法规、规则或命令或校长（视情况需要）决定的到期日后的 10 个工作日内；或
- (b) within any further period determined by the Vice-Chancellor.
在校长决定的任何进一步期间内。

- (2) The termination of the enrolment of the person as a student, the denial of access of a person to facilities, premises or activities, or the withdrawal of a person's rights and privileges, under subsection (1) does not extinguish any undischarged liability of the person to meet an obligation.

根据第（1）款终止此人的学生注册，拒绝其进入设施、处所或参与活动或撤消其的权利和特权的，并不免除此人履行未尽义务的责任。

- (3) If the Vice-Chancellor takes action under subsection (1) in relation to a person, the Vice-Chancellor must tell the person in writing about the action.

如果校长根据第（1）款对某人采取行动，则校长必须以书面形式将行动告知此人。

22 Re-enrolment following suspension 停学之后再次注册

A person whose enrolment as a student has been suspended may not re-enrol until the person pays any fees owed by the person under the Fees Rule (including late fees) and agrees to comply with any conditions that the Vice-Chancellor may impose in relation to the revived enrolment.

任何已被停学的学生，除非其缴付其根据《学费规则》所欠的任何费用（包括滞纳金），并同意遵守校长就重新注册所施加的任何条件，否则不得重新注册。

23 Liability of persons financially supported by third parties 受第三方资助者的责任

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

校长可以接受第三方代表受资助者做出履行义务的承诺。

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

但是，如果第三方未履行义务，则受资助者本人仍应承担责任。

24 Sanctions against persons who fail to meet obligations

对不履行义务者的制裁

(1) Without limiting section 21 (Failure to meet obligations by due date), if a person fails to meet an obligation that the person is required to meet, the Vice-Chancellor may direct that, while the obligation remains to be met:

在不限第 21 章（未能按时履行义务）的前提下，如果某人未履行要求其履行的义务，则校长可以指示在其尚未履行义务时：

- (a) the person may not enrol or re-enrol in a program or course at the University; or
此人不得注册或重新注册本校项目或课程；或
- (b) the person may not be given a transcript of the person's academic record; or
不向此人提供学术成绩单；或
- (c) the person may not be given the results of any assessment in a course or program; or
不向该人提供课程或项目的任何评估结果；或
- (d) the person may not receive a degree, diploma, certificate or other award of the University.
不授予此人本校的学位、文凭、证书或其他文凭。

(2) If the Vice-Chancellor gives a direction under subsection (1) in relation to a person, the Vice-Chancellor must tell the person in writing about the direction.

如果校长根据第（1）款的规定做出关于某人的指示，则校长必须以书面形式将该决定告知此人。

Part/部分 6— Review and call-in of decisions 复议和收回决定

25 Meaning of reviewable decision 可复议的决定的定义

- (1) The following decisions under this instrument are **reviewable decisions**:
符合本立法文件规定的下列决定是**可复议的决定**:
- (a) a decision under section 11(1) (Additional interim powers of prescribed authority) to deny a student access to facilities, premises or activities or to exclude a student from attendance at an examination or other assessment;
根据第 11 (1) 章 (指定人士的其他临时权力) 做出的, 禁止学生进入设施、场所或参与活动, 或禁止学生参加考试或其他评估的决定;
 - (b) a finding by a prescribed authority under section 15(2)(b) (Finding and action: prescribed authority) that a student has engaged in conduct that is misconduct;
指定人士根据第 15 (2) (b) 章 (调查及行动: 指定人士) 做出的学生有不当行为的调查结果;
 - (c) a decision by a prescribed authority under section 15(4) to take action in relation to a student (including the action taken);
指定人士根据第 15 (4) 章做出的对学生采取行动的決定 (包括所采取的行动);
 - (d) a direction by a prescribed authority under section 15(9) that a suspension is to take effect immediately;
指定人士根据第 15 (9) 章做出的立即生效的暂停决定;
 - (e) a finding by the Vice-Chancellor under section 16(2)(b) (Finding and action: Vice-Chancellor) that a student has engaged in conduct that is misconduct;
校长根据第 16 (2) (b) 章 (调查结果与行动: 校长) 做出的学生有不当行为的调查结果;
 - (f) a decision by the Vice-Chancellor under section 16(4) to take action in relation to a student (including the action taken);
校长根据第 16 (4) 章做出的对学生采取行动的決定 (包括所采取的行动);
 - (g) a decision by a prescribed authority or the Vice-Chancellor under section 18 (Undertaking by respondent) to take action in relation to a student (including the action taken).
指定人士或校长根据第 18 章 (被投诉人的承诺) 做出的对学生采取行动的決定 (包括所采取的行动)。

