

Residential College Code of Conduct 2010

1. FRAMEWORK

The Residential College Code of Conduct should be considered in conjunction with the UNE Student Behavioural Misconduct Rules and related policies, including:

- Student Alcohol and Other Drug Policy
- Sex-Based Harassment Policy
- Anti-Racism Policy
- Grievance Mediation Policy
- Information Technology Directorate (ITD) Policies, Rules and Operating Procedures
- Rules for the Use of UNE Computing and Communications Facilities
- ITD Student Computer Laboratories Operating Procedures
- Occupational Health & Safety Policy
- Traffic and Parking Policy and Rules

Please refer to the current UNE Handbook available on the UNE website and UNE Policies at (<http://www.une.edu.au/policies/alphabetic.php>) for the latest versions of policies and for further information.

1.1. Colleges are living and study environments and all Residents 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 environment; and
- d) have complaints considered fairly and acted upon promptly.

1.2. Colleges are work environments and Residents must recognise that Staff have the same rights referred to in 1.1 a) to d) above as Residents.

1.3. This Code outlines the principles and expectations for the conduct of all College Members at the University of New England or at activities (whether authorised or unauthorised) sponsored by or participated in by the Colleges.

1.4. Residents and Students who are Residents at the time of the Behavioural Misconduct are subject to this Code in addition to the Student Behavioural Misconduct Rules and should be aware that breaches of this Code may result in disciplinary action in accordance with this Code and policies and rules of their College and the University.

2. DEFINITIONS

Academic Misconduct is defined in the Plagiarism and Academic Misconduct Policy.

Academic Year means the academic year as determined by the University, excluding the first semester orientation period.

Affiliate is a non-Resident who has been accepted into a College under the policies of the relevant College.

Alcohol Consumption Ban means a Resident is not permitted to consume alcohol at any time or place within the College, nor are they permitted to return to the College after drinking alcohol outside the College.

Appeal Officer means a University officer authorised to uphold appeals or uphold or vary penalties under this Code.

Behavioural Misconduct is the types of misconduct specified in 3 of this Code and is also defined in the Student Behavioural Misconduct Rules.

Code means this Residential College Code of Conduct.

College includes any of the following on-campus accommodation – Austin College, Duval College, Drummond & Smith College, Earle Page College, Mary White College, Robb College, St Albert's College and Wright Village. This includes separate accommodation facilities associated with a College, such as on-campus houses and/or flats that are used by Residents, Affiliates and Students as well as the buildings, blocks, floors, courts, grounds and parking areas associated with these buildings.

College Member or **Student** means a Resident or an Affiliate.

College Officer is the Deputy or Assistant Head/Dean/Senior Resident Fellow of a College.

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

Delegated Officer is the Assistant Head, Dean or Senior Resident Fellow.

Exclusion means the Resident is prohibited from entering one or more of the Colleges for a specified period not exceeding twelve months. On completion of the specified period of exclusion, the Resident is eligible to return to a College although conditions on readmission may be applied.

Head of College is the Master/Principal/Head of a College.

Penalty Unit is a cash value that comprises a fine. The unit cash value is \$55 (GST inclusive).

Policy includes provisions of the by-laws, rules and regulations of the University and other policy documents issued by the University or College from time to time.

Probation means the Resident is reprimanded in writing and if found guilty of further acts of misconduct, during a specified period not exceeding twelve months, may have further and more severe penalties imposed.

Reprimand means the Resident has been found guilty of misconduct and is formally admonished with a record kept on the Student's individual College file.

Resident is a College Member who has been made an official offer to reside in the College and has accepted the terms of the UNE Residential System Accommodation Agreement and this Code.

Residential System Disciplinary Committee is the disciplinary committee authorised to investigate and determine cases under 5.1 of this Code.

Semester or equivalent means academic teaching time.

Staff means the staff retained by any of the Colleges, staff employed by UNE associates such as Cooperative Research Centres, Honorary and Emeritus staff, and employees of contractors engaged by the Colleges.

Student is a person who is enrolled in a University of New England higher education course or in an enabling course or in a unit of study on a non-award basis.

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

UNE or **University** is the University of New England.

