

## GENERAL REPRESENTATIVE REPORT

Lewis Pope

### Executive Summary

Note: this report is not so much a personal update as it is a project update. The project I am providing an update for is a critical analysis of the University's policies and other relevant governing instruments as they relate to the conduct of decision-makers in residences.

1. Areas of perceived weakness; aims
2. Areas necessary to be satisfactory
3. Analysis of the current situation

### Further Information

#### 1. Areas of perceived weakness; aims

Higher-ups are always going to disappoint some people in some way or another. While it cannot be eliminated, we should aim to minimise and explain perceived injustices. In my time at Hall, I was routinely dissatisfied with decisions made. In small communities, it is somewhat impractical to separate areas of power, but this leads to the unfortunate result that the Head and Deputy have relatively unfettered, unchecked, and unassailable powers of policy-setting and decision-making. To that improve this, I want to improve the following.

Actual and perceived arbitrariness should be minimised or eliminated.

Decision-making processes should be clear. The reasons for decisions should be available in writing to parties concerned. The bases on which decisions should be made should be made available publicly, so that residents can clearly understand processes.

The decision-makers should provide information in writing about all the options and avenues available to parties. The current situation where the decision-makers also govern so many other elements of residents' lives may, regardless of the conduct of the decision-makers, act to intimidate residents out of actively interrogating decisions and fully exploring their options.

Decision-makers should be protected from discipline in the university where prioritising resident welfare may be at odds with the university's best interests. To have this not be the case creates a very clear conflict of interests.

A concise summary of changes that would remedy perceived injustices: remedying situations where the process does not *prioritise student welfare appropriately*; providing *clear considerations* in how decisions will be made; ensuring that all information on the grounds, considerations, and appeals of decisions is available to any party involved so that procedures are *properly followed and honestly*

*communicated*; ensuring that all information directly concerning any of the above is communicated or summarised *in writing*.

## **2. Areas necessary to be satisfactory**

Administrative law has many elements, most of which are applicable to decision-making in a residential environment. As this can get pretty legalistic (and I'm not an actual lawyer), this is just a quick plain-language summary. This is fleshed out in a pretty thorough way in Comcare's 'Better Practice Guidance to Decision Making'.

Decisions need to be lawful: the decision-maker has the power to make that decision, and must consider only what they are empowered to consider, ignoring what they are not allowed to consider.

Procedural fairness: anyone affected by a decision must be provided the opportunity to contribute, and be notified of the outcome; the decision-maker must have no conflicts of interest, or at least disclose them.

Decisions must be based on evidence, facts and findings.

A written statement of reasons is fundamental to administrative law. These statements must include (subject to applicable disclosure restrictions): the decision made, the findings involved, the evidence and reasons associated with the decision/findings, and any details of an appeals process.

Accountability is necessary, usually in the form of an external complaints body.

## **3. Analysis of the current situation**

To determine the satisfactoriness of the current situation, I contacted the ANU's Corporate Governance and Risk Office. When going to ANU's Policy Library, the subject area "Accommodation" is blank in every area, so I asked about this, and I was directed to numerous governing documents. What I have read so far is: *Combined Halls Handbook 2017*, *Occupancy Agreement (standard room)*, *Discipline Rules 2015* (and associated *Statute* and *Explanatory Statements*), *Halls of Residence Rules 2005* (and associated *Statute* and *Explanatory Statement*), *Residential Colleges Affiliation Statute 2013* (and associated *Explanatory Statement*), *Policy: Student Critical Incident*, and *Readmission to your residence*.

Many of the decisions to be made are obviously just incidental to the operation of the Hall, like whether or not to enter somebody's room. The decisions to be made that involve a significant amount of evaluation and discretion, by my assessment, are the following: whether to exclude a resident for disciplinary reasons, whether and how to discipline a resident by another means, whether to exclude or otherwise restrict a resident for other reasons (health, disability or arrears), whether to readmit a resident, and how to provide support to a resident after a critical incident.

Without going into huge detail, I have found that some governing of these things is quite comprehensive (for instance, the grounds to take action, and who is responsible for this, under the *Discipline Rules*). However, in other instances, like the readmissions process, while it lists the grounds for a decision, it had no considerations listed as to how these grounds should operate and how the decision

should be made. Even more troubling is that the decisions are explicitly unable to be reviewed!

I want to undertake an extremely thorough investigation into all the instances of decision-making and hold the university to account. At the least, I think we should seek a written guide that can be given to students when they are having a decision made that affects their interests, or are making a complaint, which spells out *exactly* the process they are subject to. While this information is technically publicly available, it is extremely hard to track down all the relevant information and centralise it. Furthermore these are not very accessible, as I doubt every single resident is capable of accurately processing jargon like “inter alia” (*Policy: Student critical incident, s 4*) or “deemed guilty of conversion” (*Occupancy Agreement, cl 10(d)*).

A centralised, and accessible guide to residents’ rights would also remove the risk of authorities in residences being accused of having deprived residents of any procedural fairness, as all the information they could require would be available there.

It seems that the rules provide inconsistently for good decision-making, and surely this is a fairly basic requirement of Halls at university. I will be aiming to scrutinise these in a highly detailed way so that these processes can be clear and we can avoid actual or perceived arbitrariness. Anyone who wants to help, whether you have an interest in halls or you’re a huge Admin nerd, would be more than welcome to join.

Also as a side note, there is an “Advisory Committee” of 5-9 people that is required to exist for every Hall and advise/scrutinise its operation. I was never aware of this existing in my time at Hall. Has this been done away with, or do we just not bother to have it?