[Note: The decisions specified in this subsection are discipline decisions and reviewable decisions under the Appeals Rule (see Appeals Rule, sections 5 and 6).]
【注: 本款规定的决定是《申诉规则》下的纪律处罚决定和可复议决定 (请参阅《申诉规则》第 5 和 6 章)。】

- (2) However, if, under section 27 (Vice-Chancellor may call in decision), the Vice-Chancellor calls in a decision mentioned in subsection (1) and makes a decision as if the Vice-Chancellor were the original decision-maker, the decision of the original decision-maker ceases to be a **reviewable decision**.
但是, 如果校长根据第 27 章 (校长可收回决定) 的规定收回第 (1) 款所述的决定

，并且做出决定（如同校长是该决定的原决策者一样），则原决策者的决定将不再是 **可复议的决定**。

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

【注：如果已根据《申诉规则》提出了要求复议该决定的申请，则校长不得收回可复议的决定（请参阅第 27（2）章。）】

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

为了免生疑问，在校长根据第 27（1）章做出决定之后做出的第（1）款所述的决定是 **可复议的决定**。

- (4) To remove any doubt, the following decisions are not **reviewable decisions**:

为了免生疑问，以下决定不是 **可复议的决定**：

- (a) a decision of the Vice-Chancellor under section 27(1) to call in a decision for reconsideration;

校长根据第 27（1）章做出收回决定进行重新考虑的决定；

- (b) a decision by an Appeals Committee under the Appeals Rule.

申诉委员会根据《申诉规则》做出的决定。

26 Review of reviewable decisions

对可复议决定的复议

The Appeals Rule provides for the review of reviewable decisions.

申诉规则规定了对可复议决定的复事项。

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

【注：《申诉规则》规定，当事人可根据该规则（包括规定的时限）申请复议可能影响其学生身份的可复议决定（参见《申诉规则》第 9 章）。】

27 Vice-Chancellor may call in decision

校长可收回决定

- (1) If the Vice-Chancellor considers that a reviewable decision made (including any action taken) in relation to a student is inappropriate in the circumstances of the case, the Vice-Chancellor may, by written notice, call in the decision for reconsideration.

如果校长认为在个案情况下做出的有关学生的可复议决定（包括所采取的任何行动）是不合适的，则可通过书面通知收回该决定以便进行重新考虑。

- (2) However, the Vice-Chancellor may not call in the decision if an application for review of the decision has been made under the Appeals Rule.

但是，如果当事人已经根据申诉规则提出了要求复议该决定的申请，则校长不得收回决定。

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

校长必须将该通知的副本提供给学生。该通知必须包含或附有收回该决定的理由说明。

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- (4) The Vice-Chancellor must give the student an opportunity to make submissions in relation to the reasons why the decision has been called in.
校长必须给学生机会，就收回该决定的原因提交意见。
- (5) After taking into account the submissions (if any) made by the student, the Vice-Chancellor may make a decision as if the Vice-Chancellor were the original decision-maker of the decision.
考虑了学生提交的意见（如果有）后，校长可以做出决定（如同校长是该决定的原决策者一样）。
- (6) The decision made by the Vice-Chancellor operates, on and from the day it is made, as if it were the decision made by the original decision-maker.
校长做出的决定自做出之日起立即生效（如同校长是该决定的原决策者一样）。
- (7) If the Vice-Chancellor makes a decision under subsection (5), the Vice-Chancellor must, as soon as possible:
如果校长根据第（5）款做出决定，则校长必须尽快：
- (a) tell the student in writing about the decision; and
以书面方式告知学生；并
 - (b) give the student a written statement of reasons for the decision.
给学生提供书面陈述，说明做出决定的理由。

Part/部分 7— Miscellaneous 其他

28 Nominees for University officials

本校官员的被提名人

(1) A University official may, in writing, appoint a member of the staff of the University (the **nominee**) to exercise all or any of the official's functions under this instrument (other than this section).

本校官员可通过书面方式委任一名本校职员（**被提名人**），以行使该官员在本立法文件下（除本章之外）的全部或任何职能。

(2) A function exercised by the nominee under the appointment is taken to have been exercised by the University official.

被提名人根据该项委任行使职能，会被视为是由该官员行使了职能。

(3) This section does not prevent the University official from exercising a function in relation which the nominee has been appointed.