Withdrawal of Services means the withdrawal of specified services for a designated period, such as:

- a) Computer facilities – loss of user rights and access for not more than one Semester.
- b) Loss of access to specified buildings and precincts for not more than one Semester.
- c) Loss of access to specific rooms, such as JCR, for not more than one Semester.

3. BEHAVIOURAL MISCONDUCT

All Colleges pride themselves in offering harmonious and supportive environments where a fundamental respect for the beliefs, feelings, person and property of others is of the utmost importance. Responsibility for maintaining such an environment rests with each one of us. Consideration for others is expected at all times and Residents need to be aware that any undue pressure on, disturbance of, or harassment of others will be viewed seriously by the Colleges and the University.

To assist Residents who may be uncertain about their rights and responsibilities, a number of people are available to offer advice in relation to the UNE Residential System and the University. Please refer to your Head of College, College Officer or Student Leader.

Fundamental respect for other people's beliefs, feelings, person and property is a basic value, which the University upholds. You do not have to suffer in silence or feel threatened in any way. Your rights will be respected as you are expected to respect the rights of others.

Heads of College and Staff fully appreciate that the Colleges should provide a 'living and learning environment'. Selfish acts which endanger or inconvenience individuals will not be tolerated. Any behaviour that impairs the freedom of other persons to pursue their studies or to participate in the life of the University or the Colleges is not acceptable.

Residents are expected to respect the rights of other Residents in accordance with this Section 3. Any conduct which is inappropriate, disruptive or anti-social to Residents, the Residential College community or the University, as determined by the Head of College or Delegated Officer, is unacceptable and constitutes Behavioural Misconduct.

3.1. USE OF COLLEGE NAME

The Colleges form part of UNE and the local community, hence their good name is seen as a vital part of the Colleges' standing in the University and local communities. The name of a College cannot be used without written approval from the appropriate Head of College. This includes items such as stickers, posters, clothing and any publications which include the name of the College or any recognisable section of the College. Residents wearing College tops or symbols must behave at all times in a manner that reflects well on the College.

Residents must behave in a manner that does not cast a 'bad light' upon a College by:

- a) Respecting the right of neighbourhood families to courtesy, privacy and quiet;
- b) Obtaining approval from the Head of College for any publication that has reference to a College, including its floors, blocks, courts and associations;
- c) Not being involved with the production of any offensive material that refers to a College, including its floors, blocks, courts and associations;
- d) Using authorised College logos/brands to promote, and not bringing disrepute to, a College or the University; and
- e) Using any UNE logos, names or brands in compliance with the UNE Brand Policy.

3.2. PRIVACY

Each Resident is entitled to privacy and the safety of their own property. Residents must:

- a) Only enter another Resident's room if invited and leave when asked. An exception to this rule is the entry of staff and authorised contractors for cleaning and maintenance;
- b) Respect other Residents' property and room; and
- c) Be careful not to impinge upon another Resident's privacy.

3.3. HARASSMENT

Harassment is any form of behaviour which is unwelcome, unreciprocated, and usually repeated, which 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 other unwelcome behaviour.

Some examples of harassment are:

- Comments, insinuations and questions about another person's sexual conduct or private life
- Intimidating or demeaning comments or behaviour
- Sexual jokes, offensive phone calls or messages sent by post or electronic means
- Displays of obscene or pornographic photographs, calendars, pictures, posters or objects
- Persistent unwelcome invitations
- Discriminatory remarks or actions
- Attempts to coerce others into behaviour which may later cause distress
- Inappropriate comments, photos, identity theft on the internet.

Sexual harassment is unwelcome behaviour, which may comprise, but is not limited to:

- Kissing, touching, fondling
- Making lewd or suggestive gestures or remarks
- Watching or besetting a place of residence
- Posting offensive messages, photographs or pictures
- Initiating unwelcome phone calls
- Any other form of behaviour calculated, or otherwise, that makes a Resident or Staff member or Affiliate or guest associate of the College feel uncomfortable or intimidated.

