

# Residential College Code of Conduct

## Section 1 - Overview

(1) This Code outlines the principles, expectations and rules for the conduct of all College Members at the University of New England (UNE). College Members agree to abide by this Code when entering into an accommodation agreement with the Colleges.

## Section 2 - Scope

(2) This Code applies to all College Members, Affiliates and Visitors and must be read in conjunction with the documents listed in the Associated Information. It relates to:

- a. behaviour by College Members;
- b. activities at College Premises; and
- c. any college related activity including functions, excursions or activities organised or participated in by College Members, College Junior Common Room (JCR), College Club, other Affiliated Clubs or Associations, whether or not conducted on College Premises.

(3) The University [Student Behavioural Misconduct Rules](#) applies to all Students and are separate to this Code. If a complaint is made under the [Student Behavioural Misconduct Rules](#) then those Rules will apply and this Code will not apply. Otherwise, a breach of this Code may be dealt with in accordance with this Code.

(4) Colleges are living, study and work environments and all College Members and Staff have the right to:

- a. be treated courteously and fairly and be free from acts of violence, harassment, intimidation or discrimination;
- b. have their personal property protected;
- c. live and study in a safe and orderly environment; and
- d. have complaints considered fairly and acted upon promptly.

(5) Breaches of this Code may result in disciplinary action in accordance with the Code, the policies and rules of a Member's College and those of the University (including, without limitation, the University's [Student Behavioural Misconduct Rules](#)). Any unresolved question of interpretation regarding this Code should be referred to the Director UNE Residential System.

(6) A staff member acting as or delegated by the Director UNE Residential System can exercise the Director's delegations.

(7) College Staff and Student Leaders are entitled to respect at all times. College Members must:

- a. comply with reasonable directions of Staff, Student Leaders, Safety and Security Officers and Officers of public emergency services when performing their duties;
- b. identify themselves to Staff and Officers, as above, when requested to do so; and
- c. not obstruct Staff and Officers in the performance of their duties.

## Section 3 - Breach of Code

(8) Without limitation, a person to whom this Code applies may be found to be in breach of this Code by their:

- a. conduct involving acts or threats of violence (including but not limited to Sexual Assault), harassment (including but not limited to Sexual Harassment), intimidation, discrimination or racial vilification;
- b. behavior constituting abuse, threats, bullying, intimidation, coercion, deceit, or offensive conduct (whether by physical, verbal or electronic means including social media);
- c. disorderly or indecent conduct, breach of peace, or aiding, abetting or procuring another person to breach the peace on College or University Premises, or at activities (including excursions) participated in, sponsored by or otherwise substantially connected with a College or the University; and/or
- d. failure to comply with any express or implied obligation referred to in this document

(9) Breaches of the Code may be determined to be either a minor breach or a serious breach, including (without limitation), by having regard to the below and, in the first instance, will be addressed according to the Investigations, Penalties and Appeals clauses of this Code.

### Minor Breaches

(10) Represent first time breaches by a College Member; and/or

- a. have limited scope in terms of impact on other College Members; and/or
- b. incur no additional cost to rectify; and/or
- c. create no disruption to College services or amenity; and/or
- d. any other Level 1 behaviour as set out in [Appendix A: Residential College Code of Conduct Penalty Guidelines](#).

### Serious Breaches

(11) Threaten the physical or psychological safety or wellbeing of any College Member or Staff Member; and/or

- a. are the result of repeated breaches of this Code by the College Member concerned; and/or
- b. are of a premeditated or malicious nature; and/or
- c. have impact on a significant number of College Members; and/or
- d. disrupt good operations of the College; and/or
- e. cause additional cost to the College or University;
- f. any form of activity or action(s) that are considered inappropriate, offensive or not in keeping with the expectations of the University, not otherwise specified in this code; and/or
- g. any other Level 2 behaviour as set out in [Appendix A: Residential College Code of Conduct Penalty Guidelines](#).

## Section 4 - College Rules

### Safe, Respectful Relationships

(12) All Students are encouraged to engage in healthy, respectful and consensual relationships.

(13) Residents are reminded non-consensual sex is a serious crime. UNE's student Counselling Service, Student Grievance Unit, and community-based services provide comprehensive support and reporting mechanisms in cases of Sexual Assault.

(14) If you have witnessed an assault, or suspect someone you know has been assaulted, you can report your observations confidentially to the Head of College, the Student Grievance Unit, and/or the Armidale Police.

## **Initiation or Hazing**

(15) Initiation or hazing activities are prohibited. Hazing is any action or situation (with or without the consent of participants) used for the purpose of initiation, admission into, affiliation with or as a condition for continued membership or acceptance in a group. Hazing activities may be intentional or unintentional, may involve humiliation, discomfort, embarrassment or physical and/or emotional harm to any individual or group.