本章并不妨碍本校官员行使被提名人已获委任的职能。

(4) In this section:

在本章中：

University official means:

本校官员指：

(a) the Vice-Chancellor; or 校长；或

(b) the Registrar; or

教务长；或

(c) a prescribed authority.

指定人士。

29 Multiple processes

多个程序

(1) This section applies if it appears that a student has engaged in conduct that:

如果学生似乎从事了以下行为，则本章适用：

(a) may be academic misconduct within the meaning of the Academic Misconduct Rule; and

可能是学术不端行为规则所指的学术不端行为；以及

(b) may be misconduct within the meaning of this instrument.

可能是本立法文件所指的不当行为。

(2) To enable the processes under the Academic Misconduct Rule to proceed:

为了使学术不端行为规则下的程序得以进行：

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

根据本立法文件进行调查的指定人士可暂停调查；或

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

教务长或校长可暂停根据本立法文件进行的调查或其他程序。

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

如果已完成学术不端行为规则下的程序，或者在当前情况下似乎不适合暂停，则指定人士、教务长或校长可以重新开始调查或其他程序。

30 Extension of time

延长时限

(1) The Registrar may extend a time limit under this instrument.

教务长可延长此立法文件下的时限。

(2) In deciding whether to extend a time limit, the Registrar must take into account:

在决定是否延长时限时，教务长必须考虑：

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

申请延期的理由；以及

(b) the period of extension; and

延长的时间；以及

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

允许延期可能会导致的权益侵害（如果有）。

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

延期不得超过合理需要的时间。

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

即便已经超过了时限，仍可行使延长时限的权利。

31 Service of notices etc.

递送通知等

(1) This section applies to a notice or other document that is required or permitted to be served on an individual under this instrument (whether the word 'give', 'notify', 'send', 'tell' or another word is used).

本章适用于根据本立法文件向个人递送通知或其他文件（无论使用“给予”、“通知”、“发送”、“告知”或其他词语）。

(2) The document may be served on an individual:

文件可通过下列方式递送给个人：

(a) by giving it to the individual; or

递送给其本人；或

(b) by sending it by prepaid post, addressed to the individual, to an address shown in the University's records as the individual's semester address, work address or permanent home address; or

通过预付信件的方式将其寄给此人本人，寄到学校记录中显示的个人该学期地址、工作地址或永久家庭地址；或

(c) by emailing it to:

通过发送电邮到:

- (i) if the individual is a student at the University—an email address provided by the University to the individual; or
如果此人是本校的学生—发至本校提供给该名学生的电邮地址; 或
- (ii) if the individual is not a student at the University—an email address otherwise recorded by the University as the individual's email address.
如果此人不是本校的学生—则为学校记录中此人的电子邮件地址。

(3) A document served by post on an individual under subsection (2)(b) is taken to have been served on the day it would have been delivered in the ordinary course of post.

根据第(2)(b)款以邮递方式递送个人的文件, 在以正常的邮递方式应该送达当日即被视为已送达。

(4) A document served by email on an individual under subsection (2)(c) is taken to have been served on the day it would be received in the ordinary course of email transmission.

根据第(2)(c)款以电子邮件递送给个人的文件, 在以正常的电子邮件传送方式应该送达的当日, 即被视为已送达。

32 Repeal etc.

废止等

(1) The *Discipline Rule 2017* is repealed.

废除《2017年纪律规则》。

(2) To remove any doubt, a reference in a rule, order or other document of the University to the **Discipline Rules** (whether with or without the year of its making or the year and number of the year of its making) includes a reference to this instrument.

为了免生疑问, 本校的规则、命令或其他文件中提及《纪律规则》时(无论是否包含制定规则的年份或其年份编号)均指此立法文件。

33 Transitional

过渡

(1) To remove any doubt, this instrument applies to a decision taken, or a proceeding commenced but not concluded, before the commencement of this section.

为消除任何疑问, 本立法文件适用于在本章生效之前做出的决定, 或已开始但尚未结束的程序。

(2) This section is additional to, and does not limit, the following provisions:

本章是对下列规定的补充, 并且不对这些规定产生限制:

(a) the *Acts Interpretation Act 1901*(Cwlth.), section 7;

《1901年法案解释法》(联邦), 第7章;

(b) the Interpretation Statute, section 9.

《解释法规》第9章。

Translated on 28 February 2020

Source <https://www.legislation.gov.au/Details/F2018L00319>