

Residential College Code of Conduct

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Related Documents:	<ul style="list-style-type: none">• Student Behavioural Misconduct Rules• Student Alcohol and Other Drug Policy• Residential College Code of Conduct Penalty Guidelines• International Critical Incidents Immediate Response Checklist• Critical or Traumatic Incident Policy and Procedures• Sex-Based Harassment Policy and Anti-Racism Policy

1. INTRODUCTION

1.1. This Code must be read in conjunction with the Related Documents listed above.

1.2. This Code governs Behavioural Misconduct by College Members.

2. FRAMEWORK

2.1. Colleges are living and study environments and all College Members 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.

2.2. Colleges are work environments and College Members must recognise that Staff have the same rights referred to in 2.1 a) to d) above as College Members.

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

- 2.4. College Members are subject to this Code 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, such as the Student Behavioural Misconduct Rules and Related Documents..

3. DEFINITIONS

- 3.1. **Academic Misconduct** – see *Student Coursework Plagiarism and Academic Misconduct Rules* and *Student Plagiarism and Academic Misconduct: Higher Degrees Research – Non-Coursework Components Policy*.
- 3.2. **Affiliate** is a person who is associated with a College and has accepted the terms of this Code and other relevant policies or rules governing affiliation.
- 3.3. **Alcohol Consumption Ban** means a prohibition on a College Member consuming alcohol at any time or place within the College, or to returning to the College after drinking alcohol outside the College.
- 3.5. **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.
- 3.4. **Appeal Officer** means a University officer authorised to uphold appeals or uphold or vary penalties under Section 6 of this Code.
- 3.5. **Behavioural Misconduct** is the type of misconduct specified in 4 of this Code and is also defined in the Student Behavioural Misconduct Rules.
- 3.6. **Code** means this Residential College Code of Conduct.
- 3.7. **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 and Students as well as the buildings, blocks, floors, courts, grounds and parking areas associated with these buildings.
- 3.8. **College Member** means a Resident or an Affiliate.
- 3.9. **College Premises** means College buildings including its blocks, floors, courts, grounds and parking areas.
- 3.10. **Delegated Officer** is the Assistant Head, Dean or Senior Resident Fellow.
- 3.11. **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.
- 3.12. **Exclusion** 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 twelve months. 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.

- 3.13. Expulsion** means the termination of a College Member's permission to reside at or enter upon a College Premises.
- 3.14. 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 JCR College, College Club, other Affiliated Club or Association or College Member.
- 3.15. 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.
- 3.16. Hazing** means any behaviour or initiation practice that involves humiliation, degradation, or abuse of a College Member by a College Member.
- 3.17. Head of College** is the Master/Principal/Head/Dean of a College.
- 3.18. Interview** means oral communication between the Student and investigating or appeal officer, and includes communication both in face-to-face settings and through electronic mediating devices such as the telephone.
- 3.19. Investigating Officer** means a University Member authorised to investigate and determine cases and to impose penalties under Section 6.
- 3.20. Penalty Unit** is a cash value that comprises a fine. The UNE Council sets the Penalty unit cash value.
- 3.21. Policy** includes provisions of the By-Laws, rules and regulations of the University and other policy and Related Documents issued by the University or College from time to time.
- 3.22. Probation** means the College Member is reprimanded in writing and if found guilty of further acts of Behavioural Misconduct, during a specified period not exceeding twelve months, may have further and more severe penalties imposed.
- 3.23. Racial discrimination** 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.
- 3.24. Reprimand** means the College Member is notified in writing that they have been found guilty of Behavioural Misconduct and is formally admonished with a record kept on the College Member's individual College file.
- 3.25. Resident** is a person 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.
- 3.26. Residential System Disciplinary Committee** is the disciplinary committee authorised to investigate and determine cases under 5.1 of this Code.

- 3.27. Serious breach** is where there is Behavioural Misconduct set out as Level 2, in the Penalty Guidelines.
- 3.28. Sexual assault** is an assault of a sexual nature on another person, or any sexual act committed without consent.
- 3.29. Staff** means the staff retained by the Colleges, staff employed by UNE, contractors and employees of contractors engaged by the Colleges.
- 3.30. 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
- 3.31. Student Leader** is a senior student who has been appointed or elected to a position of responsibility.
- 3.32. Trimester** or equivalent means academic teaching period.
- 3.33. UNE or University** is the University of New England.
- 3.34. University Member** includes any person who is a Student, Staff member, member of the UNE Council, or any other person employed by the University.
- 3.35. 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 Trimester.
 - b) Loss of access to specified buildings and precincts for not more than one Trimester.
 - c) Loss of access to specific rooms, such as JCR, for not more than one Trimester.