(16) Encouraging, initiating, participating in and/or supporting such activities is prohibited. Any retaliation against a person who reports, is a witness to, or cooperates with a hazing investigation, is strictly prohibited.

(17) Consent or willing participation will not be accepted as an excuse for hazing.

(18) If you have been hazed, have witnessed hazing or suspect someone you know has been hazed you can report your observations confidentially to the Head of College or the Student Grievance Unit.

## **Privacy**

(19) Each Resident is entitled to privacy and the safety of their property. Residents must respect other residents' property and their rooms. College Members must NOT:

- a. enter a Resident's room unless invited and must leave when requested to do so. An exception is the entry of Staff or Student Leaders to:
  - i. carry out required cleaning and maintenance,
  - ii. inspect property,
  - iii. uphold College Rules, or
  - iv. where there may be concerns for a Resident's safety; or
- b. impinge upon another Resident's privacy. Filming or photographing people without their consent may be considered a breach of privacy (and of University policies and/or current State or Federal laws), and may constitute criminal behaviour.

## **Personal and Interpersonal Safety**

(20) Residents must be able to care for themselves and safely participate in their College environment. They must avoid putting themselves or others at personal risk, whether or not on College or University premises. Residents should avoid undertaking dangerous activities which include, but are not limited to:

- a. climbing onto roofs of buildings, out of windows and along ledges;
- b. throwing of, or dropping from height (e.g. from balconies, windows) objects or projectiles; and
- c. driving any motorised vehicle or riding push bikes etc. in a dangerous manner or contrary to road rules.

(21) University can be a stressful time for all Students. The Residential System aims to provide a supportive, healthy and enriching environment for all residents. Pastoral support, mental health awareness, and referral to free, confidential counselling and GP medical services are available to help residents navigate through the daily challenges of student life and during those times when professional help is required. It is important to have a plan in place to manage setbacks if you have a health condition.

(22) Sometimes a person's behaviour can impact significantly upon the physical and psychological wellbeing of other residents. The Head of College considers the wellbeing of ALL Students when assessing situations where excessively demanding or interpersonally inappropriate behaviour is significantly impacting upon the living environment of others.

(23) Residents returning to College following treatment or absence for any serious health-related reason are strongly encouraged to inform the Head of College at any time, including after hours.

(24) Where there is risk to self and others, residents are strongly encouraged to report to Head of College for safety planning.

(25) Students who suffer accident or illness while living on residence, may have an ambulance called on their behalf.

(26) The Head of College (or nominee) may contact the resident's named emergency contact and/or next of kin in the event of any emergency involving the resident.

(27) Following incidents of high-risk behaviour residents may be required to develop a care plan in consultation with a health professional. This is a proactive measure intended to increase a student's professional support network and enhance their adjustment to College.

(28) In emergency situations, always call '000'. Then call UNE Safety & Security on 6773 2099 for assistance until emergency services arrive.

## **Alcohol and Other Drugs**

(29) College Members must comply with the University [Alcohol Management Policy](#) at all times. All individuals and groups organizing events involving alcohol consumption must observe licensing and other legal requirements. Customs that exert social pressure to drink to excess, particularly competitive, binge, or excessive drinking games and practices such as "all you can drink" events are not permitted.

### **Consumption of Alcohol**

(30) Residents aged 18 years and over are permitted responsible consumption of alcohol in their rooms or in small groups in social areas of a College, not designated as Alcohol Free Areas, subject to the guidelines below:

- a. all College Members must comply with the law in relation to alcohol whilst living in or staying at a College – breaches of these laws may be reported to the appropriate authorities;
- b. it is illegal for people under the age of 18 years to consume alcohol at any time or be supplied or served alcohol, including at College dinners or functions;
- c. residents aged 18 years and older are permitted to store small quantities of alcohol for responsible consumption in their rooms – these residents assume responsibility for alcohol stored in their rooms;
- d. where alcohol is sold or included in the ticket price for any College Function, a Liquor Licence must be obtained. For any function, the UNE [Alcohol Management Policy](#) must be adhered to at all times;
- e. all College Members and their guests attending such functions are required to comply with the law and related UNE policies and procedures;
- f. at all social functions in a College, at which alcoholic drinks are supplied, water and other non-alcoholic drinks and food must be available to manage intoxication levels;
- g. home brewing or distilling of alcohol on College Premises is prohibited;
- h. unless provided at a licensed event, kegs are only permitted on College Premises with the written authorisation of both the Head of College and an approval via the [UNE Event Registration Form](#). The alcohol content of kegs must be mid strength (3.5% Alcohol by Volume (ABV)) or less and served by a representative of the Licensee who is also trained in the Responsible Service of Alcohol (RSA);
- i. use of non-standard measures that encourage rapid or excessive consumption of liquor or prevent a student/s from monitoring or controlling their consumption (e.g., "rocket fuel"; yard glasses for skolling) is prohibited; and
- j. a College Member's consumption of alcohol must not negatively affect other College Residents.

