

Residential College Code of Conduct 2009

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
- Harassment and Discrimination Policy
- Sex-based Harassment Policy
- Anti-racism Policy
- Grievance Mediation Policy
- Information Technology Policy
- ITD Student Computer Laboratories Policy
- Occupational Health & Safety Policy
- University of New England Traffic and Parking Policy

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) Colleges are living and study environments and all College 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.
- (2) Colleges are work environments, so each resident also has responsibilities to ensure that staff have the same rights as residents.
- (3) College residents are subject to the Residential College Code of Conduct in addition to the UNE Student Behavioural Misconduct Rules.
- (4) This Code outlines the principles and expectations for the conduct of all members of College at the University of New England or at activities (authorised or unauthorised) sponsored by, or participated in, by the Colleges.
- (5) Students should be aware that breaches of this Code may result in disciplinary action in accordance with the University and Residential College Code of Conduct and University and College policies.

2. DEFINITIONS

- a) **Affiliate** is a non-resident who has been accepted into a College under the policies of the relevant College.
- b) **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 also includes separate accommodation facilities associated with a College, like on-campus houses and/or flats that are used by students, as well as the buildings, grounds and parking areas associated with these buildings.
- c) **College Officer** is the Deputy or Assistant Head/Dean/Senior Resident Fellow of a College.
- d) **Delegated Officer is the Assistant Head, Dean or Senior Resident Fellow.**
- e) **Exclusion** means the student 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 student is eligible to return to a College although conditions on readmission may be applied.
- f) **Head of College** is the Master/Principal/Head of a College.
- g) **Member of College** or **Student** means a resident or any affiliated member of a College.
- h) **Penalty unit** is a cash value that comprises a fine. The unit cash value is set by the UNE Council¹.
- i) **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.
- j) **Probation** means the student is reprimanded in writing and if found guilty of further acts of misconduct, during a specified period not exceeding one year, may have further and more severe penalties may be imposed.
- k) **Reprimand** means the student has been found guilty of misconduct and is formally admonished with a record kept on the Student's individual College file.
- l) **Semester** or equivalent means academic teaching time.
- m) **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.
- n) **Student Leader** is a senior student who has been appointed or elected to a position of responsibility.
- o) **UNE or University** is the University of New England.
- p) **Withdrawal of Services** means the withdrawal of specified services for a designated period, such as:
 - q)
 - i. Computer facilities - loss of user rights and access for not more than 1 semester
 - ii. Loss of access to specified buildings and precincts for not more than 1 semester.
 - iii. Loss of access to specific rooms, such as the JCR, for not more than 1 semester.

¹ \$50 in 2008

3. BEHAVIOURAL MISCONDUCT

All Colleges pride themselves on 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 students 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 students who may be uncertain about their rights and responsibilities, a number of people are available to offer help inside and outside the UNE Residential College. Please refer to your Head of College, College Officer or Student Leader.

The fundamental respect for other people's beliefs, feelings, person and property is a basic value, which this 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.

The Head 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 residential colleges, is not acceptable.

Students are expected to respect the rights of other Residents in accordance with paragraphs above. In addition to the other provision of Section 3, any conduct which is inappropriate, disruptive or anti-social to the residence community or the University, as determined by the Head of College, or designee, is unacceptable and constitutes behavioural misconduct.

3.1. USE OF COLLEGE NAME

The College forms part of UNE and the local community, hence its good name is seen as a vital part of the College's standing in these 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 sub-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, its floors, blocks, courts and associations;
- d) using authorized College logos/brands to promote, and not bring disrepute to, a College or the University; and
- e) using any UNE logos, names or brands in compliance with UNE policy found in relevant sections of the current UNE Handbook.

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 students' property or 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 (though not entirely) 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 photos, 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.
- Racial vilification.

Sexual harassment is unwelcome behaviour, which may comprise, but is not limited to, any of the following:

- 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 Harassment and Discrimination 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 within 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 cases 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/s.
- 3.3.5** In cases of serious harassment or alleged assault (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 Residential 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/s. If there is no recommendation/s, 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

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

Harassment and Discrimination policies can be viewed at the following website.
<http://www.une.edu.au/policies/equity.php>

3.5. INITIATION

Initiation or hazing activities that single out particular residents and/or create mental or physical discomfort, and/or exposes 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 the above mentioned when requested to do so; and
- c) not obstruct the above mentioned in the performance of their duties.

3.7. THE 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 etc;
- 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 (within college grounds or beyond college grounds), or bringing in any unauthorised furniture, such as beds etc. into a college;
- e) Removing non-disposable catering items from the Dining Hall;
- f) Removing any supplies such as linen, pillows, crockery etc. from a college; or,
- g) Littering within the college buildings or grounds, including cigarette butts.

