

UNIVERSITY OF SYDNEY (EMERGENCY POWERS) RULE 2020

The Senate, as the governing authority of the University of Sydney, by resolution adopts the following Rule under subsection 37(1) of the *University of Sydney Act 1989 (as amended)* for the purposes of the *University of Sydney By-law 1999*.

Adopted on: 20 March 2020

Amended on:

Amendment effective from:

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1 Name of Rule

This is the *University of Sydney (Emergency Powers) Rule 2020*.

2 Commencement

This Rule commences on 23 March 2020.

3 Purpose of Rule

The purpose of this Rule is to provide for the exercise of emergency powers to vary or suspend the operation of another rule, in prescribed circumstances.

4 Interpretation

(1) In this Rule:

Act	means the University of Sydney Act 1989 (as amended) .
By-law	means the University of Sydney By-law 1999 .
emergency powers	means the emergency powers prescribed in subsection 5(1).
ex-officio representative of Senate	means the holder of any of the positions listed in subsection 6(1).
faculty	means a faculty constituted in accordance with the University of Sydney (Governance of Faculties and University Schools) Rule 2016 .
internal emergency	means: <ul style="list-style-type: none">• long-term disruption to significant business systems;• fire, flooding, smoke, destructive weather or other long-term damage to buildings or premises or threat to life;• spill or release of poison or hazardous materials;• mob violence or armed protest; and• attack on staff or students using a weapon or firearm.
rule	means a rule (other than this Rule) adopted by the Senate under subsection 37(1) of the By-law .
school	means a school within a faculty.
University school	means a University school that is not within a faculty, constituted in accordance with the University of Sydney (Governance of Faculties and University Schools) Rule 2016 .

(2) A heading to a Part or Schedule is a provision of this Rule. Other headings are not provisions of this Rule, but the number of a section or subsection is a provision of this Rule even if it is in a heading.

(3) A note, marginal note, footnote or endnote is not a provision of this Rule.

5 Exercise of emergency powers

(1) Subject to the requirements of this section, if the ex-officio representatives of the Senate reasonably form the opinion that circumstances exist that adversely affect the University's ability to exercise or fulfil its functions under the Act, they may vary or temporarily suspend the operation of:

(a) the [University of Sydney \(Coursework\) Rule 2014](#);

- (b) the [University of Sydney \(Higher Degree by Research\) Rule 2011](#);
 - (c) the [University of Sydney \(Student Appeals against Academic Decisions\) Rule 2006](#);
 - (d) the [University of Sydney \(Student Discipline\) Rule 2016](#); or
 - (e) any rule that amends or replaces them.
- (2) For the purposes of subsection (1), circumstances that may adversely affect the University's ability to exercise or fulfil its functions under the Act include, but are not limited to:
- (a) natural disasters;
 - (b) humanitarian disasters;
 - (c) health emergencies;
 - (d) terror attacks;
 - (e) cyber attacks; and
 - (f) internal emergencies.
- (3) For the purposes of subsection (1), the exercise of emergency powers may include:
- (a) suspending the operation of any section(s) or part(s) of a rule for a prescribed period; or
 - (b) varying the operation of any section(s) or part(s) of a rule:
 - (i) for a prescribed period;
 - (ii) for a designated cohort or group of students;
 - (iii) in respect of a designated unit of study;
 - (iv) in respect of a designated course; or
 - (v) in respect of students enrolled in courses offered by a particular faculty, school or University school.
- (4) The ex-officio representatives of Senate may extend or cancel any variation or temporary suspension of the operation of a rule made in accordance with subsection (1).
- (5) The ex-officio representatives of Senate must exercise emergency functions in accordance with the University's legal obligations, including State and Commonwealth anti-discrimination legislation.

6 Meeting of ex-officio representatives

- (1) For the purposes of this Rule, the ex-officio representatives of the Senate are the:
- (a) Chancellor, or if unavailable, the Chair of the Senate Finance and Audit Committee;
 - (b) Deputy Chancellor, or if unavailable, the Chair of the Senate People and Culture Committee;
 - (c) Vice-Chancellor, or if unavailable, the Senior Deputy Vice-Chancellor; and
 - (d) Chair of the Academic Board, or if unavailable, the Deputy Chair of the Academic Board.

- (2) The presence of all ex-officio representatives of Senate. (or their alternates as specified in subsection 6(1)), is required to constitute a meeting quorum.
- (3) A meeting of the ex-officio representatives may be held at any two or more venues simultaneously, using any technology that gives them a reasonable opportunity to participate.
- (4) Proxy votes will not be permitted.
- (5) A resolution or recommendation to exercise emergency functions will be put to the vote.
- (6) Every ex-officio representative has one vote.
- (7) A decision to exercise emergency functions must be unanimous.

7 Publication and report

- (1) The Secretary to Senate must publish a written notice of any variation or suspension of the operation of a rule within 48 hours of a decision to exercise emergency powers.
- (2) The Secretary to Senate must report any variation or suspension of the operation of a rule to the Senate meeting immediately following the exercise emergency powers.
- (3) Any written notice published or report made in accordance with this section must specify:
 - (a) the date of the exercise of emergency powers;
 - (b) the reasons for the exercise of emergency powers;
 - (c) the name of the rule whose operation is to be suspended or varied;
 - (d) the nature of the suspension or variation;
 - (e) any prescribed period for the suspension or variation; and
 - (f) that the suspension or variation was authorised by the ex-officio representatives of the Senate.

8 Record keeping

The exercise of emergency powers in accordance with this Rule will be documented through the proper creation, capture, management and maintenance of University records, in accordance with the University's [Recordkeeping Policy 2017](#).

NOTES

University of Sydney (Emergency Powers) Rule 2020

Date adopted: 20 March 2020

Date commenced: 23 March 2020

Related documents:

Age Discrimination Act 2004 (Cth)

Disability Discrimination Act 1992 (Cth)

Race Discrimination Act 1975 (Cth)

Disability Discrimination Act (Cth) 1992

Anti-Discrimination Act 1977 (NSW)

University of Sydney Act 1989 (NSW)

University of Sydney By-Law 1999 (NSW)

University of Sydney (Coursework) Rule 2014
University of Sydney (Governance of Faculties and University Schools) Rule 2016

University of Sydney (Student Appeals Against Academic Decisions) Rule 2006

University of Sydney (Student Discipline) Rule 2016

Recordkeeping Policy 2017

AMENDMENT HISTORY

Provision	Amendment	Commencing
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