

Panel Discussion – What Would You Do?

Legal Decision-Making Under Pressure Across the University





We join you today from the lands of the Whadjuk
Noongar people.

We acknowledge the Traditional Owners of Country
throughout Australia and their continuing connection
to land, waters and community.

We pay our respects to the people, the cultures and
their Elders past and present.

Your Facilitators



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Warm up

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nsw



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Getting warmer

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Rate your current workload using Chris Hemsworth:

0



Relaxed beach Hemsworth -
"Workload? What workload?"

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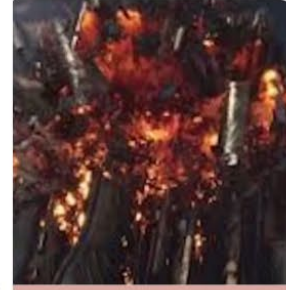
Casual Thor - "Busy but I've got this
under control"

0



Mid-battle Thor - "It's intense but
manageable"

0



Ragnarok Thor - "Everything is on
fire and I'm barely holding on"

0



Endgame Thor - "I've given up and
I'm eating my feelings"



The Reputational Firestorm

Timeframe: First 48 hours

Scenario: A PhD student posts a late-night thread alleging systemic mishandling of sexual assault complaints. The thread contains redacted screenshots of complaint correspondence and names two senior staff. By 7 a.m. the story is national. By midday, staff circulate an open letter seeking transparency, the Minister's office requests a briefing within 24 hours, one named staff member's lawyer demands the university protect their client's reputation, and a separate outlet publishes leaked details of an ongoing workplace investigation into one of the staff members.

Task: Legal is engaged at 7:45 a.m. to join a crisis committee to advise in real time on:

- defamation exposure for university statements and for silence, including risks in correcting the record;
- confidentiality, privacy and academic freedom settings, and student discipline options with procedural fairness;
- whistleblower protections and whether they could plausibly apply;
- governance mechanics for rapid decisions, including who signs off and how to document the basis; and
- safe media posture that protects legal position while addressing public concerns.

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Firestorm - Initial legal recommendation?

0 Holding statement that defends process and flags independent review



0 Targeted legal letter to outlet correcting specific inaccuracies

0 Internal triage and briefing to Minister within 24 hours, no public comment yet



0 Commence student conduct process, no public comment




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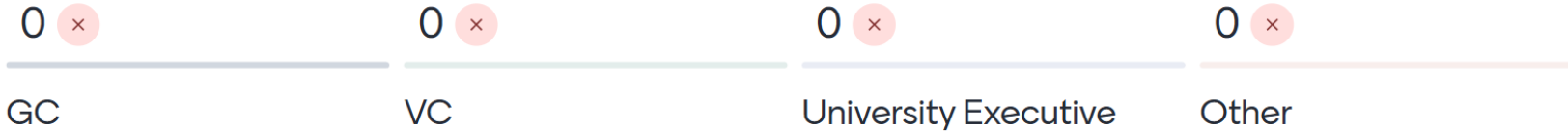
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Firestorm - Who should be decision maker of record for the first 24 hours?







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Firestorm - Biggest legal risk right now?



- ☐ Breach of confidentiality or privacy
- ☐ Denial of procedural fairness
- ☐ Governance failure
- ☐ Defamation



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Foreign Interference and Export Controls

Timeframe: 2 weeks to first decision, media risk immediate

Scenario: A school proposes a joint research lab with a high-profile overseas institute. Due diligence flags the institute as having links to a restricted military program. The lab would share advanced semiconductor tools and machine learning code. A postdoc on the project holds a passport from the same country. A shipment of controlled equipment is already booked, and an ARC grant milestone depends on installation this quarter.

Task: Legal is asked to map the risk and decision path (this is ideal, but frequently decisions have already been made and legal is patching everything up from behind). Advice covers:

- whether the technology or software is controlled under the Defence and Strategic Goods List, and whether a permit is required;
- sanctions exposure and counterparties screening, including end use assurances;
- foreign interference policy compliance, conflicts and disclosure expectations for staff and students;
- whether to pause or reshape the collaboration, and how to communicate with ARC and the partner;
- how to manage media, parliamentary and FOI risk if the arrangement becomes public; and
- the risk of cyber/data breach.

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Foreign interference - Immediate recommendation?

Pause shipment and seek permit advice

Proceed with revised scope that excludes controlled items

Cancel collaboration

Proceed with current plan



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Foreign interference - Biggest exposure?