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

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 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, etc. when members vacate their rooms. College members are NOT permitted to paint their rooms. Doors, walls and furniture are not to be written on. Members who wish to have a whiteboard on their door must NOT apply contact directly of the surface of the door. A commercial whiteboard may be attached by blu-tac. Posters etc. placed outside rooms in the hallway must be removed during vacation periods. Offensive materials are not acceptable on University properties, and will be removed by College staff.

3.7.3. Pets

With the exception of fish, no pets are permitted within 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 students in their rooms and must finish by 11:00pm or move to another authorised area. (**See 3.10 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 function is completed by the designated time, 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 Drug 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/s, JCR or College Club accounts. If there is a number of residents responsible, the college may divide the costs equally across the group.

3.7.5.Computer Laboratories

Computer 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 an IT Laboratories policy. Please refer to the following website <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 any appliances or other equipment that may interfere with the fire protection systems, such as devices for boiling water; and
- d) Cook in kitchenette areas only. Residents must be in attendance at all times while preparing food in/on any cooking appliances, including but not limited to microwaves, toasters, etc.

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 person 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, for example fire-fighting equipment.

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

3.10. OFFENSIVE MATERIAL

Offensive material will 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, electronic 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 11.00 pm and 8 am 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 of Conduct.

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 grounds.

3.12. ALLEGED ILLEGAL ACTIVITY

If a student 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 of this code of conduct).

3.13. FIREARMS AND DANGEROUS WEAPONS

Firearms or replicas of firearms (including ammunition or magazines), weapons (including items like cross bows, arrows and other dangerous weapons), flammables, 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 students must comply with the law in relation to drugs whilst living in or staying at 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 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 within the college, at which alcoholic drinks are to be supplied, non-alcoholic drinks must also be available.
- e) All students 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 students' rooms.
- g) 'Home brewing' is not permitted in Colleges.
- h) Kegs are not permitted in the 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 Residential College Code of Conduct 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 persons 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 corridor, 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 student's consumption of alcohol is resulting in health concerns for that person, an alcohol 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;
- b) Students who smoke must do so outside buildings, 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 penalties may be imposed upon any student found to have acted in breach of this Residential College Code of Conduct, by the Head of Residence or delegated officer, and the designated Disciplinary/House Committee, comprising staff and students, and chaired by the Assistant Head:

- I. Reprimand;
- II. Probation;

- III. Withdrawal of Service (up to three months);
- IV. Fine not exceeding five penalty units and/or a restitution payment;
- V. Exclusion from a Residential 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 Head of Residence or delegated officer may refer, to the Residential System Disciplinary Committee, a serious breach of conduct as defined in these rules and the UNE Behavioural Misconduct Rules. Penalties from such referral may include:

- I. A fine not exceeding ten penalty units and/or a restitution payment;
- II. Transfer to another UNE Residence;
- III. Residential College Exclusion from all Colleges;
- IV. Exclusion;

4.3. In addition to any penalty imposed, the student is also required to pay the costs of:

- a) Restoring any damaged equipment, property or building, and/or,
- b) Additional cleaning that may be required.

4.4. If the student(s) responsible for any damage or mess is not identified then the full cost of any restoration may be borne by:

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

4.5. If a fine and/or the payment of restitution is imposed by the College, it will be placed onto the student's account.

4.6. If a Student is excluded from a College for a period of one semester or more, he/she automatically relinquishes all positions he/she 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. Investigation and determination

The following College members are authorised to investigate and determine cases:

- a) Head of a College;
- b) College Officer (authorised by the College Head);
- c) College Disciplinary Committees authorised by the Head of College;
- d) Student Leaders given written delegated authority by the Head of College.

5.2. Imposition of penalties

A Head of a College, or delegated officer, and the designated Disciplinary/House Committee are authorised to impose all minor penalties as noted in the Student Behavioural Misconduct Rules (refer 6.1.a) and additional penalties as specified in the Residential College Code of Conduct (refer 4.1).

The Residential System Disciplinary Committee may impose penalties as noted in the Student Behavioural Misconduct Rules (refer 6.1.a and 6.1.b) and additional penalties as specified in the Residential College Code of Conduct (refer 4.1, 4.2 and 4.3).

The Residential System Disciplinary Committee will be chaired by the Director, or delegated officer, and include a College Head, an Assistant Head, a Senior Resident Fellow, a Resident Fellow and a President, and should represent at least three (3) Colleges, but not the College involved.

6. 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 he/she has 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 he/she has 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 Director has been involved in the investigation or determination of the case.

7. CONDUCT OF INVESTIGATIONS AND APPEALS PROCESS

The University process for investigations and appeals is detailed in the Student Behavioural Misconduct Rules, Section 8.

8. EMERGENCY EXCLUSION

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

A Head of College may recommend to the Residential System Disciplinary Committee that a student be transferred to another Residential College if, in their opinion:

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

This will be regarded as a temporary emergency exclusion, in the first instance, until the issue is investigated or resolved. In this instance, the student 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. 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.