



*St. Albert's College*

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# **RESIDENT CONDUCT POLICY – APPENDIX 1**

## **INVESTIGATING OFFICERS, DISCIPLINARY COMMITTEES AND PROCEDURES**

### **THE ROLE OF THE MASTER**

- 1.1 The Master is responsible for the overall Resident conduct within the College. To fulfil this responsibility the Master has the power impose penalties as specified in the Student Conduct Policy.
- 1.2 At St. Albert's College:
  - a. The Master retains the right to use this responsibility and powers in the following ways:
    - i) To act as an investigating officer in cases of serious misconduct, or
    - ii) To delegate an issue to another investigating officer, or
    - iii) To instigate a disciplinary committee.He then may determine a case with or without the advice of a College Discipline Committee.
  - b. The Master has delegated authority in this area to the Dean, Senior Resident Advisor, Resident Advisors and to College Disciplinary Committees.

### **INVESTIGATING OFFICERS**

- 2.1 At St. Albert's College there are a number of means of dealing with Resident conduct matters within the College. These are – having the matter:
  - a. Determined by an Investigating Officer.
  - b. Dealt with by a Disciplinary Committee.
- 2.2 Determining an issue by using an Investigating Officer is the main method used in the College and this may operate at one of three levels depending of the severity of the incident. The three members of the College authorised to act as Investigating Officer are:
  - a. The Master
  - b. The Dean
  - c. The Senior Resident Advisor
- 2.3 The Investigating Officer shall hear and adjudicate upon any charge of Misconduct, which is referred to them by the JCR Executive, The Sports Club, the RST, the Dean or the Master.

## **COLLEGE DISCIPLINARY COMMITTEES**

- 3.1 The Discipline Committee is one of the means by which the College may deal with Resident conduct matters.
- 3.2 The committee shall hear and adjudicate upon any charge of Misconduct, which is referred to it by referred to it by the JCR Executive, The Sports Club, the RST, the Dean or the Master.
- 3.3 The Disciplinary Committee may operate at one of two levels depending of the severity of the incident
  - a. Level 1 Disciplinary Committee
    - i) Consists of the Dean, the SRA and one other RA (The JCR President may replace the RA).
    - ii) The committee is chaired by the Dean.
    - iii) The committee is established to deal with student offences that have been referred to the committee after a complaint has been received.
    - iv) The Chairman of the committee has the authority to decide on whether the committee will proceed or not with a complaint, after accessing the nature of the complaint.
    - v) Decisions of the committee are to be reported to the Master.
    - vi) The Appeals Officer is the Master.
  - b. Level 2 Disciplinary Committee
    - i) Consists of the Master, Dean and the SRA. One other RA or the JCR President may be invited to join the committee).
    - ii) The Committee is chaired by the Master.
    - iii) The committee is established to deal with very serious student offences referred to the committee after a complaint has been received.
    - vii) The Chairman of the committee has the authority to decide on whether the committee will proceed or not with a complaint, after accessing the nature of the complaint.
    - viii) The Appeals Officer is the Chairman of the College Board.
- 3.4 When the Disciplinary Committee is deciding on a matter a simple majority of members present voting on an issue will decide that issue in the affirmative.

## **PROCEDURES**

- 4.1 Investigating Officers and Disciplinary Committee shall:
  - a. Inquire into and investigate the alleged misconduct in such a manner as it deems appropriate;
  - b. Proceed in all respects according to the justice of the case and decide the issue according to equity and good conscience;
  - c. Clearly describe to the Resident the allegation that has been made against them;
  - d. Give the Resident an opportunity to appear and be heard in person or to have another student appear on his or her behalf and put his or her case;
  - e. Give the Resident an opportunity to have a support person present at the hearing. There may only be one support person for any individual or group being interviewed.
- 4.2 A Resident, who is the subject of the inquiry:
  - a. Must be given adequate time to prepare for the interview or committee meeting. For Disciplinary Committees this will be 5 working days.
  - b. May bring a support person with them to the interview or committee meeting.

- c. May admit or deny the allegation(s), clarify or explain presented information or evidence, address the information or evidence presented, make representations in mitigation of penalty and in general address relevant matters to the extent the Investigating Officer or Committee deems necessary and reasonable.
- 4.3 Where a Resident, who is the subject of an inquiry, fails to respond to the Investigating Officer or Committee's communications or fails to attend before the Investigating Officer or Committee without reasonable explanation, the inquiry may proceed in the absence of the Resident.
- 4.4 In reaching its decision the Resident will not be regarded as having behaved in the manner alleged unless the Resident admits the behaviour or fair and proper inquiry leads the Investigating Officer or Committee to that conclusion.
- 4.5 Any record of the student's past misbehaviour shall be taken into account as:
  - a. evidence that the Resident has committed disciplinary breaches;
  - b. one factor to which the Investigating Officer or Committee might have regard when considering penalty.
- 4.6 When a Resident is informed of the decision of the committee, they shall also be informed of their right of appeal. They have 1 week from the time of the notification of the decision to make an appeal.
- 4.7 Appeals must be in writing and will be considered solely on the following grounds.
  - a. New evidence relating to the case which has arisen since the decision of the Investigating Officer or Student Disciplinary Committee; or
  - b. The severity of the penalty imposed with respect to the evidence produced when the initial decision was taken.
- 4.8 The decision of the Appeals Officer to receive and access an appeal is final.