The University has a Sex-Based Harassment Policy and Anti-Racism Policy. Please refer below to the following website:

<http://www.une.edu.au/policies/equity.php>

- 3.3.1.** Harassment of any kind will not be tolerated and will be subject to disciplinary action. Should you feel the need to discuss issues of harassment with the Head of College, College Officers, Student Leaders, SHAPES representative or Equal Opportunity Advisor, the matter will be dealt with in strict confidence.
- 3.3.2.** Reporting incidents of harassment to the Head of College will result in an initial investigation in the College. If the harassment is deemed to be of a more serious nature, or in the case of alleged sexual assault, the Head of College will refer the matter to the Director, Residential System.
- 3.3.3.** In the case of alleged assault, where a person is in immediate medical or physical danger, and/or the behaviour to which they allege they have been subjected constitutes criminal behaviour, the Head of College will be bound to recommend to the Resident that the matter be referred to the Police for investigation.
- 3.3.4.** The investigation by the Head of College is an inquisitorial rather than an adversarial process. The Head of College is not on the side of any party to the complaint and owns neither the complaint, nor the witness for or against the allegation.
- 3.3.5.** In cases of serious harassment or alleged assault (refer 3.3.2 and 3.3.3) where both parties are Residents of the same College, the Head of College will temporarily relocate both parties to other Colleges. This is to provide safety to limit community involvement in the alleged case and to provide natural justice for both parties.
- 3.3.6.** On completion of the referral process (refer 3.3.2) the Head of College will adopt any recommendation. If there is no recommendation, both parties will be permitted to return to their original College.
- 3.3.7.** It is not the role or duty of the Head of College to investigate cases of serious harassment or sexual assault.

3.4. DISCRIMINATION

Racial 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. Any form of discrimination is not acceptable in the Colleges and will not be tolerated.

Racial vilification is generally a public act that could incite others to hate, have contempt for, or severely ridicule a person or group of people because of their race, colour, nationality, descent, ethnicity or ethno-religious background.

Serious cases of racial discrimination will be viewed as Behavioural Misconduct, as defined in the UNE Student Behavioural Misconduct Rules and the relevant procedures will be adhered to.

3.5. INITIATION

Initiation or hazing activities that single out particular Residents and/or create mental or physical discomfort, and/or expose another to undue embarrassment or ridicule, and/or may be physically or emotionally harmful to others, are prohibited. Encouraging, initiating, participating in and/or supporting such activities are prohibited.

3.6. RESPECT FOR STAFF AND STUDENT LEADERS

College Staff and Student Leaders are entitled to respect at all times. Residents must:

- a) Comply with reasonable directions of Staff, Student Leaders, Safety and Security and officers of public emergency services acting in the performance of their duties;
- b) Identify themselves to Staff and officers referred to above when requested to do so; and
- c) Not obstruct Staff and officers in the performance of their duties.

3.7. GOOD OPERATION OF THE COLLEGE

It is important that Colleges ensure a quality environment for their Residents. Residents and their guests must use the furniture and facilities appropriately and with due care.

3.7.1. College and University Property

Residents must contribute to the proper running of a College by not:

- a) Causing damage to any College property, such as marking walls or furniture, playing games in inappropriate areas;
- b) Duplicating or using keys/access card without authorisation by the Head of College;
- c) Entering or using College Premises without authorisation by the Head of College;
- d) 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;
- e) Removing non-disposable catering items from a College dining hall;
- f) Removing any supplies such as linen, pillows, crockery from a College; or
- g) Littering (including leaving cigarette butts on) College Premises,.

NB: Costs of repair, replacement, cleaning or other associated costs will be charged to the Resident concerned. Damages caused by the guest of a Resident will be charged to the Resident.

3.7.2. Use of adhesives, pins, posters and whiteboards

Each College Member is free to decorate their room. However no nails, staples, drawing pins or screws are to be driven into walls, ceilings or woodwork. The cost of damage caused by the attachment of posters or the like to the walls, ceilings, doors and furniture, will be charged to the College Member. Stickers and sticky tape should not be placed on walls in order to avoid damaging paintwork. All blu-tak must be removed from walls and other surfaces when College Members vacate their rooms. College Members are NOT permitted to paint their rooms. Doors, walls and furniture are not to be written on. College Members 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-tac. Posters and notices placed outside rooms in the hallway must be removed during vacation periods. Offensive materials are not acceptable on College Premises and will be removed by College Staff.

3.7.3. Pets

With the exception of fish, no pets are permitted in the College.

