

THE AUSTRALIAN NATIONAL UNIVERSITY

Australian National University (Residential Colleges Affiliation) Statute 2021

The Council of the University makes the following statute.

Dated 7 December 2021

The Hon Julie Bishop
Chancellor

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Part 1—Preliminary

1 Name

This is the *Australian National University (Residential Colleges Affiliation) Statute 2021*.

2 Commencement

This instrument commences on 1 January 2022.

3 Authority

This instrument is made under the *Australian National University Act 1991 (the Act)*, section 50 (Statutes).

4 Definitions

In this instrument:

Affiliated College means a residential college granted affiliation by University.

Residential College means an independent entity which provides accommodation and services to benefit and support students and which holds a lease to operate premises on the campus of the University.

[Note: To avoid any doubt it does not include a hall of residence operated by the University or managed on behalf of the University by a third party.]

Service Quality Framework means the implementation of standards in six key areas: governance and management; service accessibility; responding to individual need; safety, wellbeing and inclusion; feedback, complaints and appeals; and human resources.

Student means a person who is enrolled in a course of study with the University or another higher education institution.

University Community means staff, students, visiting and honorary appointees, Council members and other affiliates at clinical or placement sites, and includes contractors, campus visitors, and volunteers.

[Note: For definitions applying to University legislation generally, see the dictionary in the Legislation Statute. That dictionary defines terms relevant to this instrument, including the following:

- contravene
- hall of residence
- University legislation.]

5 Rules

- (1) The Council or Vice-Chancellor may make Rules and other instruments, not inconsistent with this Statute, for affiliation of residential colleges giving effect to this Statute.

6 Repeals

- (1) The *Residential Colleges Affiliation Statute 2013* and *Residential Colleges Affiliation Rules 2013* are repealed.

7 Application of Legislation Statute

- (1) The Legislation Statute, section 26 (Repeal of University legislation) applies to the repeal of university legislation.
- (2) For the Legislation Statute, section 26 the provisions of this Part 4 are transitional provisions.

Part 2—Affiliation of Residential Colleges and Reporting Requirements

8 Eligibility for affiliation

- (1) To be eligible for affiliation, a Residential College must meet the following criteria:
 - (a) demonstrate appropriate corporate governance controls including the adoption of a constitution;
 - (b) have internal complaint handling mechanisms which are in accordance with best practice standards;
 - (c) impose eligibility criteria for residents;
 - (d) demonstrate implementation of processes and delivery of services which protect the safety and wellbeing of residents and other members of the University Community as well as a commitment to supporting diversity and inclusion;
 - (e) have written rules, policies and procedures that require standards of behaviour for resident and non-resident members and visitors which are not inconsistent with the University's legislation and student code of conduct policies;
 - (f) implementation and demonstrated capacity to deliver upon a written and published Service Quality Framework; and
 - (g) demonstrated compliance with Australian laws including University legislation.

9 Application for affiliation

- (1) A Residential College may make an application in writing to the Vice-Chancellor to be granted affiliation.
- (2) The Vice-Chancellor will determine applications for affiliation based upon the eligibility criteria in accordance with section 8.
- (3) A decision to grant or refuse an application for affiliation must be made within three (3) months from the date of receipt and be accompanied by a statement of written reasons for the decision and identify the benefits of affiliation to be granted.

10 Benefits of affiliation

- (1) A Residential College which is granted affiliation may be permitted by the University to:
 - (a) occupy premises on the University campus subject to a lease;
 - (b) use the University's name and trademarks subject to any licence conditions imposed by the University and limited to carrying out the purposes related to subsection 10(1)(a);
 - (c) access University corporate, student welfare, security services and information technology and communication systems and other services associated with the terms of a lease with the University; and
 - (d) other benefits in consultation and as agreed by the Vice-Chancellor.

- (2) The grant of affiliation is subject to the limitations and conditions as:
 - (a) notified in writing to the Residential College by the Vice-Chancellor under this Statute; and
 - (b) prescribed under this instrument.

11 Eligibility of residents

- (1) To maintain its affiliation, a Residential College must:
 - (a) not permit a person to reside in their premises unless the person is a:
 - (i) Student, or
 - (ii) staff of the College; or
 - (iii) the partner or child of staff of the College.
 - (b) not impose a religious affiliation or observance as a condition of membership or residence;
 - (c) ensure at least 80% of the residents over the course of a calendar year are Students.
- (2) Notwithstanding subsection (11)(1), a person may stay in an Affiliated College under a short term agreement and while undertaking an educational or sessional program, contract role or activity associated with the University campus or with a resident or with an Affiliated College.