## **ROLE OF THE SUPPORT PERSON**

- 5.1 The support person in an Investigation or Disciplinary Committee is a resident or staff member of St Albert's College. They may attend a Investigation Interview or Disciplinary Committee meeting with the resident who is the subject of an inquiry.
- 5.2 The following guidelines must be followed by the support person and the resident they are supporting:
  - a. The resident must inform the Investigating Officer or Chairman of the Disciplinary Committee if they are bringing a support person with them;
  - b. There may only be one support person in any interview or committee meeting at any one time;
  - c. The support person can provide advice to the resident during the committee meeting either by verbal or written contact and does so in such a way that does not disrupt the proceedings;
  - d. The support person may ask for a short break during the proceedings to confer with the resident outside of the meeting room. The Committee will allow short breaks at its discretion and where reasonable;
  - e. The support person may not:
    - i) Interrupt the proceedings in any way unless it is to request a short break to confer with the resident;
    - ii) Voice a personal opinion, belief or attitude to the committee;
    - iii) Address the committee in any way outside of the parameters just provided.

## PENALTIES

- 6.1 For the actions mentioned in section 6.2, a Resident may be fined and/or suspended from College.
- a. In general, warnings will be issued prior to the implementation of fines or suspensions.
  - b. Repeat offences will result in penalties being imposed and in some cases, Counselling may be required to remain in College.
  - c. If a Resident Advisor or Pastoral Assistant breaches these Rules and Regulations, they will be fined, suspended or have their appointment terminated.
- 6.2 Some of the actions that may lead to a fine include:
- a. Bringing the Colleges 'good' name into disrepute;
  - b. Disrespect or lack of consideration for staff, RAs, AAs and PAs;
  - c. Excessive noise or disruptive behaviour;
  - d. Breaching Curfew restrictions;
  - e. Vandalism or wilful damage to property;
  - f. Misuse of College or RA keys;
  - g. Repeated lockouts requiring RAs to unlock doors;
  - h. 'Turving' or 'trashing' of rooms;
  - i. Ledge crawling;
  - j. Drink Driving, 'Circle Work' and 'Burn outs' in motor vehicles;
  - k. Incorrect parking on College grounds;
  - l. Food fights, uncleanliness and removal of chairs or food from the Dining Hall;
  - m. Removing food from the Dining Room;
  - n. Having a room that restricts the cleaners from cleaning their room properly;
  - o. Breaches of the No-Smoking Policy;
  - p. Prank Phone Calls or text messages;
  - q. Invasions of other Colleges;
  - r. Playing sports / games inside buildings eg. golf.
  - s. Inappropriate and unauthorised use of College facilities and resources.
  - t. Inappropriate and unauthorised use of another students property or computer resources.
- 6.3 For the actions mentioned in section 6.4, a Resident may be excluded (suspended) or expelled (asked to leave the College permanently). The decision of expulsion is at the discretion of the Master.
- 6.4 Some of the actions that may lead to exclusion (suspension) or expulsion include:
- a. Disobeying instructions from the Master or Dean;
  - b. Disorderly conduct associated with alcohol;
  - c. The use of illegal or non-prescription drugs;
  - d. Interference with fire equipment or detectors;
  - e. Theft, vandalism or wilful damage to property;
  - f. Harassment, discrimination, racial prejudice or intimidation;
  - g. Possession of weapons or offensive implements;
  - h. Criminal Activity;
  - i. Use of keys to make an unauthorised entry into a student's room;
  - j. Misuse of Power by students in positions of authority – especially with students under the influence of alcohol or students under the age of 18;
  - k. Repeated or serious infringements of offences that may lead to a fine.
- 6.5 Exclusion (suspension) from College means that for the duration of the suspension the resident may not:
- a. Enter College grounds for any reason, and;

- b. Participate in any College activity or event including social, cultural, sporting, academic or otherwise whether it be conducted on College grounds or elsewhere.
- c. In the event of an aggrieved party or parties, the suspended resident is to not approach or have any contact with the said party or parties for any reason.

The Master holds the power of discretion over a Resident under suspension and may allow the suspended Resident access to certain College activities where the Master deems it fair and equitable.

In addition to the exclusion (suspension):

- d. During the period of the suspension from the College, the resident forfeits fees for the time of suspension to the College;
- e. The resident may be required to undergo counselling prior to their return to College;
- f. A fine may be imposed in conjunction with this suspension.

6.6 In the event of expulsion from the College:

- a. The Resident will be required to leave College within 24 hours of the incident.
- b. Penalties will be applied to the breaking of the accommodation contract.
- c. The Resident may not:
  - i) Return as a Resident of the College;
  - ii) Enter College grounds for any reason;
  - iii) Participate in any College activity or event including social, cultural, sporting, academic or otherwise whether it be conducted on College grounds or elsewhere;
  - iv) In the event of an aggrieved party or parties, the expelled resident is not approach or have any contact with said party or parties for any reason.

6.7 In both cases of suspension or expulsion, families or guardians may be notified of the incident. Local Police may be called onto the College grounds by the Master, if any illegal activities are deemed or suspected of taking place within the College.

6.8 The penalties that may be imposed by an Investigating Officer or Discipline Committee are:

- a. The Master and Level 2 Disciplinary Committees may impose the penalties delegated to the Master.
- b. The Dean and Level 1 Disciplinary Committees may impose the penalties delegated to the Dean.
- c. The SRA may impose the following penalties:
  - i) a reprimand;
  - ii) a fine to a maximum value of \$100 (two penalty points);
  - iii) a restitution / replacement payment for damages to student property;
  - iv) up to 2 hours of community service;
  - v) tasks relevant to the misconduct – e.g. cleaning up.

Any penalties imposed by the SRA are to be reported to the Dean.