4. BEHAVIOURAL MISCONDUCT

Acts of Behavioural Misconduct include, but are not limited to, the following:

- 4.1.** Abuse, threats, intimidation, coercion, deceit or other conduct (whether by physical, verbal or electronic means) in a context substantially connected to the College/s that:
- a) Threatens or endangers the health, freedom or safety of any person; or
 - b) Obstructs a University Member in performance of their duties.
- 4.2.** Conduct involving acts or threats of violence, harassment, intimidation, discrimination or racial vilification.
- a) 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 College Member that the matter be referred to the police for investigation.
 - b) 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.
 - c) In cases of serious harassment or alleged assault where both parties are Residents of the same College, the Head of College may 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.

d) It is not the role or duty of the Head of College to investigate cases of serious harassment or sexual assault.

4.3. USE OF COLLEGE NAME

The name of a College cannot be used without prior 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. College Members wearing College tops or symbols must behave at all times in a manner that reflects well on the College.

College Members 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;
- e) Using any UNE logos, names or brands in compliance with the UNE Brand Policy; and
- f) Acting in a responsible and appropriate manner.

4.4. PRIVACY

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

- a) Only enter a Resident's room if invited and leave when asked. An exception to this rule is the entry of Staff or Student Leaders for cleaning and maintenance; the inspection of property, to uphold rules, or where there may be concerns for a Resident's safety;
- b) Respect other Residents' property and room; and
- c) Be careful not to impinge upon another Resident's privacy.

4.5. INITIATION

Initiation or hazing activities that single out particular College Members 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.

4.6. RESPECT FOR STAFF AND STUDENT LEADERS

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 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.

4.7. GOOD OPERATION OF THE COLLEGE

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

a) College and University Property

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

- i. Causing damage to any College property;

- ii. Duplicating or using keys/access card without authorisation by the Head of College;
- iii. Entering or using College Premises without authorisation by the Head of College;
- iv. 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;
- v. Removing non-disposable catering items from a College dining hall;
- vi. Removing any supplies such as linen, pillows, and crockery from a College; or
- vii. Littering (including leaving cigarette butts on) College Premises.

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

b) **Use of adhesives, pins, posters and whiteboards**

Each Resident 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 Resident. Stickers and sticky tape should not be placed on walls in order to avoid damaging paintwork. All blu-tack must be removed from walls and other surfaces when Residents vacate their rooms. 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. 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.

c) **Pets**

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

d) **Social Functions**

- i. All Functions held in College must have the prior approval of the Head of College, or Delegated Officer.
- ii. All Functions must comply with requirements of the UNE Student Alcohol and Other Drugs Policy.
- iii. Functions must be held in common rooms or other designated areas.
- iv. Noise from Functions must not disturb Residents in their rooms and must finish by 11:00pm or move to another authorised area (Refer 4.11 Noise Levels).
- v. The host Residents are responsible for the behaviour of their guests.
- vi. 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.

NB: It is not the responsibility of the College to clean up after a Function. If the cleanup 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.

e) **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:

- i. Using all hardware and software provided by the College in a responsible manner;
- ii. Leaving the area tidy at all times and disposing of garbage in receptacles provided;
- iii. Not accessing any inappropriate website that may cause offence to others; and
- iv. 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>

f) **Safety**

To ensure that all Colleges are safe environments Residents must:

- Have all electrical equipment in College 'safety tagged' before use;
- Not use candles, incense or electric heaters, in their rooms, as all these items may cause fire;
- 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
- 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.

g) **Safe Activities**

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

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

4.8. 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.

4.9. HEALTH, SAFETY AND WELFARE EQUIPMENT

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

4.10. OFFENSIVE MATERIAL

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

4.11. NOISE LEVELS

a) **Noise in the College**

- 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.

- ii. 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.
- iii. Failure to comply with the directions of a Staff member or Student Leader in relation to noise constitutes a breach of this Code.

b) **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.

c) **Exam Curfew**

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

4.12. ALLEGED ILLEGAL ACTIVITY

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 of that jurisdiction for investigation. Special provisions apply in the case of alleged sexual assault (refer 4.3.3 Alleged Assault).

4.13. 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.

4.14. DRUGS

- i. No drugs, other than those prescribed by a medical practitioner, or available over the counter without prescription, will be tolerated in the College.
- ii. All Residents must comply with the law in relation to drugs whilst living in or staying in a College.
- iii. College Members are not permitted to misuse or offer other Residents any dangerous substances or chemicals.
- iv. Possession, cultivation, manufacture, distribution and use of illegal drugs and dangerous substances and other breaches of the relevant laws will be reported to the police.

4.15. ALCOHOL

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

a) **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:

- i. 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.

- ii. 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.
- iii. All College Members and their guests attending such functions are required to comply with the law and UNE policies and Related Documents.
- iv. At all social functions in a College, at which alcoholic drinks are to be supplied, non-alcoholic drinks must also be available.
- v. 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.
- vi. Large quantities of alcoholic beverages may not be stored in Residents' rooms.
- vii. Home brewing" is not permitted in Colleges.
- viii. 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.
- ix. 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.
- x. A College Member's consumption of alcohol must not negatively affect other college Residents.

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

b) Alcohol Free Areas

- i. 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.
- ii. No alcohol can be stored or consumed in the designated area, and no person will be in the designated area whilst under the influence of alcohol or behave in a disruptive manner.