12 Provision of reports and information

- (1) An Affiliated College must provide an annual report to the Vice-Chancellor before the commencement of Term 1 each year setting out demonstrated compliance with affiliation eligibility.
- (2) An Affiliated College must provide to the Registrar of the University a copy or notice of any complaint from or about its residents that may result in suspension or exclusion from the Affiliated College or by the University under the Discipline Rule or the Academic Integrity Rule including all sexual assault and sexual harassment complaints, within five (5) days of receipt of complaint.

13 Appointment by the Vice-Chancellor

- (1) The Vice-Chancellor may appoint a person holding the position of Deputy Vice-Chancellor of the University to be a Representative Authority for a Residential College.
- (2) A Representative Authority shall undertake all functions necessary to give effect to this Statute or Rules except for determinations under section 8 and section 14.

Part 3—Action for contraventions

14 Suspension and Termination of Affiliation Status

- (1) The Council may, by written notice, tell an Affiliated College that suspension or termination action is to be taken if, in the Council's opinion, the Affiliated College has failed to comply with this Statute.
- (2) Before imposing suspension or termination, the Council must give the Affiliated College one (1) month to provide representations in reply to the notice.
- (3) Following receipt of any representations in response to a notice of suspension or termination, the Council may do any of the following:
 - (a) place conditions upon the College's affiliation status;
 - (b) make any other enquires deemed necessary;
 - (c) take any other action deemed necessary to maintain the good order and management of the University;
 - (d) suspend affiliation status for up to two (2) years; or
 - (e) terminate the affiliation.

Suspension

- (4) A notice to suspend:
 - (a) must:
 - (i) specify the reasons why the Council considers that the College was, or is, in contravention of this instrument or any other University legislation;
 - (ii) provide directions to remedy the contravention (including the timeframe those remedies are required);
 - (iii) state the possible sanctions which may be imposed;
 - (iv) where applicable, require the College to take immediate actions to protect the safety or wellbeing of members of the University Community or to prevent or reduce the risk of loss, damage or other harm (including reputational harm) to the University or members of the University Community;
 - (v) specify the period within which the suspension will be in place;
 - (vi) allow the College a reasonable opportunity, of not less than two (2) weeks, to make further representations including but not limited to why proposed action by the University should not be taken; and any proposed remedies.
 - (b) In addition, a notice to suspend may make a direction to:
 - (i) work cooperatively and collaboratively with the University in relation to any matter;
 - (ii) immediately stop using the University's name and trademarks; and
 - (iii) suspend any other benefits of affiliation.

Termination

- (5) A notice to terminate must:
 - (a) specify the reasons the Council considers that the Affiliated College was, or is, in contravention of this instrument;
 - (b) where applicable, require the Affiliated College to:

- (i) take immediate actions to protect the safety or wellbeing of members of the University Community or to prevent or reduce the risk of loss, damage or other harm (including reputational harm) to the University or members of the University Community;
 - (ii) work cooperatively and collaboratively with the University in relation to any matter.
- (c) In addition, a notice to terminate may make a direction to:
 - (i) immediately cease using the University's name and trademarks;
 - (ii) follow the process, in accordance with the lease, to terminate the lease; and
 - (iii) suspend any other benefits of affiliation.
- (6) The Council must not terminate an affiliation status unless satisfied that the contravention demonstrates gross negligence, a persistent course of conduct, or compromised the safety and security of a resident or member of the University Community.

15 Appeal

- (1) All decisions under this Statute are final within the University.

16 Notices

- (1) All notices under this Statute shall be issued by the University in writing to the governing body of a Residential College.

Part 4—Transitional Provisions

17 Transitional: existing College Affiliations

- (1) This section applies to an affiliation with the University that was in force under the repealed Statute.
- (2) To remove any doubt, an existing affiliation continues into force on and after the commencement day as if it had been granted under this instrument for a period of 12 months whereafter a Residential College will be required to make an application under this Statute and the first annual report under this Statute required 12 months after commencement.
- (3) This section does not limit any power of the Council or the Vice-Chancellor in relation to the Residential College, whether or not under this instrument or any other University legislation.