(31) The effects of intoxication will not be accepted as an excuse for any breach of this Code or the UNE [Student Behavioural Misconduct Rules](#).

### **Alcohol Free Areas**

(32) All College Members must respect the rights of Residents living in an Alcohol Free Area and comply with the Rules governing an Alcohol Free Area.

(33) No alcohol can be stored or consumed in a designated Alcohol Free Area and no person is permitted in a designated Alcohol Free Area while under the influence of alcohol.

### **Smoking, E-Cigarettes and Vapes**

(34) The UNE's [Smoke-Free Workplace Protocol](#) is in force across the entire campus, including Colleges. This includes E-Cigarettes. College members who smoke may do so only within designated smoking areas.

### **Drugs**

(35) All Residents must comply with the law in relation to drugs while living in or staying in a College.

(36) Drugs, other than those prescribed by a medical practitioner, or available over the counter without prescription, are prohibited within the College.

(37) College Members are not permitted to misuse any drugs, dangerous substances or other chemicals, or offer, induce or compel other Residents to do so.

(38) Possession of equipment for use of prohibited drugs, possession, cultivation or growing, manufacture, distribution and use of illegal drugs and dangerous substances and other breaches of the relevant laws. All breaches of the relevant laws will be reported.

(39) Residents must report observations of illegal drug activity to the Head of College or the Student Grievance Unit. This information will be treated in confidence.

### **Social Media**

(40) Any misuse of any social media is considered a breach of this Code and may result in disciplinary action undertaken by the UNE Residential System and the University. Social media misuse can jeopardise your College residential status, Student leadership roles, enrolment at the University, and your future career. Posted material can be used as evidence against you in formal proceedings. Nothing posted on social media is private and anything posted is permanent and can be retrieved.

### **Communication Equipment and Behaviours**

(41) Residents must not use phones, computers or other equipment to harass, intimidate or infringe the privacy of other College Members or members of the public. A breach of this Rule may constitute serious breaches of either University policies or current State or Federal legislation and may constitute criminal behaviour.

### **Fire Safety**

(42) To minimise the risk of fire and to reduce the threat to life as a result of any incidents, Residents must:

- a. adhere to all fire codes and policies, at all times;
- b. acquaint themselves with the relevant fire safety procedures for their room, hall, floor, block and College. This includes knowledge of evacuation procedures and assembly points;

- c. not interfere with fire or smoke detection devices, fire extinguishers, hydrants, fire alarms or fire indicator panels;
- d. ensure their electrical equipment is safe and in good working order;
- e. not use candles, incense or electric heaters or other items that may cause fire in the College;
- f. not use an appliance or other equipment that may interfere with the fire protection systems, such as devices for boiling water, unless in a kitchenette; and
- g. only cook in kitchenette and communal kitchens. Residents must be in attendance at all times while preparing and cooking food (e.g., when using stoves, ovens, microwaves, sandwich irons and toasters).

## **Health, Safety and Welfare Equipment**

(43) A College Member must not, intentionally or recklessly, interfere with or misuse anything provided in the interests of health, safety and welfare under Workplace Health and Safety legislation and the UNE [Workplace Health and Safety Rule](#), such as fire-fighting or other fire safety equipment.

## **Offensive Materials**

(44) Any material, be it of an electronic or printed nature, that could be considered to be offensive must not be produced or displayed in any part of a College, or transmitted by any College Member. Any material deemed to be offensive will be removed or reported to the relevant site administration for removal.

## **Alleged Illegal Activity**

(45) If a College Member is alleged by a member of Staff to have engaged in illegal activity under the laws of any State, Territory or Commonwealth jurisdiction, the matter may be reported to the police within that jurisdiction for investigation.

## **College Reputation**

(46) A College name cannot be used without prior written approval from the relevant Head of College or the Director UNE Residential System. This includes stickers, posters, clothing and any publications, be they printed or electronic, which include the name of the College or any recognisable section of the College. College Members MUST:

- a. ensure that any publications, including on social networking sites, that have reference to a College, including its floors, blocks, courts and associations does not contain any offensive material;
- b. only use authorised College logos/brands to positively promote a College or the University;
- c. use UNE logos, names or brands in compliance with the UNE Brand Toolkit, and ONLY after the prior approval of the Head of College AND UNE Marketing has been obtained;
- d. when wearing or displaying College colours or symbols including College branded clothing, behave in a manner that reflects well on the College;
- e. obtain the Head of College permission for posters and other promotional materials for College-approved events (e.g., when promoting a College Ball); and
- f. behave in a responsible and appropriate manner that does not adversely affect the good reputation of the College, this includes (without limitation) respecting the right of neighbourhood residents and visitors to courtesy, privacy and quiet; and respecting and not causing damage to public property.