3.7.4. Social Functions

- a) Functions must be held in common rooms or other designated areas.
- b) Noise from functions must not disturb Residents in their rooms and must finish by 11:00pm or move to another authorised areas (Refer 3.11 Noise Levels).
- c) The host Residents are responsible for the behaviour of their guests.
- d) 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 functions are completed by the designated times, as agreed with the Head of College.
- e) Larger functions organised by JCRs or College Clubs must comply with requirements of the UNE Student Alcohol and Other Drugs Policy.

NB: It is not the responsibility of the College to clean up after a function. If the clean up is inadequate, the College reserves the right to employ a cleaning company and to on-charge such 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.

3.7.5. Computer Facilities

Computer facilities and laboratories must be used in a manner that is ethical, lawful, effective and efficient. Other users must be considered at all times by:

- a) Using all hardware and software provided by the College in a responsible manner;
- b) Leaving the area tidy at all times and disposing of garbage in receptacles provided;
- c) Not accessing any inappropriate website that may cause offence to others; and

- d) Reporting hardware and software problems.

No food or beverages are permitted to be consumed in Computer Laboratories.

The University has ITD Policies. Please refer to the website below for:
Rules for the Use of UNE Computing and Communications; and

- ITD Student Computer Laboratories Operating Procedures

<http://www.une.edu.au/policies/itc.php>

3.7.6. Safety

To ensure that all Colleges are safe environments Residents must:

- a) Have all electrical equipment in College 'safety tagged' before use;
- b) Not use candles, incense or electric heaters, in their rooms, as all these items may cause fire;
- c) Not use an appliance or other equipment that may interfere with the fire protection systems, such as devices for boiling water; and
- d) Cook in kitchenettes areas only. Residents must be in attendance at all times while preparing food in/on cooking appliances, including but not limited to stoves, ovens, microwaves and toasters.

3.7.7. Safe Activities

Residents must avoid putting themselves or others at personal risk by undertaking any dangerous activities which may include:

- a) Climbing onto roofs of buildings, out of windows and along ledges; or
- b) Driving cars or any motorised vehicles, dangerously.

3.8. COMMUNICATION EQUIPMENT

Residents must not use phones (either landline or mobile), computers or other communication equipment to harass or intimidate others. Residents must consider the rights of others when using communication equipment.

NB: Such behaviour may involve serious breaches of University policies and current State or Federal legislation.

3.9. HEALTH, SAFETY AND WELFARE EQUIPMENT

3.9.1. A College Member must not, intentionally or recklessly, interfere with or misuse anything provided in the interests of health, safety and welfare under Occupational Health and Safety legislation and the UNE OH&S Policy, for example fire-fighting equipment.

3.9.2. A College Member must adhere to all fire codes and policies, at all times.

3.10. OFFENSIVE MATERIAL

Offensive material must not be displayed or produced in any part of a College.

3.11. NOISE LEVELS

3.11.1. Noise in the College

- a) Out of consideration for all Residents, a noise level that disturbs others, irrespective of the time, is considered inappropriate. Radios, televisions, musical instruments, electrical equipment and other noises must not disturb others at any time.
- b) 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.
- c) Failure to comply with the directions of a Staff member or Student Leader in relation to noise constitutes a breach of this Code.

3.11.2. College and JCR Events

There are occasions when a College as a whole will celebrate and higher than normal levels of noise may be tolerated.

3.11.3. Exam Curfew

- a) At least a fortnight prior to exams and the period during exams are designated "Exam Curfew" as specified in each College.
- b) 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.
- c) During the exam curfew, no unauthorised functions are permitted on College Premises.

3.12. ALLEGED ILLEGAL ACTIVITY

If a Resident 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 shall be reported to the Police of that jurisdiction for investigation. Special provisions apply in the case of alleged sexual assault (refer 3.3.3 Alleged Assault).

3.13. FIREARMS AND DANGEROUS WEAPONS

Firearms or replicas of firearms (including ammunition or magazines), weapons (including items such as cross bows, arrows and other dangerous weapons), inflammables, explosives or dangerous instruments are prohibited in all Colleges.

3.14. DRUGS

- 3.14.1.** No drugs, other than those prescribed by a medical practitioner, or available over the counter without prescription, will be tolerated in the College.
- 3.14.2.** All Residents must comply with the law in relation to drugs whilst living in or staying in a College.
- 3.14.3.** Possession, cultivation, manufacture and use of illegal drugs and other breaches of the relevant laws will be reported to the police.