4.16. 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) College Members 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.

4.17. Influencing or attempting to influence another person to commit an act of Behavioural Misconduct.

4.18. Any form of criminal activity, or action (s) that may lead to such activity, not otherwise specified in these Rules.

5. PENALTIES

5.1. One or more of the following minor penalties may be imposed upon any College Member found to have acted in breach of this Code, by the Head of College or Delegated Officer or the designated College Disciplinary/House Committee, comprising Staff and College Members 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 per breach 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 calendar year;

- vii. Community service for a period not exceeding 8 hours;
- 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.

5.2. A College Member found in violation of this Code or a College rule or regulation may be assigned one or more Penalty Units (refer to 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.

5.3. 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 5.1 as well as the following 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. Residential College Expulsion.

5.4. 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.

5.5. In addition to any penalty imposed, the College Member 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.

5.6. If the College Member responsible for any damage or mess is not identified then the penalty/ies and/or the full cost of any restoration may be borne by:

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

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

5.8. If a College Member is excluded from a College for a period of one Trimester 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.

5.9. Where a University Member 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 Pro Vice-Chancellor (Students and Social Inclusion) for referral to the Student Conduct Appeals Committee.

5.10. Where a College Member (or ex-College Member) is found on college grounds when excluded from a College or Colleges, UNE Security and/or Police will be immediately notified.

6. AUTHORISED INVESTIGATORS & THE IMPOSITION OF FINES AND PENALTIES

6.1. Authorised Investigators

The following investigators are authorised to investigate and determine cases:

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

6.2. Membership of Disciplinary Committees

- a) **College Disciplinary Committees** will be chaired by the Head or Assistant Head and include, but may not be limited to, the Senior Resident Fellow, a Resident Fellow and an elected Resident from the College. Membership of the College Disciplinary Committee must have the approval of the Head of College.
- b) **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.

6.3. Imposition of penalties

- a) A Head of College or their Delegated Officer, or the designated College Disciplinary Committee are authorised to impose all minor penalties as specified in the Student Behavioural Misconduct Rules (Refer 5.1.a) and additional minor penalties as specified in this Code (Refer 5.1).
- b) The Residential System Disciplinary Committee and Director, Residential System may impose minor and major penalties as specified in the Student Behavioural Misconduct Rules (Refer 5.1.a and 5.1.b) and additional minor and major penalties as specified in this Code (Refer 5.1, 5.2 and 5.3.).

7. CONDUCT OF INVESTIGATIONS AND DETERMINATIONS

7.1. General

- a) Although initial complaints of Behavioural Misconduct against a College Member can be made verbally, a formal investigation under this Code can only be progressed on the basis of a written complaint.
- 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 College Member in any court, commission or tribunal, and irrespective of any other external investigation of the matters giving rise to the complaint against the College Member.
- d) All notices sent to College Members will be sent to their official UNE email address and will be deemed to have arrived in accordance with normal telecommunication protocols.

7.2. Investigations and Determinations

- a) In the first instance, the complaint will be referred to the investigators authorised under 6.1. to investigate complaints, to decide whether, *prima facie*, the complaint:
 - i. Has merit and is within the investigator's jurisdiction;
 - ii. Can be handled through mediation (by mutual consent of the parties); or
 - iii. Should be referred to a higher level because a major penalty may be at issue.
- b) The Chair of the College Disciplinary Committee or Authorised Investigator as specified in Section 6.1. will provide the College Member with a copy of this Code and advise the College Member in writing of:
 - i. the nature of the complaint and be provided with a copy of all documentation and statements relevant to the complaint;
 - ii. the name of the University Member authorised to conduct the initial investigation;
 - iii. the time, date and place for the interview;
 - iv. the right to be accompanied by another College Member for advice and support (but who shall not have the right of audience or of cross-examination of any witness);
 - v. the right to make a statement, call a witness and lead them through their evidence;
 - vi. 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);
 - vii. 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).
- c) The College Member will have at least five calendar days to provide a response in writing to the complaint, including any evidence in defence of the complaint.
- d) Within ten working days from the date of the interview, the College Member will be advised in writing of:
 - i. the decision;
 - ii. the penalty (if any); and
 - iii. the right of, and method for, appeal (if relevant).
- e) Where the response to the College Member exceeds ten working days, an explanation for the delay should be provided within this period.
- f) Where the College Member 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 College Member.
- g) A record of a College Member's past Academic Misconduct or Behavioural Misconduct may be taken into account when having regard to any penalty that may be imposed.
- h) Investigations will take account of a College Member's special needs status including the provision of an Auslan interpreter, if appropriate.

8. 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 PVC (Students & Social Inclusion) 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 8.

9. TEMPORARY AND EMERGENCY EXCLUSION

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

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

9.3. A transfer or emergency exclusion under 9.1 and 9.2 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 College Member may be required to attend counselling session/s. In cases that may result in harm to self or others, medical intervention may be sought.

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

10. INTERPRETATION OF THE CODE

Any unresolved question of interpretation regarding this Code should be referred to the Director Residential System for determination.