## **Good Operation of the College**

(47) It is important Colleges maintain a safe and orderly environment for their College Members. College Members and their guests must use College furniture and facilities appropriately and with due care.

## College and University Property

(48) College Members must contribute to the proper running of a College by NOT:

- a. causing damage to any College property;
- b. defiling College property through vomiting or urinating in shared or common areas;
- c. duplicating or using keys or access cards without the authorisation of the Head of College;
- d. entering or using College Premises without the authorisation of the Head of College;
- e. exchanging or changing the location of any College furniture or fixtures (in College grounds or beyond College grounds), or bringing in any unauthorised furniture, such as beds, into a College;
- f. removing non-disposable catering items from College dining halls;
- g. removing any supplies such as linen, pillows, and crockery from a College; or
- h. littering (including leaving cigarette butts on) College Premises.

(49) In addition to any penalty imposed, the costs of repair, replacement, cleaning or other costs associated with restoring good order after breaches of the above rules, will be charged to the College Member responsible for the damage concerned.

## Accommodation Rooms

(50) Residents are reminded as part of their Accommodation Agreement, guests will stay no longer than a maximum of eight(8) nights in a calendar year.

(51) Each Resident is free to decorate their room. To avoid damage to structures and finishes, the following rules apply:

- a. no nails, staples, drawing pins or screws are to be driven into walls, ceilings or woodwork;
- b. stickers and sticky tape should not be placed on walls or doors in order to avoid damaging paintwork;
- c. all blu-tack must be removed from walls, doors and other surfaces when Residents vacate their rooms;
- d. residents are NOT permitted to paint their rooms. Doors, walls and furniture are not to be written on. Residents who wish to have a whiteboard on their door must NOT apply contact directly to the surface of the door. A commercial whiteboard may be attached by blu-tack; and
- e. posters and notices placed outside rooms in the hallway must be removed during vacation periods. As per clause 44 any materials deemed offensive will be removed.

## Noise Levels, Quiet Enjoyment

(52) All College Members are entitled to the quiet enjoyment of their surroundings. Colleges are, however, living and learning environments and there will be a degree of noise to adjust to. Excessive noise levels within a College is a critical factor that may impact negatively on the environment of others. Residents are strongly encouraged to manage noise problems at a peer level in a civil and constructive manner. If you do not feel comfortable to do so, please approach your Residential Fellows for assistance.

(53) Out of consideration for all Residents, a noise level that disturbs others, irrespective of the time, is considered inappropriate. Any noises must not disturb others at any time, within reason.

(54) The reasonable time period for normal daily activities is 8.00am to 11.00pm. Between the hours of 11.00pm and 8.00am it is expected that the Colleges will be quiet areas, unless you have Head of College approval for a function or event.

(55) Failure to comply with the directions of a Staff member or Student Leader in relation to noise constitutes a breach

of this Code. The Head of College will deem what is reasonable or unreasonable by applying the reasonable person test.

## **Exam Curfew**

(56) For a period of no less than two weeks prior to the designated exam period and for the designated exam period an Exam Curfew will be in place in each College.

(57) Except between 12.00pm and 2.00pm and between 5.00pm and 7.00pm, there is to be a quiet study-oriented atmosphere in the College.

(58) During the exam curfew no unauthorised functions are permitted on College Premises.

## **Social Functions**

(59) Social gatherings are an integral part of College life and facilitate the productive development of social skills, friendships, mutual cooperation and College spirit. To maintain good order in planning, conduct and clean-up of the event, the following rules apply:

- a. All Functions held in College must have the prior approval of the Head of College (or nominee). For alcohol events, Head of College approval must be sought ten (10) working days before minor functions and twenty (20) working days before a major function (more than 100 guests). For more information, please refer to the [UNE Event Registration Form](#) and College Guidelines;
- b. All Functions must comply with requirements of the UNE [Student Alcohol and Other Drugs Policy](#);
- c. Functions must be held in common rooms or other designated areas;
- d. Noise from Functions must not disturb Residents in their rooms;
- e. The host Residents are responsible for the behaviour of their guests;
- f. It is the responsibility of host Residents of a Function or, in the case of JCR or College Club Functions, those organisations, to ensure clean-up after the Function which should be completed by commencement of normal College operating opening hours (i.e. 8:00am) or as agreed beforehand with the Head of College;
- g. It is not the responsibility of the College or its contracted suppliers to clean up after a Function. If clean up is deemed inadequate, the College reserves the right to employ a cleaning company and to on-charge any related costs to the host Resident, JCR or College Club accounts. If there are a number of Residents responsible, the College may divide the costs equally across the group.