3.15. ALCOHOL

Residents are asked to keep in mind the negative effects of anti-social behaviour and the health problems that can result from alcohol abuse.

3.15.1. Consumption of alcohol

Residents aged 18 years and over are allowed to consume alcohol in their rooms or in small groups in social areas of a College, which are not designated as Alcohol Free Areas. This is subject to the guidelines below:

- a) It is illegal for people under the age of 18 years to consume alcohol at any time or be served alcohol, including at College dinners or functions. Residents are reminded that supplying alcohol to a person under the age of 18 is illegal.
- b) Where alcohol is supplied at any College function, a Liquor Licence must be obtained and the UNE Student Alcohol and Other Drug Policy must be adhered to at all times.
- c) All Residents and their guests attending such functions are required to comply with the law and UNE policies.
- d) At all social functions in a College, at which alcoholic drinks are to be supplied, non-alcoholic drinks must also be available.
- e) All Residents 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.
- f) Large quantities of alcoholic beverages may not be stored in Residents' rooms.
- g) "Home brewing" is not permitted in Colleges.
- h) Kegs are not permitted in a College without the written authorisation of the Head of College as stated in the UNE Student Alcohol and Other Drug Policy.
- i) The University Student Alcohol and Other Drug Policy must be adhered to, in all respects, at all times, including but not limited to drinking games.

NB: Consumption of alcohol will not be accepted as an excuse for any breach of this Code or UNE Student Behavioural Misconduct Rules.

3.15.2. Alcohol Free Areas

Alcohol Free Areas are designated by a College as alcohol free. No alcohol can be stored or consumed in the designated area, and no person will be in the designated areas whilst under the influence of alcohol or behave in a disruptive manner. All College Members must respect the rights of Residents to choose to live in an Alcohol Free Area. Designated areas will be clearly identified with appropriate signage, and will include not only the rooms and adjacent corridors, but also the relevant bathrooms, common rooms and kitchenettes, if they are within the boundary of the Alcohol Free Area.

3.15.3. Health Concerns

In cases where a Resident's consumption of alcohol is resulting in health concerns for that person, an Alcohol Consumption Ban may be imposed.

3.16. SMOKING

Smoking is a health hazard. The UNE's Smoke-Free Workplace Policy is in force across the entire campus, including the following rules for all Colleges:

- a) Smoking is prohibited in all College buildings including its floors, blocks;
- b) Residents who smoke must do so outside buildings, including courts and grounds at least three metres from any doorway or window, to prevent smoke entering the building,

4. PENALTIES

4.1. One or more of the following minor penalties may be imposed upon any Resident found to have acted in breach of this Code, by the Head of Residence or Delegated Officer and the designated College Disciplinary/House Committee, comprising Staff and Students and chaired by the Assistant Head:

- i. Reprimand;
- ii. Probation;
- iii. Withdrawal of Services (up to three months);
- iv. Fine not exceeding five Penalty Units and/or restitution payment;
- v. Exclusion from College for a period not exceeding twelve months;
- vi. An Alcohol Consumption Ban for a period not exceeding the current Academic Year;
- vii. Community service;
- viii. Removal from an appointed position;
- ix. Referral to the Residential System Disciplinary Committee;
- x. Written and/or public apology;
- xi. Transfer to another block or floor.

4.2. A Resident found in violation of this Code or a College rule or regulation may be assigned one or more Penalty Units (refer Appendix A, Penalty Guidelines). When ten (10) Penalty Units have been accumulated, the College Head will impose an Exclusion from College for a period not exceeding twelve (12) months. Penalty Units remain active for twelve months from the date of the imposition of the penalty. Penalty Units are cumulative, and are carried over between Colleges.

4.3. A Head of College or Delegated Officer may refer to the Residential System Disciplinary Committee a serious breach of conduct, as defined in this Code and the UNE Student Behavioural Misconduct Rules. Penalties from such referral may include minor penalties outlined in 4.1 as well as major penalties:

- i. A fine not exceeding ten Penalty Units and/or restitution payment;
- ii. Transfer to another UNE College;
- iii. Residential College Exclusion from all Colleges;
- iv. Exclusion.

4.4. In addition to any penalty imposed, the Resident is also 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.

4.5. If the Resident responsible for any damage or mess is not identified then the full cost of any restoration may be borne by:

- a) College Members residing in the area of the College where the incident occurred; or
- b) The JCR/Student/College Club.