Sanctions breach

Cyber/data breach

DSGL non-compliance

Research integrity and foreign interference

Reputational and government relations

Strongly disagree

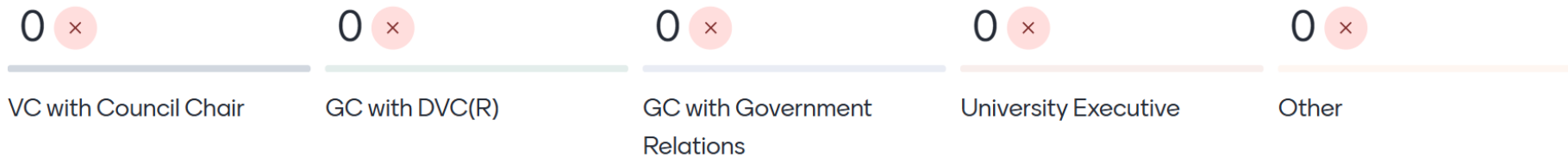
Strongly agree



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Foreign Interference - Who needs to authorise the approach?



Ask us anything

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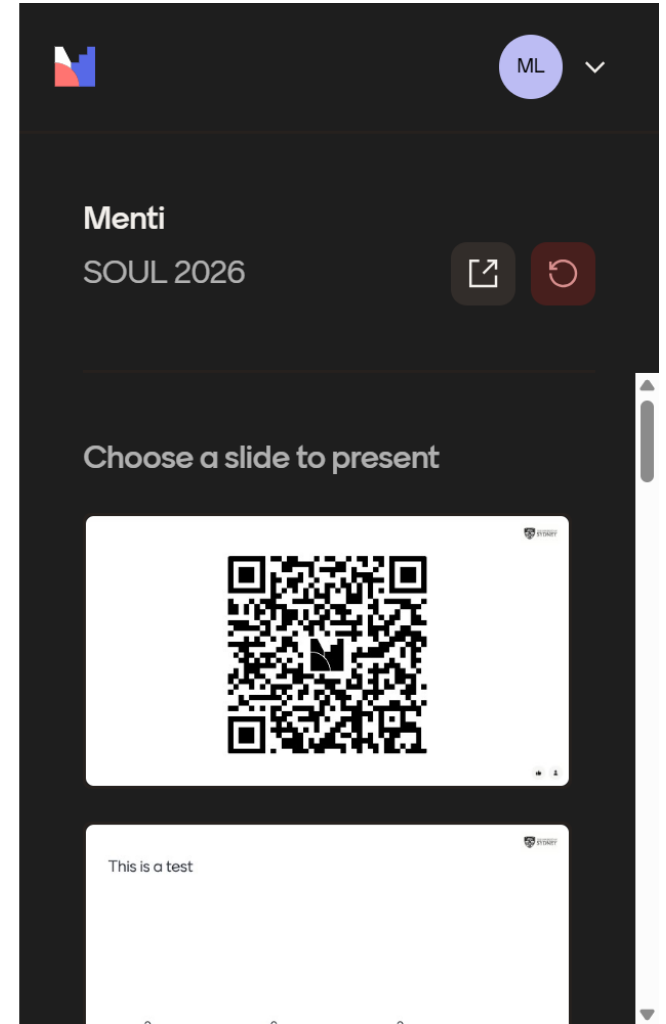
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What does GC stand for?

👍 0



✓ Answered



Bonus: The Donation and the Conflict

Timeframe: EOFY rush, 2 week overlap with procurement decision

Scenario: On 20 June, Development advises of a five-million-dollar Chair to be announced on 30 June. The donor is preferred tenderer on a fifty-million-dollar infrastructure project due for award in August. A senior donor executive is the brother-in-law of a Council member. A press release is drafted and the VC has told the donor the gift will be finalised by EOFY.

Task: Legal is asked to clear the documents within 24 hours and to brief the VC on risk. Advice is required on:

- conflict management under Council and Code requirements, including perceived conflicts;
- sequencing of acceptance versus procurement steps, and whether to defer or to proceed with conditions;
- need to escalate to Council for transparency and authority;
- clauses in the gift agreement to distance the gift from procurement outcomes; and
- media exposure if the timelines later appear linked.

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The Conflict - What path do you recommend?

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Approve with disclosures and conditions

0

Escalate to Council

0

Defer until tender decision

0

Decline



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i think so

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Rate your current workload using Chris Hemsworth:

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The Conflict - Biggest risk?

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Perceived corruption

0
Governance failure

0
Tender contamination

0
Media blowback



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The Conflict - Who needs to authorise the final approach?