## **College and JCR Events**

(60) College or JCR organised events are occasions when a College as a whole will celebrate. Higher than normal levels of noise and/or periods of noise as compared to those outlined in clauses 52-55 may be tolerated:

- a. After 11:00pm, reasonable requests by Residents to moderate noise in halls, corridors or other areas directly adjacent to accommodation rooms must be accommodated through cessation, moderation or removal to an area of College premises where noise will not disturb Residents; and
- b. Notwithstanding any other provisions of clauses 52-55, noise from College or JCR organised events must cease by 1:00am.

(61) Failure to comply with the reasonable directions of a Staff member or Student Leader in relation to noise from College or JCR organised events constitutes a breach of this Code.

## **Use of Inflatable and Other Recreational Equipment**

(62) Unless approved through the [UNE Event Registration Form](#), the use of inflatable pools (regardless of size) and



other recreational equipment (e.g., backyard slip and slide toys, jumping castles, bucking bull amusement rides) is prohibited.

## Computer Facilities

(63) Computer facilities and laboratories must be used in a manner that is ethical, lawful, and considerate of others, such that:

- a. all hardware and software provided by the College is to be used in a responsible manner;
- b. the area must remain tidy at all times and garbage disposed of in receptacles provided;
- c. accessing any inappropriate website that may cause offence to others is prohibited;
- d. problems with operation of hardware or software must be reported promptly; and
- e. no food or beverages are permitted to be consumed in computer facilities.

(64) Please also refer to the [Student Computer Laboratories Operating Procedures](#) and the [Information and Communication Technology Facilities and Services Rule](#).

## Firearms and Dangerous Weapons

(65) Firearms or replicas of firearms (including ammunition or magazines), weapons (including items such as hunting knives, swords, crossbows, arrows and other dangerous weapons), inflammables, explosives or dangerous instruments are prohibited on College premises.

## Pets

(66) With the exception of fish the keeping of any animal or pet by Residents on College premises is prohibited.

# Section 5 - Penalties

(67) Penalties will be imposed as outlined in [Appendix A: Residential Colleges Code of Conduct Penalty Guidelines](#), as applicable. Alleged Level 1 breaches will be referred to a Head of College who will make a preliminary determination as to whether the breach is of a Level 1 or 2 nature. The Head of College has the discretion to escalate any matter to the Student Grievance Unit if they believe the circumstances warrant escalation.

(68) Without in any way limiting clause 67, one or more penalties may be imposed upon any College Member found to have acted in breach of this Code.

(69) Minor Penalties

- a. Reprimand
- b. Probation
- c. Penalty points (not exceeding five (5) points per breach)
- d. Written and/or public apology
- e. An Alcohol Consumption Ban for a period not exceeding the current calendar year
- f. Community service for a period not exceeding 8 hours
- g. Removal from an appointed position
- h. Referral to the Residential System Disciplinary Committee
- i. Transfer to another block or floor

(70) Major Penalties

- a. Referral to the Residential System Disciplinary Committee
- b. Transfer to another college
- c. Exclusion from all Residential Colleges for a period not exceeding three (3) years
- d. Expulsion from all Residential Colleges

### **Penalty Points**

(71) A College Member found in breach of this Code or a College rule or regulation may be assigned one or more Penalty Points per breach (clause 69c). Penalty Points are cumulative, and are carried between Colleges.

(72) When ten (10) Penalty Points have been accumulated, the Head of College will impose an Exclusion from College for a period not exceeding three (3) years. Penalty Points remain active for twelve (12) months from the date of the imposition of the penalty.

(73) If a College Member excluded from a College/s appeals the decision, the College Member will be required to abide by the Exclusion until the appeal process is finalised.

(74) In addition to any penalty imposed, the College Member is required to pay the costs of:

- a. restoring any damaged equipment, damage to College Premises, property or building, and/or
- b. additional cleaning that may be required.

(75) If a College Member responsible for damage or mess is not immediately or readily identifiable then the penalty/penalties and/or the full cost of any restoration may be charged to:

- a. Resident(s) identified through an investigation who, on the balance of probability, are determined to be responsible; or
- b. the JCR, College Club.

(76) Any payment for repair or restitution imposed by the College will be placed onto the College Member's account as an encumbrance.