4.6. If a fine and/or payment of restitution is imposed by the College, it will be placed onto the Resident's account as an encumbrance.

4.7. If a Resident is excluded from a College for a period of one Semester or more, they automatically relinquish all positions they may occupy on committees or in sporting and cultural teams associated with the College in addition to any affiliation or membership of the College.

5. AUTHORISED INVESTIGATORS & THE IMPOSITION OF FINES AND PENALTIES

5.1. Authorised Investigators

The following investigators are authorised to investigate and determine cases:

- a) Head of College;
- b) Delegated Officer;
- c) College Disciplinary Committees authorised by the Head of College;
- d) Student Leaders given written delegated authority by the Head of College;
- e) The Residential System Disciplinary Committee.

5.2. Membership of Disciplinary Committees

5.2.1. College Disciplinary Committees will be chaired by the Assistant Head and include the Senior Resident Fellow, a Resident Fellow and an elected Student from the College.

5.2.2. Residential System Disciplinary Committee will be chaired by the Director or Delegated Officer, and include a Head of College, an Assistant Head, a Senior Resident Fellow, a Resident Fellow and a President, and should represent at least three Colleges, but not the College involved.

5.3. Imposition of penalties

5.3.1. A Head of College or Delegated Officer, and the designated College Disciplinary Committee are authorised to impose all minor penalties as specified in the Student Behavioural Misconduct Rules (Refer 6.1.a) and additional minor penalties as specified in this Code (Refer 4.1).

5.3.2. The Residential System Disciplinary Committee may impose minor and major penalties as specified in the Student Behavioural Misconduct Rules (Refer 6.1.a and 6.1.b) and additional minor and major penalties as specified in this Code (Refer 4.1, 4.2 and 4.3.).

6. CONDUCT OF INVESTIGATIONS AND DETERMINATIONS

6.1. General

- a) Although initial complaints of Behavioural Misconduct against a Resident can be made verbally, a formal investigation under this Code can only be progressed on the basis of a written complaint. Anonymous complaints will not be accepted for investigation.
- b) Investigations and appeals shall not be in the form of a formal legal hearing.
- c) Where Behavioural Misconduct is subject to a University investigation and/or disciplinary action is also running in another jurisdiction, any action taken under this Code may proceed, irrespective of any action involving the Resident in any court, commission or tribunal, and irrespective of any other external investigation of the matters giving rise to the complaint against the Resident.
- d) All notices sent to Residents will be sent to their official UNE email address and will be deemed to have arrived in accordance with normal telecommunication protocols.

6.2. Investigations and Determinations

6.2.1. In the first instance, the complaint will be referred to the investigators authorised under 5.1. to investigate complaints, to decide whether, *prima facie*, the complaint:

- a) Has merit and is within the investigator's jurisdiction;
- b) Can be handled through mediation (by mutual consent of the parties);
- or
- c) Should be referred to a higher level because a major penalty may be at issue.

6.2.2. The chair of the College Disciplinary Committee will provide the Resident with a copy of this Code and advise the Resident in writing of:

- a) the nature of the complaint;
- b) the time, date and place for the interview;
- c) the right to be accompanied by another Student for advice and support (but who shall not have the right of audience or of cross-examination of any witness);
- d) the right to make a statement, call a witness and lead them through their evidence;
- e) the opportunity, with the permission of the chair of the College Disciplinary Committee, to question any witness to the extent the Chair of the College Disciplinary Committee deems relevant and reasonable (but not to cross-examine witnesses);
- f) the right to provide a written submission or participate in a telephone conference instead of attending an interview (written submissions must arrive at least one working day prior to the date of the interview as advised in the notice).

6.2.3. The Resident will have at least five calendar days to provide a response in writing to the complaint, including any evidence in defence of the complaint.

6.2.4. Within ten calendar days from the date of the interview, the Resident will be advised in writing of:

- (a) the decision;
- (b) the penalty (if any); and
- (c) the right of, and method for, appeal (if relevant).

6.2.5. Where the Resident fails to attend an interview, provide a written submission or participate in a telephone conference without reasonable explanation, the College Disciplinary Committee may proceed to determine the case in the absence of the Resident.