(77) If a College Member is Excluded from a College for a period of one Trimester or more, they will automatically relinquish all positions they may occupy on any committee or sporting or cultural team associated with the College or with any affiliation to the College.

(78) Where a Student becomes aware that a College Member (or ex-College Member) has failed to comply with a penalty, or penalties, imposed, they must immediately notify the relevant Head of College.

(79) Where a College Member (or ex-College Member) is found on College Premises when excluded from a College or Colleges, UNE Safety, Security and Information and/or Police will be notified immediately.

## **Section 6 - Investigations and Appeals**

(80) Any person may report an alleged breach of the Code. The alleged breach will be referred to a Head of College (or nominee) who will make a preliminary determination as to whether the alleged breach is a Minor Breach or a Serious Breach.

(81) Where a Head of College (or nominee) determines that an alleged breach of this Code is:

- a. an alleged Minor Breach, the matter will be managed in accordance with clauses 84-97 of the Code; or

- b. an alleged Serious Breach, the matter will be referred to the University's Student Grievance Unit (SGU), to be managed in accordance with Student Grievance Unit's relevant policies and procedures, or the University's [Student Behavioural Misconduct Rules](#), as appropriate; or
- c. Threats, intimidation, abuse, harassment (including Sexual Harassment), assault (including Sexual Assault), and discrimination are considered extremely serious behaviours and will be referred immediately to the Student Grievance Unit. If proven, major penalties will apply.

(82) As part of its consideration of any matter referred to it under clause 81b, the Student Grievance Unit will determine (having regard to the nature of the alleged breach) whether it is more appropriate that the matter is managed under this Code or under the [Student Behavioural Misconduct Rules](#). If the Student Grievance Unit considers that it is more appropriate that the matter be managed under this Code then they will confirm this (and will provide any relevant report or recommendation) to one of the following officers:

- a. a Head of College (or nominee) where, in the Student Grievance Unit's opinion, the penalty (if any) to be imposed in respect of the alleged breach would more appropriately be a Minor Penalty; or
- b. the Director UNE Residential System or the Chief Operating Officer (or their respective nominees) where, in SGU's opinion, the penalty (if any) to be imposed in respect of the alleged breach would more appropriately be a Major Penalty.

(83) NB to avoid doubt:

- a. clauses 84-86 apply only to alleged breaches of the Code that are determined under clauses 80 to be Minor Breaches.
- b. clauses 87-97 apply to both:
  - i. alleged breaches of the Code that are determined under clause 80 to be minor breaches; and
  - ii. alleged breaches of the Code that are determined under clause 80 to be major breaches, which are referred to the Student Grievance Unit and are subsequently (following SGU's consideration of the matter) referred by SGU to an officer specified in clause 82 to be managed under this Code.
- c. clauses 87-97 do not apply to any alleged breaches of the Code that are determined under clause 80 to be major breaches, which are subsequently managed by the Student Grievance Unit exclusively under the University's [Student Behavioural Misconduct Rules](#).

(84) The following officers or bodies are authorised to investigate and/or determine matters and/or impose penalties in relation to alleged Minor Breaches of the Code:

- a. Any Head of College (or nominee);
- b. Student Leaders nominated in writing by a Head of College (Student Leaders may participate in matters involving Minor Breaches only);
- c. The Residential System Disciplinary Committee comprising the Chair, who is the Manager Residential Services (or nominee); the Manager, Student Support and Residential Programs (or nominee); a Head of College (or nominee); and a senior Student Leader (e.g., SRF, SRT), where appropriate. The quorum for the Residential System Disciplinary Committee shall be three members;
- d. Director UNE Residential System; and
- e. A Student Grievance Unit Case and Investigation Officer.

(85) Where a Head of College has made a determination under clause 80 that the alleged breach of the Code is an alleged Minor Breach, they will also make a preliminary determination as to whether it is appropriate for a Student Leader to be given written authority as a nominee to investigate, make a preliminary determination and recommendation of penalty.

(86) A Head of College, the Residential System Disciplinary Committee or the Director UNE Residential System may request an authorised officer or body as outlined clause 84, to conduct an independent investigation on their behalf and provide recommendations upon which the Head of College, Residential System Disciplinary Committee or Director UNE Residential System may make a final determination. In such a situation the Investigator will have the role to investigate the complaint and to make a preliminary determination and penalty recommendation for referral back to the requesting officer.

## Appeals

(87) Subject to clause 88, either of the following University members is authorised to act as an Appeal Officer:

- a. the Director UNE Residential System (or delegate); and
- b. the Chief Operating Officer (or delegate).

(88) The Appeal Officer must not be the University member who was authorised to act as an Investigating Officer or who was otherwise involved in the initial investigation or determination of the matter. The decision of the Appeal Officer is the final internal decision.

(89) Appeals must be In Writing addressed to the Appeal Officer and must be submitted within five (5) working days, of the receipt of the notice of imposition of a penalty.

(90) Appellants should structure their appeal in terms of clause 91a-c and provide evidence to support their appeal.

(91) Appeals review the record of the initial investigation and its supporting documents for one or more of the following reasons:

- a. to decide whether the initial investigation was conducted fairly;
- b. to decide whether the original decision was based on insufficient and inappropriate evidence to establish that a breach occurred;
- c. to decide whether the penalty imposed was appropriate. Where it is determined that the penalty was inappropriate the Appeal Officer may vary the penalty, provided that the new penalty is not higher than the original penalty.

(92) In the case of a successful appeal under clause 91a, the matter may be referred back to the initial investigator or decision maker with appropriate advice from the Appeal Officer.

(93) Previously unconsidered material may be presented only at the discretion of the Appeal Officer. The College Member will be advised In Writing of:

- a. the time, date and place for an appeals interview;
- b. the right to be accompanied by another University or College Member for advice and support (but who shall not have the right of audience); and
- c. the right to provide a written submission or participate in a telephone conference instead of attending an appeal interview (written submissions must be received not later than one working day prior to the date of the appeal interview as advised in the notice).

(94) Appeal Interviews shall:

- a. wherever possible, be heard within ten working days of receipt of the appeal;
- b. be conducted in private;
- c. be conducted separately or collectively at the Appeal Officer's discretion when involving more than one College

Member;

- d. have in attendance any other person only at the Appeal Officer's discretion, except in respect of the University or College Member entitled to be present as support;
- e. produce a written record of all appeal interviews which will be the property of the University and the Residential System, and
- f. proceed to decide the matter if the College Member fails to appear or provide a written submission.

(95) After the appeal interview the College Member will be advised In Writing within ten working days of:

- a. the details and reason/s for the decision;
- b. the new penalty (if any); and
- c. any right the College Member may have to seek external review of the conduct of the process.

(96) If the appeal process results in a decision that supports the College Member, the Residential System will promptly implement any decision and/or correction and preventative action required and will advise the College Member of the outcome.

(97) All decisions from an appeal shall be appropriately recorded in accordance with the University [Records Management Rule](#).

## **Emergency Exclusion from College or Emergency Transfer to Another College**

(98) A Head of College may impose upon a College Member/s an emergency transfer to another College or an emergency Exclusion from College if, in their reasonable assessment:

- a. the immediate physical or emotional safety and well-being of any other College Members is at risk; or
- b. the immediate physical or emotional safety and well-being of the College Member involved is at risk; or
- c. the College Member poses an immediate threat of disruption of, or interference with, the safe and orderly operations of the College.

(99) Medical intervention may be sought in the case of an emergency Exclusion imposed arising from an assessment of an immediate threat of harm to the College Member or others as a result of a disorder, illness or disease that affects the College Member's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.

(100) An Emergency Exclusion may apply to the College Member's usual College of residence and all other Colleges in the UNE Residential System.

(101) An emergency Exclusion or emergency Transfer is to be regarded as temporary until a complaint is investigated and determined.

(102) For an emergency Exclusion determinations may include the requirement for the College Member to attend counselling sessions, develop a self-care plan, or provide evidence of a disability support plan.

(103) The College Member has the right to appeal such a decision by following the processes as outlined under the Appeals section of the Code.

## **Section 7 - Definitions**

For the purposes of this document the following definitions apply.

(104) Affiliate is a person who is associated with a College and has thereby accepted the terms of this Code and other relevant policies or rules governing affiliation.

(105) Alcohol Consumption Ban means a prohibition on a College Member consuming alcohol at any time or place within the College; at any College Function outside College premises or entering College premises after drinking alcohol outside the College.

(106) Alcohol Free Area is an area designated by a College as alcohol free. Designated areas will be clearly identified with appropriate signage, and will include study/bedrooms rooms and adjacent corridors, relevant bathrooms, common rooms and kitchenettes, if they are within the boundary of the Alcohol Free Area.

(107) Code means this Residential College Code of Conduct.

(108) College includes any on-campus accommodation. This includes separate accommodation facilities associated with a College, such as on-campus houses and/or flats that are used by Residents and Students as well as the buildings, blocks, floors, courts, grounds and parking areas associated with these buildings.

(109) College Member means a Resident or an Affiliate of a College.

(110) College Premises means College buildings including its blocks, floors, courts, grounds and parking areas.

(111) Discrimination is the act of treating a person unfairly because of their race, colour, nationality, descent, ethnicity, ethno-religious background, sexual preference, socio-economic background, disability or other personal characteristics.