6.2.6. A record of a Resident's past Academic Misconduct or Behavioural Misconduct may be taken into account when having regard to any penalty that may be imposed.

6.2.7. Investigations will take account of a Resident's special needs status including the provision of an Auslan interpreter, if appropriate.

7. APPEALS

An Appeals Officer must not have been involved in the initial investigation or determination of the case. The decision of an Appeals Officer is final.

The Head of College is authorised to act as Appeals Officer to uphold appeals or uphold/vary minor penalties, if they have delegated the initial investigation or determination of the case.

The Residential System Director is authorised to act as Appeals Officer to uphold appeals or uphold/vary minor penalties, if they have delegated the initial investigation or determination of the case.

The Chief Development Officer is authorised to act as Appeals Officer to uphold or vary penalties, when the Residential System Director has been involved in the investigation or determination of the case.

The University process for appeals is detailed in the Student Behavioural Misconduct Rules, Section 9.

8. TEMPORARY AND EMERGENCY EXCLUSION

8.1. A Head of College may transfer a Resident to another College if, in their opinion:

- a) The physical or emotional safety and well-being of a College Member is at risk;
- b) The Resident's own physical or emotional safety and well-being is at risk; or
- c) The Resident poses an immediate threat of disruption of, or interference with, the normal operations of the College.

8.2. The Head of College may impose an emergency exclusion until a complaint is heard and determined.

8.3. A transfer or emergency exclusion under 8.1 and 8.2 will be regarded as a temporary exclusion, in the first instance, until the complaint is investigated or resolved by the Residential System Disciplinary Committee. In this instance, the Resident may be

required to attend counselling session/s. In cases that may result in harm to self or others, medical intervention may be sought.

8.4. The University process for emergency exclusion is detailed in the Student Behavioural Misconduct Rules, Section 10.

9. INTERPRETATION OF THE CODE

Any unresolved question of interpretation regarding this Code should be referred to the Head of College for determination.

Please note, St Albert's College is an affiliated college and therefore may have, in some cases, different referral processes. St Albert's College Residents should refer to their college handbook for confirmation.