(112) Exclusion from College means the College Member is prohibited from entering one or more of the Colleges and attending College Functions sponsored by or participated in by the College/s for a specified period not exceeding three (3) years. On completion of the specified period of Exclusion, the College Member is eligible to return to a College although conditions on readmission may be applied.

(113) Expulsion from College means the termination of a College Member's permission to reside at or enter upon College Premises.

(114) Function is a social gathering or event authorised by the College or University. For the purposes of this Code, a Function may be organised by the College Junior Common Room (JCR), College Club, other Affiliated Club or Association or College Member.

(115) Harassment is any form of behaviour that is unwelcome and unreciprocated, and makes the situation unpleasant, humiliating or intimidating for the person who is the target of that behaviour. Harassment can be sexual or may arise from discrimination on the basis of gender, race, disability, sexual preference or may arise from any other unwelcome behaviour.

(116) Head of College is the Master or Principal or Dean of a College.

(117) Interview means oral communication between the College Member and a University Member, and includes communication both in face-to-face settings and through electronic mediating devices such as telephone, computer or tablet device.

(118) Minor breach includes (without limitation) any Level 1 behaviour as set out in Appendix A: Residential College Code of Conduct Penalty Guidelines.

(119) Occupant is a person who has been made an official offer to reside in a University Residential College and has accepted the terms of the UNE Residential System Accommodation Agreement and this Code.

(120) Penalty Points are imposed for discipline matters and have a unit value ranging from 1 to 10 points.

(121) Probation means a specified period not exceeding twelve (12) months wherein, if the College Member having been given a Reprimand, is found guilty of further acts of Behavioural Misconduct, further penalties may be imposed.

(122) Racial Vilification is an act that demonstrates, or could incite others to demonstrate, hate, contempt, or severe ridicule of/for a person or group of people on the basis of their race, colour, nationality, descent, ethnicity or ethno-religious background.

(123) Reasonable person means a hypothetical person in society who exercises average care, skill and judgment in conduct.

(124) Reprimand means a notification in writing to the College Member that they have been found guilty of Behavioural Misconduct and is thereby formally admonished with a record kept on the College Member's individual College file.

(125) Resident has the same meaning as Occupant.

(126) Residential System Disciplinary Committee is the disciplinary committee authorised to investigate alleged breaches and impose penalties under this Code.

(127) Responsible consumption of alcohol is informed by Australian Government health guidelines which advise drinking no more than two (2) standard drinks on any day to reduce the risk of harm from alcohol-related disease or injury over a lifetime. Drinking no more than four (4) standard drinks on a single occasion reduces the risk of alcohol-related injury arising from that occasion.

(128) Staff means the staff retained by the Colleges, staff employed by UNE, contractors and employees of contractors engaged by the Colleges.

(129) Student Leader is a senior student who has been appointed or elected to a position of responsibility.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	4th July 2018
<b>Review Date</b>	31st July 2020
<b>Approval Authority</b>	Director UNE Residential Services
<b>Approval Date</b>	4th July 2018
<b>Expiry Date</b>	To Be Advised
<b>Unit Head</b>	Leah Cook Director UNE Residential System
<b>Author</b>	Ashwin Bhutani
<b>Enquiries Contact</b>	Residential System +61 2 6773 3370

## Glossary Terms and Definitions

**"In Writing"** - Means by letter, email or fax.

**"Student"** - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

**"University Premises"** - Includes all land, buildings, facilities, residential colleges, and other property (including University grounds, adjacent streets, footpaths and bicycle paths) in the possession of or owned, used or controlled by the University.

**"Sexual Harassment"** - Means an unwelcome sexual advance or unwelcome request for sexual favours or other unwelcome conduct of a sexual nature in relation to the person harassed 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. Sexual harassment can be obvious or indirect, physical or verbal, repeated or one-off and perpetrated against people of the same or opposite sex. Sexual harassment may include: staring or leering, wolf whistles; unnecessary familiarity, such as deliberately brushing up against you or unwelcome touching; suggestive comments or jokes; insults or taunts of a sexual nature; intrusive questions or statements about your private life; displaying posters, magazines or screen savers of a sexual nature; sending sexually explicit emails or text messages; inappropriate advances on social networking sites; accessing sexually explicit internet sites; requests for sex or repeated unwanted requests to go out on dates; behaviour that may also be considered to be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications (<http://www.humanrights.gov.au/our-work/sex-discrimination/guides/sexual-harassment#sh2>).

**"Sexual Assault"** - Is a broad term describing all sexual offences against adults and children. It also describes a specific offence when a person has sexual intercourse with another person without their consent.