APPENDIX A: PENALTY GUIDELINES

Residential College Code of Conduct Penalty Guidelines				
<u>Level 1:</u>				
<i>Behaviour</i>	<i>Section</i>	<i>Penalties</i>	<i>Points</i>	
Inappropriate, disruptive or anti-social behaviour	3	4.1.i to 41..ix, 4.1.x, 4.1.xi	1 to 4	
Unauthorised use of College Name	3.1.	4.1.i. 41.iv, 4.1.vii, 4.1.viii, 4.1.ix, 4.1.x	1 or 2	
Damage to reputation of College/University	3.1.	4.1.i, 4.1.iv, 4.1.vii, 4.1.viii, 4.1.ix, 4.1.x	1 or 2	
Producing or displaying offensive material	3.10.	4.1.i, 4.1.ii, 4.1.iv, 4.1.vii, 4.1.viii, 4.1.x	1 or 2	
Not complying with noise rules (out of curfew)	3.11.1	4.1.i, 4.1.ii, 4.1.iv, 4.1.vii, 4.1.x, 4.1.xi, 4.1.xii	1	
Not complying with noise rules (during exam curfew)	3.11.3	4.1.iv, 4.1.x	2	
Storage and/or possession of firearms and/or dangerous weapons	3.12.	4.1.i, 4.1.ii, 4.1.iv, 4.1.ix	1 or 2	
Breach of Alcohol Free Area Rules	3.14.2.	4.1.i, 4.1.ii, 4.1.iv, 4.1.vi, 4.1.vii, 4.1.x	1 or 2	
Alcohol abuse resulting in health concerns	3.14.3.	4.1.vi	0	
Breach of Alcohol guidelines (individual and small groups)	3.15.1	4.1.i, 4.1.ii, 4.1.iv, 4.1.vi, 4.1.vii, 4.1.viii, 4.1.x, 4.1.xi	1 or 2	
Smoking in a non-designated area	3.16.	4.1.i, 4.1.ii, 4.1.iv, 4.1.vii, 4.1.x	1 or 2	
Breach of Privacy	3.2.	4.1.i, 4.1.vii, 4.1.viii, 4.1.x	1 or 2	
Initiation activities	3.5.	4.1.i, 4.1.ii, 4.1.iv, 4.1.vii, 4.1.viii, 4.1.ix, 4.1.x, 4.1.xi	3 or 4	
Disrespect for staff and student leaders	3.6.	4.1.i, 4.1.ii, 4.1.iv, 4.1.vii, 4.1.viii, 4.1.ix, 4.1.x, 4.1.xi	1 to 4	
Engaging in games/sports within Residence Building	3.7.1	4.1.i, 4.1.ii, 4.1.iv, 4.1.x	1 or 2	
Vandalism	3.7.1.	4.1.i to 4.1.ix, 4.1.x, 4.1.xi and 4.3 , 4.4	1 to 4	
Littering	3.7.1.	4.1.i, 4.1.ii, 4.4.iii, 4.1.iv, 4.1.vii, 4.1.x	1	
Misuse of keys/card	3.7.1.	4.1.i, 4.1.ii, 4.1.iv, 4.1.vii, 4.1.viii, 4.1.x	1 to 4	
Unauthorised access of buildings	3.7.1.	4.1.i, 4.1.ii, 4.1.iv, 4.1.vii, 4.1.viii, 4.1.x	1 to 4	
Misuse/removal of furniture, equipment, supplies	3.7.1.	4.1,i, 4.1.ii, 4.1.iii, 4.1.iv, 4.1.vii, 4.1.x	1 or 2	
Breach of rules realting to adhesives, pins, posters and whiteboards	3.7.2.	4.1.i, 4.1.ii, 4.1.iv, 4.1.vii	1	
Pet/s in college, other than fish	3.7.3.	4.1.iv, 4.1.x	1 or 2	
Failure to clean up after social gathering	3.7.4.	4.1.i,4.1.ii, 4.1.iii, 4.1.iv, 4.1.vii, 4.1.x, 4.3, 4.4	1 or 2	
Failure to take responsibility for guest/s actions	3.7.4.	4.1.i, 4.1.ii, 4.1.iii, 4.1.iv, 4.1.vii, 4.1.x, 4.3, 4.4	1 to 2	
Misuse of Computer facilities	3.7.5	4.1.i, 4.1.ii, 4.1.iii, 4.1.iv, 4.1.vii	1 or 2	
Not contributing to a safe environment	3.7.6	4.1.i, 4.1.ii, 4.1.iv, 4.1.vii, 4.1.x	1 or 2	
Unsafe or risky activities	3.7.7	4.1,i, 4.1.ii, 4.1.iv, 4.1.viii, 4.1.ix, 4.1.x	2 or 3	

Misuse of communication equipment	3.8.	4.1.i, 4.1.ii, 4.1.iii, 4.1.iv, 4.1.vii, 4.1.viii, 4.1.x	1 or 2	
Misuse of health, safety and welfare equipment	3.9.	4.1.i, 4.4.ii, 4.1.iv, 4.1.vii, 4.1.viii, 4.1.x	3 or 4	
Level 2:				
Harassment:	3.3.	4.1.i to 4.1.xii, 4.2., 4.3.	1 to 4	
Discrimination	3.4.	4.1.i to 4.1.xii, 4.2., 4.3.	1 to 4	
Breaches of ITD Student Computer I	3.7.5	4.1.i to 4.1.xii, 4.2., 4.3.	1 to 4	
Alleged illegal activity involving drugs, damage/theft of University property	3.12. and 3.14.	4.1.i to 4.1.xii, 4.2., 4.3.	1 to 4	
Breach of University Alcohol and Other Drugs Policy rules	3.15.1	4.1.i to 4.1.xii, 4.2., 4.3.	1 to 4	

Notes:

1. These guidelines are a guide only - 4.1.i to 4.1.xii can be imposed by the designated Discipline/House Committee with the exception of 4.1.v, which is based on the accumulation of 4 disciplinary points or the direct intervention of the College Head.
2. Additional costs may be imposed if additional cleaning or maintenance is required by a breach of the Residential College Code of Conduct.
3. To best meet the needs of an individual student a Head of College may recommend to the Residential System Disciplinary Committee that a member of college be transferred to another UNE Residence
4. If the designated Discipline/House Committee can justify, another penalty/ies should be imposed. This may be possible by making a case in writing to the College Head for approval.